



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Vanessa Carusone, Mayor
Linda M. Yates, Vice-Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Tuesday, July 10, 2018

1:00 PM

CITY COMMISSION CHAMBERS

AMENDED #2 (Add attachments 7 and 8 to Item 6.E. and correct Item 7. D. to read Edie Driest)

AMENDED #1 (to correct Item 5C.)

NOTE: This is a draft copy of the minutes of the 07-10-2018 City Commission Regular Meeting, has not been approved by the Commission and is subject to change.

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 1:35 p.m. in City Chambers by Mayor Carusone.

Present: Mayor Carusone; Vice-Mayor Yates; Commissioners, Hanks, Luke and McDowell, City Manager Lear; City Attorney Slayton; City Clerk Adkins and Interim Police Chief Morales.

The Invocation was provided by Pastor Keith Jones of Gulf Coast Church, followed by the Pledge of Allegiance led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

After a request by the Mayor, the Commission determined that they would like to pull Consent Agenda items 5.D. and 6.C. After suggestions to pull items 5.A., 5.B., 6.D. and 6.F., it was decided to leave the items on the Agenda for discussion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Agenda as presented, pulling Agenda items 5.D. and 6.C. to be rescheduled at the City Manager's discretion. The motion carried by the

following vote:

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

2. ANNOUNCEMENTS

- A.** [18-466](#) Current Vacancies for Boards and Committees.

City Clerk Adkins read the Current Vacancies for Boards and Committees into the record.

- B.** [18-467](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expiration Dates for Boards and Committees into the record.

3. PUBLIC COMMENT:

Public Comment was held 1:44 p.m. - 1:51: p.m.

Jeffrey Scott and Victor Dobrin: Advisory boards.
Richard Suggs: Economic Development.

4. PRESENTATIONS

- A.** [18-434](#) Presentation of Florida Government Finance Officers Association award to Jennifer Desrosiers for her service as the School of Government Finance Chair.

City Manager Lear provided an overview and Mayor Carusone presented the Florida Government Finance Officers Association award to Public Utilities Assistant Director Desrosiers.

- B.** [18-462](#) Presentation by Mark Huey, President and CEO of the Economic Development Corporation of Sarasota County regarding the Economic Development Corporation.

Commissioner Luke gave an overview of the item. Economic Development Corporation (EDC) of Sarasota County Volunteer Rae Dowling and the President and CEO of the EDC of Sarasota County Mark Huey provided a PowerPoint Presentation.

Discussion ensued: (1) the Film Commission is under the umbrella of the EDC; (2) companies can utilize the services of the Film Commission and they do not have to be members of the EDC; (3) the Grow Florida program is a state program, counties can voluntarily partner with them, and it is accessible to any business; (4) the EDC does not get involved in the election of officials, they may be involved in matters of public policy at the direction of the EDC Board; (5) approximately five-years ago the EDC contributed to support planning for extending the Legacy Trail, and the EDC Board will re-evaluate if they will take any further action after the referendum; (6) Mr. Huey offered to research the total number of employees that work for the companies noted in today's presentation; (7) a suggestion was made that a copy of this presentation be provided to the City Clerk for public viewing; (8) the EDC does not know if Sarasota County will have the economic development ad valorem tax exemption on the referendum for renewal; (9) it was noted that Sarasota County has reorganized their internal economic development function.

There was no public comment.

5. PUBLIC HEARINGS:

- A. [18-398](#) Ordinance No. 2018-30, first reading, amending the Fiscal Year 2017-2018 Non-District Budget.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to read Ordinance No. 2018-30 by title only. The motion carried by the following vote:

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

City Clerk Adkins read Ordinance No. 2018-30 into the record by title only, and City Manager Lear gave an overview of the item.

Discussion ensued: (1) a letter from the new Chief of Police regarding the armored rescue vehicle was read into the record; (2) the Commission authorized leasing six new vehicles and held back replacing six vehicles in service, the six vehicles held back are now slated to be replaced for new officers coming in; (3) the leased vehicles are paid from impact fees and the six to be replaced will be paid with surtax funding; (4) concern was expressed that the six vehicles to be replaced were in the previous budget and duplicated in the new budget; (5) it was explained that pending Commission approval the 2019 Capital Improvement Program (CIP) budget will be adjusted correcting the duplicated vehicles, and that page 12 of Exhibit B reflects the expense in 2018 and nothing for 2019; (6) it was noted that the single page sheet for the 2019 CIP shows the reduction but the summary sheet does not; (7) it was explained that new vehicles will show an assignment once they have been fitted and assigned to an officer, spare vehicles will be assigned as vacant positions are filled and some are utilized as backup; (8) the repair histories and score sheets were not provided as requested; (9) Spring Haven Drive is funded with transportation impact fees, Price Boulevard is funded with surtax monies, the fund sources between the two projects can be swapped to purchase land at Spring Haven Drive; (10) there are cost increases to the Eldron Sidewalk Project and the project is ready to start with approval of the budget amendment; (11) concern was expressed that the Eldron project has taken three years, and that once the project starts additional monies will be requested to pay for increased construction costs; (12) it was noted that an inflation factor is used when planning projects, and that costs are exceeding projected amounts based on the increase of activity in the market; (13) the estimated cost of the Eldron project in September 2016 was \$580,000, that cost as of May 2018 is \$1,100,000; (14) \$700,000 is currently in the budget for this project; (15) the \$1,100,000 does not include the two lots as part of the project because they weren't purchased; (16) additional requirements set by Southwest Florida Water Management District (SWFWMD) have significantly increased the costs of the project; (17) a suggestion was made to pull the Eldron project for further discussion.

PUBLIC COMMENT

Brenda Farley, Luis Gutierrez, Linda Bumgarner, Brian Bush, Victor Marcone, Kevin Rouse, Justin Willis: support for armored rescue vehicle.

Discussion continued: (1) four vehicles will be paid by West Villages impact fees as the Principals of Agreement provide they fund certain items; (2) the City Manager has reduced the traffic unit vehicles from four to two in his budget, which will be presented next week; (3) Exhibit A was prepared prior to the City Manager's budget review, and the vehicles for West Villages are not on the list because that cost is not coming out of the

City's budget; (4) it was suggested to leave in the four vehicles for the traffic unit for now, after reviewing the City Manager's proposed budget, it can be reduced to two vehicles at second reading if the Commission chooses to do so; (5) the armored rescue vehicle will be serviced in house, and can be put on the lift; (6) the armored rescue vehicles were viewed in Toronto, and will be purchased from Lenco in Massachusetts; (7) pictures of military surplus vehicles and the armored rescue vehicle were compared, and examples were given how the vehicle will be utilized; (8) it was explained that though the military surplus vehicle is initially free, the cost of repairs and maintenance is too expensive; (9) the military equipment is designed for battlefield action, not for use on city roads, and the damage by this type of vehicle is excessive; (10) the BearCat armored rescue vehicle is for use on city roads, can be utilized in various situations and has snorkel capability to travel through water; (11) it was explained that production takes 300 days, however, due to the addition of water fording capability the armored rescue vehicle Lenco will move the order up and it can be available by November; (12) Lenco will display the vehicle at the SWAT Roundup in Orlando as the City of North Port and the Miami Fire Department are the first in the state to have this an armored rescue vehicle with water fording capability; (13) concern was expressed that by showing the transfer of \$1,500,000 surtax funding from Price Road widening project as a negative number has an impact on the total surtax balance, and it was suggested this item be changed to a \$0 balance to reflect the correct total amount of surtax.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Yates, to continue Ordinance No. 2018-30 to the July 24, 2018 Commission Regular Meeting for second reading, with budget adjustments to reflect a balanced budget. The motion carried by the following vote:

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

Recess 4:11 p.m. - 4:27 p.m.

Discussion ensued: (1) concern was expressed that body cameras for the police should be expedited; (2) body worn cameras (BWC) for the police are being researched and if an appropriate vendor is found, the request for purchase will be brought back to the Commission; (3) various policies regarding BWC are being reviewed and a policy for the City is being developed; (4) concern was expressed in expediting the BWC because it hasn't been discussed and funding may not be currently available; (5) a suggestion was made to review BWC in the budget workshop next week.

There was a consensus by majority to expedite the purchase of body worn cameras.

B. [18-453](#)

Ordinance No. 2018-35 - Business Tax Receipts

To avoid the appearance of impropriety Commissioner McDowell abstained from voting on Ordinance No. 2018-35, and provided a completed form CE 8B.

Discussion ensued: (1) it was noted that the item is not specific to a property, a business or an individual, that it is applicable to the whole City and is not a special benefit to any Commissioner; (2) the factors reviewed researching any conflict of interest were explained, and it was noted that the class of the ordinance is so broad that there isn't a conflict for the Commission to vote on the ordinance; (3) Vice-Mayor Yates disclosed that she has a business tax receipt in the City and doesn't believe it to be a conflict of interest to vote on the ordinance as it is general and applies to everyone.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Yates, to read Ordinance No. 2018-35 by title only. The motion carried by the following vote, with Commissioner McDowell abstaining:

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

Recused: 1 - Commissioner McDowell

City Clerk Adkins read Ordinance No. 2018-35 into the record by title only, and City Manager Lear provided an overview of the item.

Discussion ensued: (1) if approved the ordinance will take effect after the second reading; (2) there are no other implications that would impact the code if this ordinance is passed; (3) this would decrease revenue approximately \$125,000 a year that was spent on economic development, and would save roughly \$3,000-\$5,000 a year in costs; (4) 260-hours a year of staff time is allocated for processing business receipts, and 40-hours a year for renewals; (5) registration will still be required, and without a fee; (6) it was noted that the same amount of staff resources would be used for the registration process; (7) a suggestion was made that the business tax be a flat \$25 to offset internal costs; (8) though it won't affect another ordinance, other departments may be affected such as Fire Inspections; (9) if the process is completely stopped, Fire Inspections will still occur, but having the database does help the departments; (10) unintended consequences would be staff working on registration with no fee to cover that expense, there wouldn't be anything requiring registration, and the loss of funds for economic development would have to come from another source; (11) it was noted that only businesses located in the City are assessed this tax, other businesses based elsewhere but working in the City do not pay this tax; (12) the change of occupancy fee is \$89, for business only, and Fire Inspections are completed; (13) certificates of occupancy are issued for all new structures including residential; (14) it was explained that Florida State Statute 205.0535 states, before adopting changes, an equity study commission must be established, and if so, taxes may be increased or decreased 5% biennially; (15) it was suggested that the ordinance remain as is while staff researches the establishment of a flat \$25 registration fee instead of having a business tax, and the difference between a tax, fee and certificate; (16) a suggestion was made to have the \$25 registration fee come back as an ordinance; (17) to make any changes to the business tax receipts will require an equity study; (18) it was noted that due to the requirements and time constraints, the current options on this ordinance is to adopt or repeal it in its entirety. There was no public comment.

There was a unanimous consensus that the City Attorney research the establishment of a flat \$25 registration fee.

C. [18-455](#)

Ordinance 2018-31, first reading, modifying the City-Wide Fee Schedule for Fiscal Year 2018-2019.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to read Ordinance No. 2018-31 by title only. The motion carried by the following vote:

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

City Clerk Adkins read Ordinance No. 2018-31 into the record by title only, and City Manager Lear provided an overview of the item.

Discussion ensued: (1) it was noted that the business taxes in the fee schedule will need to be reinstated; (2) changes to Parks and Recreation fees include: [a] the number of people at events; [b] identify age ranges for resident passes; [c] added a Warm Mineral Springs ten-day pass for both resident and non-resident; [d] clarification of court rentals was made per court, field and hour; (3) the rental fee for the Dallas White Park softball field is \$25, lighting of the park is \$10 per hour; (4) it was explained that the park fees are

what Sarasota County currently charges and was placed in the City fee schedule for when the County withdraws, and the City assumes maintaining the parks; (5) the Road and Drainage culvert pipe fee increase is due to the number of inspections required to review the right-of-way for no damage, and this amount is based on true costs; (6) the right-of-way permit-pool is for inspections of the right-of-way to ensure it's not damaged. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2018-31 for second reading, to be heard on July 24, 2018, and adding back in the business tax. The motion carried by the following vote:

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

Recess 5:50 p.m. - 6:05 p.m.

- D.** [18-440](#) Ordinance No. 2018-29 - Amending Sections 2-54 and 2-55 of the Code of the City of North Port, Relating to the Conduct of Special Meetings

This item was pulled from the Agenda for discussion to be held at a later date.

- E.** [18-458](#) Ordinance No. 2018-28, first reading, calling for a referendum on November 6, 2018 and providing a Charter referendum question determining whether to adopt the proposed 2018 City Charter

PUBLIC COMMENT:

Victor Dobrin: Charter revision.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to read Ordinance No. 2018-28 by title only. The motion carried by the following vote:

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

City Clerk Adkins read Ordinance No. 2018-28 into the record by title only.

Discussion ensued: (1) it was explained that the introduction and table of contents are not in the draft because they are not voted on; (2) the introduction will be modified pursuant to Commission direction to reference the history of the districts, and a reference to this referendum; (3) it was suggested to remove the introduction and table of contents from Exhibit B so that there isn't an implication that they will be removed from the final document.

There was a unanimous consensus to change out Exhibit B as modified by the City Attorney.

Discussion continued: (1) it was explained that the Florida State Statutes (FSS) were referenced in some areas of the Charter where they are required, and other sections were stated without reference to make it clearer; (2) the Commission was changed by the voters in 2014 from a Chair to a Mayor; (3) the benefits of rotating the role of the Mayor annually was expressed, and it was suggested to not modify the current requirement in the Charter, and to continue to not allow consecutive terms; (4) a suggestion was made that the role of Mayor be rotated annually by District seat; (5) concern was expressed that the Commission should elect the Mayor because not all can fill a leadership role; (6) the Mayor is the leader in the eyes of the people and should be changed annually; (7) it was noted that most cities have a managerial style of government and the Mayor is voted

by the citizens; (8) the Mayor is a Commissioner who runs the meetings and signs documents; (9) it was noted that the vote for Mayor is still conducted annually.

There was a unanimous consensus to change the Mayor and Vice-Mayor regulations back to a limitation of one-year, then a break, and then the ability to go back.

Discussion continued: (1) the word "constitution" as noted in Exhibit A section 1.02(a) line 12 is only capitalized when it refers to a specific constitution; (2) it was noted that line 38 of the ordinance references section 10.01 of the current Charter, and that the appropriate section reference will be updated if a new Charter is adopted; (3) it was suggested that line 124 of the ordinance read absentee and early voting.

There was a unanimous consensus to add vote by mail and early voting in section 5.01.

Discussion continued: (1) the ordinance section 7, line 141 states "Commission canvass of the referendum", and the Charter wording is "certification of referendum", and it was suggested that they both have the same language; (2) it was noted that the word canvass is the legal description; (3) the Commission doesn't count the votes, but they do verify the results of the election.

There was a unanimous consensus to have the City Attorney determine the correct terminology for section 7.02 as referenced to canvass of the referendum results.

Discussion continued: (1) it was suggested that language in section 7.02 and 7.03 reflect "yes" and "no" voting results for clarification; (2) an explanation was provided that it is not a matter of just yes and no votes, that the vote outcome is measured by the majority or less than a majority; (3) various terminology for Commission Seat, District Seat and Seat have been cleaned up in the redline version; (4) it was noted that general and special elections are outlined separately; (5) it was explained that the description of Public Officers is based on language in the Florida State Statutes (FSS); (6) it was suggested that section 8.02 item (b) be moved after (c) to align correctly with subitem (1.).

There was a unanimous consensus to fix section 8.02 reference to (b) and (c)(1) as discussed.

Discussion continued: (1) section 8.02 (d) continues with the process for amendment changes, regardless of how it is initiated; (2) a suggestion was made that signatures in section 8.02 (1.) should have a one-year timeline; (3) it was noted that 8.02 (2.) provides that the petition with all signatures is filed with the City Clerk and verified within 20 days.

There was a unanimous consensus that the signatures on the petition should be dated and they must be collected within one-year prior to filing the final petition.

Discussion continued: (1) it was suggested that the referendum question language relay that there isn't a substantive change in the Charter, that language is being reorganized; (2) it was suggested that section 9.05 (g) page 18 redline version should be changed to five-year Capital Improvement Program (CIP).

There was a unanimous consensus to change Section 9.05 (g) to change the language to refer to a five-year Capital Improvement Program.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to continue Ordinance 2018-28 to second reading on July 24, 2018. The motion carried by the following vote:

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

Discussion continued: (1) it was noted that the Charter Advisory Board will meet July 11,

2018, minutes and feedback from their meeting will be provided to the Commission for second reading.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, for the City Attorney to include all the consensus changes in the ordinance for second reading. The motion carried by the following vote:

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

6. GENERAL BUSINESS:

A. [18-470](#) River Road Widening Agreement with Sarasota County

City Manager Lear provided an overview of the item.

Discussion ensued: (1) Sarasota County will be utilizing a State Infrastructure Bank (SIB) loan with a fifteen-year note and it is not finalized; (2) a suggestion was made to offer a percentage of the transportation impact fees, not the full amount, until the project is completed; (3) concern was expressed for the City to have an obligation for large annual payments in the event there is a recession; (4) it was suggested to offer actual transportation impact fees collected from the West Villages and not be tied to a specific dollar amount; (5) transportation impact fees collected from West Villages: [a] 2014-\$200,535; [b] 2015-\$912,052; [c] 2016-\$993,052; [d] 2017-\$1,000,000+; [e] 2018-\$1,600,000 projected; (6) it was noted that transportation impact fees collected from the West Villages can only be spent in that area, and there is a time limit when those fees have to be spent; (7) it was understood that a portion of the West Villages transportation impact fees could be spent on City roads as they utilize services in the City; (8) the transportation impact fees collected from West Villages have not been spent and are being held by the City; (9) it was suggested that the agreement with Sarasota County would be to pay what has been collected so far from West Villages transportation impact fees, and then an annual payment of \$400,00-\$500,000 based on collection of transportation impact fees from West Villages; (10) all transportation impact fees held by the City have been dedicated to pre-payment of the City's SIB loan, Spring Haven Drive, and the Price Boulevard widening project; (11) the agreement with West Villages Improvement District does not require their transportation impact fees to be segregated; (12) it was suggested that Staff research the statutory requirements of how the transportation impact fees from West Villages can be spent; (13) concern was expressed that transportation impact fees have been considered for other projects and have not taken consideration of what should be spent on West Villages; (14) in the current adopted Capital Improvement Program (CIP) for 2018-2019 there is a balance of \$1,400,000 in transportation impact fees; (15) it was suggested to offer \$2,500,000 and 2019 collections, but not to dedicate \$500,000 per year; (16) concerns were expressed that this is just a small portion of River Road north of U.S. 41 and the south end will still need to be addressed; (17) it was explained that transportation impact fees are calculated the same City-wide; (18) a suggestion was made to pay small increments and not pay lump sums because of the various projects in place; (19) Sarasota County is asking the City to pay 30% of the project; (20) it was suggested to offer a maximum obligation of \$6,000,000, paying \$2,000,000 up-front and the remainder to be paid by percentage of impact fees collected from West Villages over the life of the loan; (21) the amount of transportation impact fees collected from West Villages since it was tracked is \$3,135,300; (22) there is a balance of \$3,900,000 for impact fees collected City-wide; (22) this year's projected collections will be \$3,100,000 including \$1,000,000 from West Villages, bringing the fund balance up to \$7,000,000; (23) the City has not paid for any road projects in the West Villages to date; (24) \$1,800,000 of impact fees will be used to

pay-off the SIB loan, leaving a fund balance of \$5,200,000; (25) concern was expressed that an analysis should be done of the transportation impact fees and all projects before committing a payment plan for the River Road project; (26) it was noted that only a portion of north River Road is City property, and that the remainder is unincorporated land in Sarasota County, and that River Road is utilized by others from Port Charlotte, Venice and Sarasota County; (27) Sarasota County wanted to know if the City is willing to contribute to the cost of widening River Road, how much the City will pay, and to have an agreement to approve in September; (28) there is \$237,000 in park impact fees, the Aquatic Center has been paid with surtax monies; (29) a workshop is to be set to discuss financing the Price Boulevard project; (30) it was noted that the Metropolitan Planning Organization (MPO) should know the cost of widening the southern section of River Road; (31) concern was expressed that the City will need to financially plan for the widening of River Road to the south; (32) a suggestion was made to ask Sarasota County to provide a timeline for widening south River Road; (33) it was noted when reviewing transportation impact fees, other projects discussed but not yet implemented should be considered.

There was a unanimous consensus that Staff will provide the Commission with: [a] a sheet that shows the current and future use of impact fees, as well as the projected revenues; [b] consideration of Hillsborough Boulevard and other issues related to traffic; [c] the impact on a SIB loan, rating and interest rates; [d] the best way to finance the Price Boulevard project; [e] estimated costs for widening the southern section of River Road with a timeline to begin the project; [f] a legal opinion for the use of transportation impact fees from the West Villages.

Discussion continued: (1) it was suggested that the agreement with Sarasota County be reviewed in September after the CIP meeting; (2) the State's portion of responsibility for widening River Road is yet to be determined; (3) it was explained that contracts provide for funding in subsequent years; (4) concern was expressed that the City be included in discussions and planning of the River Road project. There was no public comment.

Recess 8:04 p.m. - 8:27 p.m.

B. [18-407](#)

Interagency Agreement between Twelfth Judicial Circuit Court of Florida and the City of North Port, Florida for Criminal Justice Information Exchange and Use.

City Manager Lear provided an overview of the item.

Discussion ensued: (1) it was explained that officers do go to judge's homes for signatures if needed, and that this new system allows for judges to sign electronically; (2) the new system is encrypted and has protections, but it isn't known if it uses blockchain. There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the Interagency Agreement between Twelfth Judicial Circuit Court of Florida and the City of North Port, Florida for Criminal Justice Information Exchange and Use. The motion carried by the following vote:

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

C. [18-438](#)

Discussion and Possible Action on the City's Tree Protection Regulations

This item was pulled from the Agenda for discussion to be held at a later date.

- D. [18-464](#) Discussion and possible action regarding appointment of Kent Anderson as a Regular Member with the History, culture, folklore or architectural history or culture discipline; name the discipline for Mr. Chris S. Sterner as Historic or cultural preservation and designate a discipline for Mr. Bill Goetz.

City Clerk Adkins provided an overview of the item.

Discussion ensued: (1) Mr. Sterner is a historian, and it was suggested that be his designation; (2) Mr. Goetz has a certificate in historical architecture, and it was recommend that he be assigned to that discipline; (3) Mr. Anderson does not have any certifications and it is recommended he be assigned to an at-large position; (4) it was noted that the position Mr. Sterner is applying for is historic or cultural preservation. There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to have Kent Anderson as a regular member, Mr. Sterner as a historic or cultural preservation member, and Mr. Goetz as historical architecture member. The motion carried by the following vote:

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

- E. [18-415](#) City Manager Performance Evaluation

City Manager Lear provided an overview of the item.

Discussion ensued: (1) appreciation was expressed to City Manager Lear for his service; (2) it was acknowledged that the City Manager's first year was difficult due to a hurricane, changing of the Police and Fire Chiefs, and changes in personnel; (3) it was noted that the City Manager will be working on improving communications with the Commission; (4) past directives will be listed in a regular report to assist in tracking, and changes will be brought to the Commission's attention; (5) it was noted that the Assistant City Manager position was vacant for quite a while, hiring an additional Assistant City Manager will help expedite the workflow; (6) it was noted that the review is a matter of looking back and looking forward, and overall the evaluations are good; (7) it was noted that the City Manager has exhibited motivation, enthusiasm, open-mindedness, confidence, ethics and a desire to take on challenges; (8) satisfaction was expressed that steps to communicate and followup have already been started; (9) the Commission makes decisions as a whole, and that the City Manager did not take any actions without Commission directive; (10) the City Manager has dealt with many obstacles in his first year, and has demonstrated that he goes above and beyond his duties; (11) it was noted that general employees received a 3% increase in wages this year; (12) the City Manager is working towards his credentials as outlined in his contract; (13) Charter Officers were not part of the compensation studies because they have contracts; (14) Staff can have a survey completed for review of the City Manager's salary, and it was noted his hire-in pay was low; (15) concern was expressed that it will take time for the City Manager to obtain his International City Managers Association (ICMA) certification, and though he will receive a 5-10% with certification, his wages may not be in line with market rate at that time without an adequate increase now; (16) the City Manager's current base is \$150,000, two retirements and other benefits; (17) it was suggested to review the market rate, including benefits, to determine what the City Manager should be compensated; (18) the next Commission meeting is July 24, 2018 and the agenda for that meeting is to be posted tomorrow; (19) a suggestion was made to give the City Manager a 3.5% raise now

and research the details for next year's review; (20) Vice-Mayor Yates stated she cannot support the motion for a 3.5% increase because it should be equal to the other Charter Officers at 3%, and some concerns stated need to be addressed, and that she cannot support anything more than 3%; (21) it was noted that the Deputy City Clerk received 3%, and that she does not have the same high level of expectation and duties as the City Manager; (22) the concept of an employment contract is to treat each individually; (22) after hearing the reasoning of other Commissioner's closing comments Vice-Mayor Yates stated she is changing her position and will now support the motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to give the City Manager a 3.5% raise effective July 13, 2018, and next year's evaluation Staff is to come back with comparisons of various cities in like size with all benefits paid to their City Managers and the level of experiences. The motion carried by the following vote:

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

Discussion continued: (1) City Manager Lear accepted the raise and shared his gratitude with the Commission and thanked Staff for their teamwork. There was no public comment.

F. [18-452](#)

City Clerk

Commissioner McDowell gave an overview of the item.

Discussion ensued: (1) it was noted that this is an awkward situation for Charter Officers because they work together, and that they each report to the Commission; (2) the information received is one-sided, that the City Clerk was not interviewed because she is a Charter Officer, and that the Commission is having a conversation without full information; (3) the matter of public records requests was already known by the Commission and had been discussed in meetings and with the City Attorney; (4) it's this Commission's position to change the work environment in City Hall; (5) an investigation was conducted by a Commissioner who spoke with the City Clerk, Staff, Human Resources, City Manager, Assistant City Manager, Legal and people in other departments, and people outside of the City; (6) public records is the most vulnerable issue; (7) the City Clerk is the liaison for the Charter Review Advisory Board (CRAB), they haven't met for over a year and minutes haven't been approved since 2016, CRAB is meeting tomorrow to execute the Charter that was discussed tonight; (8) another Commissioner stated that (they thought) the City Attorney was the liaison for the CRAB; (9) concern was expressed that the duty of the City Clerk is records and that the City is in a vulnerable situation; (10) it was noted that there is confusion with employees going to the City Manager, that the City Clerk is under the Commission, and that the Commission has to work as a whole to come to a conclusion; (11) employees in the Clerk's Office are under the City Manager and have the same process as other employees, and the Commission is not to be involved with employees; (12) after a suggestion that a Commissioner speak with the City Attorney about Charter requirements, how the Charter handles employees and the role of the Commission, the Commissioner replied that she had spoken with her several times; (13) it was noted that several CRAB members on multiple occasions have participated in the Charter review; (14) the department hasn't functioned properly for years and a suggestion was made that a consultant be retained to advise and consult about records in the Clerk's office while the Clerk receives training; (15) it was noted that there isn't a process for the Clerk to follow if her employees reject her direction, that management under the Charter is difficult, and a process should be defined; (16) the lack of process in the Charter also applies to the City Attorney's Office; (17) when this Clerk came in the minutes were behind, there was codification of missed

items, she handled a general and special election, and there wasn't a Deputy Clerk; (18) it was noted that someone has been putting in 1,000 requests per week for public records; (19) it was later clarified that approximately 600 was the highest number of records requested in one-month; (20) there are two matters, one is public records and the other is personnel; (21) the personnel matter has already been addressed by the City Clerk and she agrees with the recommendations of Human Resources (HR) and those actions should be completed by the end of the year; (22) a consultant should be brought in to review the City's software and process, to advise if the City is in compliance with the law, and to make suggestions for improvements; (23) concern was expressed that a back-up ordinance states that other departments "may" tell the Clerk that they have a public records request and it should be changed to "shall"; (24) suggestions were made for different agencies and groups that could be brought in to consult; (25) the Clerk has been acting as a Clerk and Deputy Clerk, coming in with a staff that had not been cross-trained, and working the records requests while working with a demanding Commission and putting long hours into meetings with an increase in volume of work; (26) it was noted there was an issue of pulling records from old software that had to be handled by Internet and Technology (IT); (27) concern was expressed that the Clerk was given corrective actions when she wasn't interviewed about situations, and that corrective action is not the correct terminology because there wasn't any due process; (28) the City Clerk stated in her email that she disagrees with some of the allegations and that she had been to HR with personnel issues; (29) leadership management and team building should be reviewed; (30) there are 363 records request outstanding from 2017; (31) after the Commission twice stated that the City Clerk could make a public comment, the offer was declined; (32) the City Manager elected to not have the City Clerk interviewed by HR because she is a Charter Officer and she is under the direction of the Commission; (33) a suggestion was made that HR conduct an interview with the City Clerk and the matter come back to the Commission; (34) it was noted that Charter Officers are subject to the personnel policy within limits; (35) approximately 50% of public records requests for FY 2018 are still outstanding; (36) it was noted that the City Clerk had been provided the tools to complete the public records requests and that the tools were not utilized; (37) it was suggested that the Commission be provided with a weekly tracking of public records requests; (38) it was suggested that the City Manager and HR oversee the consultant and leadership coaching with the City Clerk; (39) a suggestion was made that the City Manager monitor the coaching and that reports can be provided to the Commission via memo; (40) the City Clerk and the Police Department must get together and clear up the issue of public records being provided; (41) it was suggested that the consultant can make recommendation for collaboration between the different departments and the City Clerk's Office in handling public records requests; (42) the City's Clerk's Office should also participate in team building; (43) it was noted that Staff can provide costs to implement and that can come back before the Commission next week for a budget recommendation.

There was a consensus by majority to have a consultant for an electronic records plan, and an evaluation of where we are in compliance and/or what we need to do to improve in the City overall in our public records, as well as to have an update as to where we are and what the progress is of our outdated public records requests, to be included in the, at least monthly, reports by the City Clerk's Office.

There was a unanimous consensus to have the City Clerk work with Human Resources for the recommendations that the City Clerk has determined that she would like to do, which included management opportunities as well as team building work to get her employees for a cohesive environment. That the Commission will receive updated memos at least every three months with plans to address those issues or lack thereof.

Discussion continued: (1) the City Clerk confirmed she is willing to comply with the first and second consensus; (2) it was noted that retaliation from any party could result in termination; (3) concern was expressed to not confine management to do the job they are expected to do; (4) it was suggested that the Commission create a process to determine how complaints involving Charter Officers will be handled; (5) the process is for employees to go to Human Resources for review, Human Resources then goes to the City Manager, and the City Manager is responsible to bring the problem to the Commission; (6) it was suggested that this matter should come back as a workshop to discuss how to address issues for all Charter Officers.

There was a unanimous consensus to have a workshop and see if Human Resources, City Manager and the City Attorney have any suggestions, and the Commission can set policy and procedure.

Discussion continued: (1) it was suggested that the Clerk have an opportunity to interview for her input, and that information should be added to the backup of this meeting for public viewing; (2) concern was expressed for the Clerk to make a public comment either makes her look at fault or ruins the opportunity to move forward with her staff and the goal is to fix the problem; (3) it was noted that at the moment not all things are equal and all should move forward. There was no public comment.

7. CONSENT AGENDA:

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

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

- A. [18-468](#) Approval of minutes for the June 4, 2018 Commission Budget Workshop; June 5, 2018 Commission Budget Workshop; June 6, 2018 Commission Budget Workshop.
- B. [18-442](#) Cash Receipts Summary - May 2018
- C. [18-461](#) Appointment of Robert Smith as a Regular Member on the charter Review Advisory Board for a second term.
- D. [18-463](#) Appointment of Edie Driest and Barbara Lockhart as Regular Members to the Environmental Advisory Board.
- E. [18-202](#) Technology Services Agreement renewal with Sarasota County for a recurring annual fee of \$18,651.24
- F. [18-448](#) Utilization of Collier County Contract # 18-7262 for Full Service Auctioneer services by Royal Auction Group Inc. of Fort Myers, Florida, for disposal of the City of North Port's vehicles and equipment for an estimated budgeted amount of \$0.
- G. [18-203](#) Microsoft Office 365 license renewal in the amount of \$121,019.76, between the City of North Port and SHI International Corp. plus an approval of up to \$50,000 to complete remaining City projects in FY 2018.

- H. [18-363](#) Work Assignment No. 2 with Insituform Technologies, LLC. in the amount of \$ 52,245.20 and Work Assignment No. 3 with Layne Inliner, LLC. in the amount of \$ 114,100 for the Inflow & Infiltration Project.

- I. [18-435](#) Emergency Subscriber List Information License Agreement with Frontier Communications for a period of thirty-six (36) months, in the amount of \$6.01 per month for a total annual amount of \$72.12 per year to obtain the 9-1-1 telephone database to be used in conjunction with the CodrRED system plus a one-time fee for this cycle of \$1,882.87.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Luke: (1) Jacqueline Moore offered to give a presentation of the 360 Evaluation, on September 6, 2018.

Vice-Mayor Yates: nothing to report.

Commissioner McDowell: nothing to report.

Commissioner Hanks: nothing to report.

Mayor Carusone: nothing to report.

10. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lear: (1) Sarasota County Administrator Lewis sent an email stating that the County "shall" make \$2,000,000 in improvements connecting North Port to the Legacy Trail if the referendum is approved, and a Resolution will be entered to give assurance.

City Attorney Slayton: nothing to report.

City Clerk Adkins: nothing to report.

11. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Regular Meeting at 10:33 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

Attest: _____
Kathryn Peto, Interim City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2018.