



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Special Meeting

Tuesday, September 19, 2017

9:00 AM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 02-13-2018 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Special Meeting was called to order at 9:00 a.m. in City Chambers by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks, Luke and McDowell; Assistant City Manager Schult; City Attorney Slayton; City Clerk Adkins; Deputy City Clerk Peto and Police Chief Vespia.

A moment of silence was held for all those affected by Hurricane Irma and Hurricane Harvey; and appreciation was expressed for all emergency staff and volunteers who worked during the storms. Thereafter, the Pledge of Allegiance was led by the Commission.

Assistant City Manager Schult announced that the streaming ability of the meeting is experiencing technical difficulties and so the meeting may be viewed on YouTube. By clicking on the normal meeting option on the City's Website, the link will immediately go to YouTube.

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the Agenda, moving Item 6.C., after 4.A. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

PUBLIC COMMENT 9:07 a.m. - 9:10 a.m.

Dory Mills: Hurricane Irma.

Jean Osput: Applicant for the Medical Task Force.

3. ANNOUNCEMENTS

A. [17-1304](#) Current Vacancies for Boards and Committees.

City Clerk Adkins read the Current Vacancies for Boards and Committees into the record and announced that Pete Pedersen has resigned from Charter Review Advisory Board.

B. [17-1306](#) Upcoming Expiration Dates for Boards and Committees.

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

4. PRESENTATIONS

A. [17-1316](#) Presentation by and Proclamation for To Inform Families First.

President Olsen, representing To Inform Families First, provided a presentation regarding emergency contact information on a driver's license.

Following a concern, it was stated that the information can be imbedded in a Florida Driver's License, a Florida Identification Card, and children five years or older can be issued a similar ID card. Additionally, brochures will be made available for distribution at National Night Out. Thereafter, the Proclamation was read into the record by Commissioner McDowell and was presented to Ms. Olsen.

6. GENERAL BUSINESS:

C. [17-1317](#) Development Agreement for the Spring Training Facility for the Atlanta Braves and Addendum to the Agreements Concerning the ANLBC Facility in Sarasota County

Assistant City Manager Schult provided an overview of the agenda item and noted a Scrivener's error on page 29, Section 5.10.3. A replacement page was provided. It was stated that a letter was received from the Department of Economic Opportunity indicating the funding was awarded from the State for the stadium. Lastly, a corrected copy of the Addendum was provided

PUBLIC COMMENT

David Duval: Atlanta Braves.

Discussion ensued: (1) following a question, it was stated that Section 14 of the License Agreement provides that ANLBC will use reasonable efforts in the marketing and promotion of the stadium as being in the City of North Port; (2) it is anticipated that ANLBC will be held accountable for that pledge in Section 14 pertaining to the marketing aspect; (3) subsequent to a concern, it was stated that a reference to local preference is not found in the Developer's Agreement; (4) City Attorney Slayton stated: [a] the Letter of Intent does not include a local preference; [b] to be included in all of the documents and any approved revisions or changes by the Commission would have to be approved by all other parties and [c] several parties to the agreement are government entities and are subject to statutory purchasing and bidding requirements; (5) concern was expressed that the Commission's expectations of their added provisions were not captured in the final documents; (6) it was stated that the Interlocal Agreement was received with signatures and awaits the City Manager's signature. Additionally, confirmation was stated that the parties reached an agreement on terms pursuant to the Commission's motion; (7) after a concern regarding a Custodian Agreement and a Note Purchase Agreement, it was explained that the City is not a party to the two Agreements, and it is the Agreements which structure the accounts to be deposited into specific accounts. Those documents are still being discussed with the underwriters and lenders to finalize the structure of payments for all parties; (8) following an inquiry regarding building the Academy and other buildings on the site, it was stated no information has been received, but the Academy building will not be built with government funds and is not germane to the Development Agreement; (9) it was stated that Section 5.2.2 allows the City access to the property to do inspections and reviews. Other parties are mentioned because they are conducting construction on someone else's property; (10) it was noted that

information in 10.1.2 on page 42 is missing; (11) clarification was provided that once all parties have signed off on the Development Agreement, they will sign the Deed Restriction (Exhibit K), which will be executed and recorded in the Deed Records of Sarasota County; (12) following a concern, it was stated that the Addendum to the Agreements Concerning the ANLBC Facility, the letter from the State Department of Economic Opportunity and a page correcting a Scrivener's error were distributed at the meeting. The Interlocal Agreement Regarding Spring Training Stadium Financing Obligations is North Port's respective segment of that Addendum; (13) the following concerns were clarified: [a] because the stadium is within North Port City limits, development must comply with City Codes; [b] page 1 of the Agreement states that the official "Developer" is Manasota Beach Ranchlands, LLLP; [c] the construction is not a City project and does not require bonding, and Sarasota County has thoroughly vetted the bonding and insurance portions of the Agreement; [d] utilities will be purchased through the City [e] permit fees are not excluded and will be paid; [f] the excluded costs will be paid, and are things that don't get paid from the project budget; [g] the City will not be excluded from collecting any fees, inspections, and so forth during the building process; [h] the City's Interlocal Funding Agreement is found in Section 6.3; [i] signing the Development Agreement will not supersede the Facility Operating Agreement; [j] to meet the deadline of spring training in 2019, construction will commence and some money will be expended before all of the funding is in place. Afterward, funds will be reimbursed from the project budget as provided in Section 4.3.2; [k] after it is built, the stadium ownership is transferred to Sarasota County; [l] the City does not have to contribute Sales Tax Payments to the Bond, as outlined in Section 6.6.1; [m] the Coordination and Design Review in Section 5.2 must comply with the West Villages Improvement District Pattern Plan and any changes made in the Pattern Plan must come back to the Commission for approval; [n] the only contribution required from the City is the \$4.7 million, which saved the City nearly \$4 million by paying it up front; [o] after a concern was expressed regarding Supreme Court legal standing that local preference cannot be favored over the State system of bidding, it was stated that the Commission previously articulated a hope that local workers would be utilized; [p] it was requested that City Attorney Slayton research the new State laws and court cases pertaining to local preference; [q] confirmation was provided that the Academy building will not be transferred to Sarasota County ownership and will be subject to all commercial standards, regulations and taxes as any other commercial property within the City; [r] the Development Agreement only addresses the development of the stadium; (14) following a question, it was verified that the City will not be able to collect ad valorem or non-ad valorem assessments from the facility for 30 years, and after 30 years the facility will be given to Sarasota County; (15) it was stated in Section 5.7, that pursuant to State law, the developer is exempt from sales tax on materials and equipment during the construction; (16) following a concern, City Attorney Slayton will research the exemption issues pertaining to impact fees from a legal standpoint; but from a contractual standpoint, the City has not waived impact fees in any of the Agreements to which the City is a party; (17) it was stated that the City will work in good faith, but is not obligated to waive or to refuse to waive any fees. Furthermore, impact fees are collected prior to issuing the Certificate of Occupancy and then the conveyance occurs; (18) concern was expressed that the Letter of Intent was supposed to be the framework from which to build an Agreement, and now it seems there is an obligation to accept the Development Agreement language because of the Letter of Intent.

PUBLIC COMMENT

Victor Dobrin: work out issues before the Agreement is finalized.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to continue Item 6.C. to a time certain of 1:30 p.m. The motion carried by the following vote:

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

Vice-Mayor Carusone left the meeting at 11:10 a.m. and will return around 1:30 p.m.

Recess 10:56 a.m. - 11:10 a.m.

5. PUBLIC HEARINGS:

A. [17-1287](#) Resolution No. 2017-R-20, support a change of Florida's Arbor Day Date.

City Clerk Adkins read Resolution No. 2017-R-20 into the record by title only. Assistant City Manager Schult provided an overview of the item. There was no public comment.

Questions ensued: (1) the legislation requests that the State move its recognized date for Arbor Day in January to the second Friday in April, prior to the National Arbor Day; (2) the intent is to avoid overlapping with National Arbor Day on the third Friday in April, because a separate date provides additional opportunities to educate the public regarding the importance of trees.

A motion was made by Commissioner Hanks, seconded by Commissioner McDowell, to approve Resolution No 2017-R-20, with the change to stipulate requesting the second Friday of April be designated.

So as not to interfere with Spring Breaks or the Easter Holiday, discussion ensued concerning moving the date to a Monday. An amendment was made but subsequently withdrawn.

The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Luke, Commissioner Hanks and Commissioner McDowell

B. [17-1315](#) Ordinance No. 2017-32, first reading, amending the Fiscal Year 2016-2017 Non-District Budget and Capital Improvement Program and Budget.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to read Ordinance No. 2017-32 by title only. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

City Clerk Adkins read Ordinance No. 2017-32 into the record by title only and Assistant City Manager Schult provided a review of the item. There was no public comment.

Questions ensued: (1) it was stated that the second reading of this Ordinance is in one week because the Southwest Florida Water Management District Contract for the Contractor must be approved by the end of September; (2) it was stated that 50% of the project is reimbursable and was capped at the original amount requested; (3) confirmation was provided that the Ordinance has already been advertized in the newspaper.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2017-32 to the September 26, 2017 Commission Regular Meeting for second reading. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

6. GENERAL BUSINESS:

- A.** [17-1245](#) Discussion and possible action regarding appointment of one (1) Real Estate Representative to the Community Economic Development Advisory Board.

City Clerk Adkins explained there is one vacancy for the Real Estate position and detailed the three applicants. There was no public comment. It was recommended that the other two well-qualified applicants who are not chosen may apply on other City Advisory Boards. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to appoint Bill Diekman to the Real Estate position on the Community Economic Development Advisory Board. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

- B.** [17-1246](#) Discussion and possible action regarding appointment of a North Port Resident Representative to the Community Economic Development Advisory Board.

City Clerk Adkins explained there is currently one vacancy and two applications were received for consideration.

PUBLIC COMMENT:

Victor Dobrin: (one of the applicants) introduced himself.

Following a concern by Commissioner Hanks regarding a possible conflict of interest in connection with ownership in a company in which Mr. Suggs also has ownership, a brief discussion ensued and it was suggested to table the item until after the Consent Agenda to give City Attorney Slayton time to review the concern.

It was stated that Mr. Suggs is very active with Chamber of Commerce and his background is extensive.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to table General Business Item 6.B. until after the Consent Agenda. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

- D.** [17-1227](#) Tenant Lease Agreement with Senior Friendship Center Lease, Inc. with revised hours of operation.

Assistant City Manager Schult provided a brief review of the item. There was no public comment.

Questions ensued: (1) following a concern it was clarified that the allotted 25 hours usage of the facility is unrelated to kitchen sharing; (2) additionally with a reduction of Federal funding, and due to budget constraints, the Applicant requested the reduction to 25

hours; (3) some meals are at 19 different sites throughout the four counties, some are delivered to homes, and some are served at the Senior Center; (4) it was stated that the minimum 32 hours are included in all the Agreements for the Family Service Center and the Community Education Center and (5) the Education Center is used by the Salvation Army, Senior Friendship Center and the Senior Center and each has a separate lease.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Tenant Lease Agreement with Senior Friendship Center, Inc., to include the 25-hour, operating hours per week. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

E. [17-1260](#)

Review and approve the draft scope of services for the Unified Land Development Revision Project

Assistant City Manager Schult provided a brief overview of the Unified Land Development Code (ULDC) agenda item. and City Zoning Coordinator Willette-Grondin was present to answer questions. There was no public comment.

Questions ensued: (1) it was stated that the Scope of Services is for the ULDC Amendments and includes a review of possible extractions from the ULDC to the Administrative Code will be identified during the re-write of the document; (2) aspects of accountability will be provided in a monthly progress report to the City Manager, the Commission and appropriate Planning Staff; (3) the Request for Proposal (RFP) will include such things as an outline of work, a timeline, and community involvement; (4) caution was expressed not to make the scope of services too big and it was suggested that, after the overall rewrite, a secondary phase of the project can be to condense the information into one book; (5) it was stated that additional Commission direction will be needed if the scope is to include a consultant review of the Administrative Code that should be in the ULDC; (6) it was explained that the consultant's initial project orientation with staff could also include the Commission and the Planning & Zoning Advisory Board; (7) the project will look at how the ULDC functions as a whole and return an outline of important aspects, in segments, to review; (8) staff will add that the orientation will include the consultant's review of documents submitted by the previous company; (9) confirmation was provided that the scope includes balancing development with the aspects of environmental preservation and conservation. Additionally, the Commission will have opportunity to make changes to the draft rewrite; (10) following a concern, confirmation was provided that the Scope of Services will only include minor changes to the City's Comprehensive Plan; (11) it was stated that the State recognizes that a ULDC rewrite is a lengthy process and will not penalize the City for not reporting ULDC changes within a year after the Evaluation and Appraisal Process is finalized; (12) after a request, it was stated that Staff will provide a list of recommended ULDC updates/changes to the Commission; (13) it was suggested to advertise the RFP in two options: [a] to combine the ULDC and the Administrative Code; and [b] to focus on the ULDC rewrite; (14) clarification was provided that technical information referenced in several books or sections is geared more for professional developer not the general population; (15) it was suggested to hold a preliminary Commission meeting; and a separate community public forum meeting.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct staff to proceed with Scope of Services as presented, with the following amendments: (1) there will be an initial meeting with Staff, the consultant, the Planning & Zoning Advisory Board, and the Commission; and an initial meeting with the citizens and businesses as a forum for the community; (2)

that the Request for Proposal includes two options: [a] for the ULDC rewrite on its own; [b] for the ULDC rewrite, combining with the Administrative Code. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

- F.** [17-1263](#) Renewal of Property and Casualty Insurance and Risk Management Services with Public Risk Insurance Agency (PRIA) for 2017/2018 in the budgeted amount of \$704,958

Assistant City Manager Schult provided an overview of the item. There was no public comment.

Clarification was provided that the renewal is only for one year and will be corrected prior to the document's execution.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the renewal of Property and Casualty Insurance and Risk Management Services with Public Risk Insurance Agency (PRIA) for a period of one year, beginning October 1, 2017 for \$704,958. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

7. CONSENT AGENDA:

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve Consent Agenda Items A through E., pulling Items F., and G.

After a concern was expressed regarding the excessive distance between polling places, it was stated that the polling places in the Agreement are City government facilities that Sarasota County will be utilizing. There are other polling locations in North Port, such as churches and schools, that Sarasota County rents for the elections. A list of polling locations will be provided along with the districts they encompass. Clarification was provided that the polling places are designated by the Supervisor of Elections and the concerns expressed regarding distance travelled will be forwarded to them.

PUBLIC COMMENT:

David Duval: extending hours for early voting.

Following a brief discussion and a concern, it was suggested to withdraw the Consent Agenda motion, and make a new motion to pull Item B for discussion. The motion and second were withdrawn.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the Consent Agenda Items A., C., D., and E.; pulling Items B., F., and G. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Luke, Commissioner Hanks and Commissioner McDowell

Recess 12:58 p.m. - 1:31 p.m.

Because Vice-Mayor Carusone was not yet present, it was suggested to table General Business Item 6.C. that was moved to a time certain of 1:30 p.m. and conclude the rest of the items on the Consent Agenda.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to table Item 5.C.,(5.C., was stated but it should have been 6.C.) the to take up after the conclusion of the pulled Consent Agenda Items as well as Item 6.B. The motion carried by the following vote with Vice-Mayor Carusone absent.

Yes: 4 - Mayor Yates, Commissioner Luke, Commissioner Hanks and Commissioner McDowell

A. [17-1319](#) Approval of Minutes for the May 4, 2017 Commission Special Meeting, May 17, 2017 Commission Budget Workshop Meeting, May 22, 2017 Commission Special Meeting, June 6, 2017 Commission Joint Meeting with Sarasota County Board of County Commissioners, June 12, 2017 Commission Budget Workshop Meeting, June 19, 2017 Commission Special Meeting, July 10, 2017 Commission Workshop Meeting.

B. [17-1321](#) Appointment of Jean D. Opsut as a member of the Medical Hospital Task Force

Vice-Mayor Carusone arrived at 1:35 p.m.

City Clerk Adkins provided a review of the applications along with the one Task Force position that is currently closed. There was no public comment.

Discussion ensued: (1) after a brief recap of why the item was pulled for discussion, it was suggested to close additional memberships on the Task Force; (2) it was stated that there is one other application for the Medical Task Force that will be on the September 9, 2017 Commission meeting; (3) subsequent to a concern, clarification was provided that the Commission may close all applications for membership to the Task Force.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to accept and appoint Ms. Opsut as a member of the Medical Hospital Task Force. The motion carried by the following vote:

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

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to close the Medical Hospital Task Force from any further applications for memberships. The motion carried by the following vote:

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

City Clerk Adkins will work with the individual who submitted his application for the Medical Hospital Task Force to see if he has interest in serving on another City Advisory Board.

C. [17-1320](#) Polling Place Agreements for 2018 Elections for Precinct 309, 311, 313, and 331, between the City of North Port and the Sarasota County Supervisor of Elections.

- D. [17-1241](#) Cash Receipts Summary - June 2017
- E. [17-1265](#) Cash Receipts Summary - July 2017
- F. [17-1242](#) Utilize the State of Florida Department of Management Services Motor Vehicles Contract No. 25100000-16-1 to purchase one (1) replacement Transit Van for the Neighborhood Development Services Department, Property Maintenance Division and two (2) replacement F-150 Trucks for the Utilities Department from Garber Ford Inc. in the budgeted amount of \$84,909.60.

Assistant City Manager Schult provided an overview of the item.

Discussion ensued: (1) following a concern, it was suggested to schedule a special meeting to discuss how the criteria of how City vehicles are evaluated; (2) it was stated that preventive maintenance and replacement of tires was removed from the cost of maintaining the vehicles; (3) confirmation was provided that there are times when vehicles are surplus and times when other City departments can utilize them.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve Item 7.F. for utilizing the State of Florida Department of Management Services Motor Vehicles Contract No. 25100000-16-1 for the purchase of the vehicles.

PUBLIC COMMENT

David Duval: the City Clerk's van and privacy glass.

Discussion continued: (1) following a public comment, it was stated that the City commonly purchases vehicles that have tinted glass because it helps with cooling the vehicle and slows fading of the interior materials; (2) Commissioner McDowell stated: [a] she did not approve replacing vehicles; [b] vehicles to be approved do not have the backup information at budget time; [c] sending a truck that is 6-7 years-old, has 77,000 miles and has new tires to auction is frivolous, and she will not support the motion; (3) Commissioner Hanks stated: [a] all these questions are continuously answered by staff; [b] there is a process for vehicle turnover and where they are better used; (4) it was requested to have a conversation or presentation regarding the criteria for replacement.

PUBLIC COMMENT

Victor Dobrin: the need for a new process for evaluating the criteria.

A vote was taken, and the motion carried by the following vote with Commissioner McDowell dissenting for reasons previously stated.

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

No: 1 - Commissioner McDowell

A motion was made by Commissioner McDowell, seconded by Mayor Yates, to direct staff to bring an agenda item, not necessarily a special meeting, in regards to the criteria and the policy for replacement vehicles. The motion carried by the following vote with Commissioner Hanks dissenting for reasons stated.

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

No: 1 - Commissioner Hanks

- G. [17-1267](#) Utilization of Ad-Vance Recruiting, LLC for temporary personnel services in the budgeted amount of \$332,390.

Assistant City Manager Schult provided an overview of the item. There was no public comment.

Mayor Yates recommended that the motion language adds that this is contingent upon approval of the budget. Thereafter, the gavel was passed to Vice-Mayor Carusone.

A motion was made by Mayor Yates, seconded by Commissioner Luke, to approve Item 7.G., contingent upon the actual 2018 Budget approval. The motion carried by the following vote:

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

Vice-Mayor Carusone passed the gavel back to Mayor Yates.

GENERAL BUSINESS:

- B. [17-1246](#) Discussion and possible action regarding appointment of a North Port Resident Representative to the Community Economic Development Advisory Board.

After speaking with City Attorney Slayton, Commissioner Hanks stated that there is no statutory issues with him voting on this issue.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Rich Suggs as the Resident Representative on the Community Economic Development Advisory Board. The motion carried by the following vote:

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

Following a concern, City Clerk Adkins will meet with Mr. Dobrin to determine other Boards on which he may serve.

- C. [17-1317](#) Development Agreement for the Spring Training Facility for the Atlanta Braves and Addendum to the Agreements Concerning the ANLBC Facility in Sarasota County

Discussion continued regarding: (1) the language regarding the City's contribution; (2) clarification was provided that Section 6.3 of the Development Agreement does not violate the City Charter provision in Section 5.01(b); (3) revisions and clarifications to Section 6.3 were considered; (4) after a concern regarding a missing Exhibit B, a notation can be made to have that corrected; (5) it was stated that the City has no property rights respecting the site or the facility that would give it future vested rights after the 30-year period when the team leaves. It is the agreement with the team that allows the City to utilize the premises for certain activities; (6) clarification was provided regarding Exhibit L in the backup material, that Ordinance No. 2016-16 approved the rezoning of 5,541 acres. The development, the layout and the uses of land were approved by the Commission and staff will ensure that the development will be consistent with the legislation; (7) it was stated that the final set of site drawings will show the five multi-purpose fields and further clarification was provided that Exhibit L-1 is the cover sheet for the approved Master Site

Plan (MAS) and L-2 is the attachment. Its final approval is through the Development Order which has not been issued; (8) after a suggestion to have the MAS come back to the Commission for approval, it was stated that the MAS process is established through Code which is handled through a staff process, the Commission cannot change the requirements of the Code through a Contract; (9) it was stated that the development is exempt from Chapter 53-5B 1-8 of the ULDC because it was part of the Village Index Map Amendment and the exemption also falls under Chapter 33 of the ULDC; (10) clarification was provided that only the stadium is exempt from fees and assessments.

Recess 3:26 p.m. - 3:41 p.m.

Discussion continued: (1) clarification was provided that the Zoning Verification Letter stated that Parcels B (the stadium) and C (the academy) are exempt from Chapter 53-5 of the ULDC procedures, but does not exempt the academy from paying taxes when it is a separate parcel because it will be owned by the Atlanta Braves. Parcels A, D-1, D-2, D-3, and E are not exempt; (2) it was suggested to exclude the City from Section 3.61 on page 17; (3) during discussion, Assistant City Manager Schult noted that any changes in this Development Agreement would not provide sufficient time to go back to the other entities and still make the 2019 Braves Spring Training Opening date; (4) following a question, it was stated that the City is not involved with Section 4.2, E., F., and G, because it does not have any obligations or relationships with the contractors or consultants; (5) following a discussion regarding monitoring the project and liability connected therewith, it was stated that there is nothing in Sections 5.2.1 or 5.2.2 that causes any exposure or legal concern to the City; (6) after a discussion regarding Section 5.10.7 and infrastructure responsibilities, it was stated that someone from the City's Utility Department is on site every day to ensure City standards are met. Additionally, Section 15.5 clarifies that contractors and consultants are responsible first, then WVID for any failure related to Article 5; (7) in regard to Section 10.1.2, it was stated that as long as City Commissioners are acting within their scope they are protected by the City; (8) subsequent to a concern regarding blank spaces not being filled in, it was stated that from a legal perspective, they don't affect the City; (9) Section 14 was explained as it outlines what constitutes a default on behalf of each party.

PUBLIC COMMENT

Victor Dobrin: putting the funds into a restricted usage fund not a debt service fund.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve the Development Agreement for the Spring Training Facility for the Atlanta Braves and Addendum to the Agreements Concerning the ANLBC Facility in Sarasota County as requested by the State.

Discussion ensued: (1) Vice-Mayor Carusone stated that minor details are lacking but it is a matter of risk vs. reward and there is great reward. The contract was thoroughly vetted by professionals; (2) Commissioner Luke supports the Agreement because it will be a good economic driver; (3) Commissioner Hanks advocated preserving relationship in a contract and supported the motion; (4) Commissioner McDowell stated: [a] there are things missing and things that need to be changed; [b] signing a contract with the City's back against the wall is not the way to do things; [c] local preference was omitted after it was addressed in the Letter of Intent; (5) Mayor Yates: [a] welcomed the Braves but everything since January has been a disappointment; [b] the multi-purpose fields was turned into an open space for parking; [c] her concern was what benefits the taxpayers would receive for their contribution; [d] Venice will benefit and did not contribute anything; [e] WVID is promoting shopping in Venice and that is disheartening; [f] was concerned with shifting debt obligations.

Mayor Yates passed the gavel to Vice-Mayor Carusone.

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to amend the motion, amending page 4, the paragraph containing the City's contribution referring to the same as the Developer's Contribution. The motion failed by the following vote with Vice-Mayor Carusone, Commissioner Hanks and Commissioner Luke dissenting for reasons stated above.

Yes: 2 - Mayor Yates and Commissioner McDowell

No: 3 - Vice-Mayor Carusone, Commissioner Hanks and Commissioner Luke

Commissioner Luke and Commissioner Hanks opposed another amendment because they trust those who have legal background.

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to amend the motion, amending the language in Section 6.3, to remove any reference of the City's contribution going to the debt account in a lump sum payment. The motion failed by the following vote with Commissioner Hanks and Commissioner Luke dissenting for reasons stated above. Vice-Mayor Carusone did not provided a reason for dissenting.

Yes: 2 - Mayor Yates and Commissioner McDowell

No: 3 - Commissioner Luke, Vice-Mayor Carusone and Commissioner Hanks

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to amend the motion, amending page 17, Section 3.6.1 as it pertains to working in good faith, that all references exclude the City. The motion failed by the following vote with Vice-Mayor Carusone, Commissioner Hanks and Commissioner Luke dissenting for reasons stated previously.

Yes: 2 - Mayor Yates and Commissioner McDowell

No: 3 - Commissioner Luke, Vice-Mayor Carusone and Commissioner Hanks

Vice-Mayor Carusone passed the gavel back to Mayor Yates.

Following a concern that the official map for the site omits the multi-purpose fields, it was stated that the Facility Operating Agreement has the same definitions for multi-purpose fields in Exhibit D and has the same type of map that is in the License Agreement with lines drawn. There is nothing in the Development Agreement that does away with multi-purpose fields and there is nothing that supersedes what is in the Facility Operating Agreement or the License Agreement with respect to the right to use the multi-purpose fields and public plaza. It is most likely a scrivener's error in the Development Agreement and there is no legal concern.

Commissioner McDowell voiced concern that page 10 of the Definitions, references an Exhibit that is not included.

A motion was made by Commissioner McDowell, seconded by Mayor Yates, to amend Exhibit B to revise the map to reflect the multi-purpose fields and the public plaza in the program. The motion failed by the following vote with Vice-Mayor Carusone, Commissioner Hanks and Commissioner Luke dissenting for reasons stated.

Yes: 2 - Mayor Yates and Commissioner McDowell

No: 3 - Commissioner Luke, Vice-Mayor Carusone and Commissioner Hanks

Commissioner McDowell reiterated concerns previously stated that this is a Contract that will be used for the length of the term of the entire project and to have things missing is not what is done with a contract. Mayor Yates agreed with Commissioner McDowell and reiterated that these are official, legal, binding documents and details are important.

A vote was taken on the main motion with no amendments passing, to approve the Development Agreement for the Spring Training Facility for the Atlanta Braves and Addendum to the Agreements Concerning the ANLBC Facility in Sarasota County as requested by the State. The motion carried by the following vote with Mayor Yates and Commissioner McDowell dissenting for reasons stated above.

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

No: 2 - Mayor Yates and Commissioner McDowell

8. COMMISSION COMMUNICATIONS:

Commissioner Hanks: Nothing to report.

Commissioner McDowell attended: (1) the Florida League of Cities Conference; (2) the Back to School Resource Fair; (3) a coupled Social Services Inter-Agency Meetings; (4) a Goodwill Meeting luncheon; (5) acknowledged City Staff first responders during Irma.

Vice-Mayor Carusone attended: (1) the Annual League of Cities Conference; (2) a Tiger Bay meeting featuring Representative Gonzalez; (3) the School Board Finance Committee Meeting; (4) the Holly's Hope Meeting at the Morgan Center was cancelled and will be rescheduled; (5) the YMCA Board of Directors Meeting; (6) it was noted that there is no chapter for Boy Scouts in North Port and the YMCA is working to get a Charter so the Boys Scouts can come back; (7) stated that Holly's Hope will try to bond with the National Alliance on Mental Illness and more information will come; (8) expressed thanks to City staff and all their efforts during Hurricane Irma.

Commissioner Luke: (1) spoke with Yuri Chaplin, of Catholic Charities regarding find homes for refugees; (2) welcomed the Atlanta Braves to North Port; (3) thanked City Staff and community for executing duties during Hurricane Irma.

Mayor Yates attended: (1) the Florida League of Cities Conference; (2) requested a consensus for a Resolution to mirror the Resolutions at the Florida League of Cities Conference; (3) stated she was reappointed to the Florida League of Cities Board of Directors for District 10; (4) requested confirmation whether the Economic Development Summit Series has been cancelled for September 29, 2017 in North Port; (5) thanked community helpers during Hurricane Irma.

There was a consensus to direct Mayor Yates and City Manager Lear to bring the six Resolutions from the Florida League of Cities Conference forward in the City's format to be approved at a future Commission Meeting.

Mayor Yates stated that items that were pulled from the Commission Meeting due to Hurricane Irma will be rescheduled. She requested a consensus pertaining to the Parking Ordinance.

There was a consensus to schedule a Special Meeting to address first reading of the Parking Ordinance on October 5, 2017 starting at 9:00 a.m. to 12:00 p.m., and schedule second reading of the Ordinance on October 24, 2017.

9 ADMINISTRATIVE AND LEGAL REPORTS:

City Attorney Slayton thanked the Commission for her approval as the City Attorney.

Assistant City Manager Schult will save announcing some awards that the City received for the Recognition Meeting on October 5, 2017.

City Clerk Adkins requested a consensus to prepare certificates for local businesses that helped out the City during the hurricane.

There was a consensus for Staff to prepare Certificates of Appreciation for local vendors and businesses that helped City Staff during Hurricane Irma.

10. PUBLIC COMMENT:

PUBLIC COMMENT 5:10 p.m. - 5:13 p.m.

Justin Willis; the Atlanta Braves and commercial development on River Road.

11. ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Special Meeting at 5:13 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

Attest: _____
Patsy C. Adkins, MMC, City Clerk

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