



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

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

APPOINTED OFFICIALS

Jonathan R. Lewis, City Manager
Mark Moriarty, City Attorney
Patsy Adkins, City Clerk

Tuesday, November 22, 2016

10:00 AM

CITY COMMISSION CHAMBERS

NOTE: This is a draft copy of the minutes of the 11-22-2016 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 10:00 a.m. in City Chambers by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks and McDowell; City Manager Lewis; Assistant City Manager Schult; City Attorney Moriarty; City Clerk Adkins; Recording Secretary Hale and Police Chief Vespia.

A moment of silence was observed followed by the Pledge of Allegiance, led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

Following a request, Mayor Yates explained the procedure for submitting items on an agenda, including "walk-on" items.

Discussion ensued regarding agenda Public Hearing Item 5.D.: (1) the City should not maintain excessive vegetation growth on private property; (2) the City has more important priorities that would better utilize the \$200,000 allocated to this project and it is not beneficial to North Port citizens overall; (3) the proposed draft Ordinance does not adhere to Commission direction and requires additional discussion in a workshop.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to approve the agenda, removing Public Hearing Item 5.D., regarding excessive growth. The motion carried by the following vote:

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

Vice-Mayor Carusone stated she will bring up an amended Ordinance later in the

meeting under Commission Comment, concerning a new suggested version of the meeting procedures.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to suspend the rules of Ordinance No. 2016-04 as it pertains to all agenda items regarding to the time limit and the number of times a Commissioner may speak, using the discretion of the Mayor. The motion carried by the following vote:

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

2. ANNOUNCEMENTS

A. [16-0663](#) Current Vacancies for Boards and Committees.

City Clerk Adkins read the Current Vacancies for Boards and Committees into the record, including a vacancy on the Sarasota County Bicycle/Pedestrian/Trail Advisory Committee for a North Port resident. Information regarding the openings will be posted on the City's Website.

B. [16-0664](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expiration Dates into the record.

3. PUBLIC COMMENT:

Public comment was held from 10:14 a.m. - 10:44 a.m.

In response to public comment: (1) City Manager Lewis stated that Ordinance No. 2016-38 which was removed from the agenda, addressed dead trees. A specific response will be forwarded to the Commission at a later date with clarifying information within the Unified Land Development Code (ULDC) Chapter 45; (2) parking on residential property will be addressed in a future Commission meeting; (3) City Manager Lewis stated that additional information will be forwarded to the Commission regarding commercial vehicles parked on private property; (4) it was suggested to amend the Human Rights Ordinance to include pregnant women and veterans; (5) City Manager Lewis explained the process and purpose of the City Manager's agenda briefing with individual Commissioners.

4. CONSENT AGENDA:

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the Consent Agenda, Items 4.A., and 4.C., pulling Item 4.B., for clarification. The motion carried by the following vote:

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

A. [16-0661](#) Approval of Minutes for the September 27, 2016 Commission Regular Meeting, October 6, 2016 Commission Special Recognition Meeting, October 11, 2016 Commission Regular Meeting, and October 25, 2016 Commission Regular Meeting.

B. [16-0629](#) Memorandum of Understanding for Law Enforcement Agency Access to Driver and Vehicle Information Database System (DAVID).

City Manager Lewis introduced Police Chief Vespia who provided a brief presentation regarding the Memorandum of Understanding. Public comment was held.

Discussion and questions ensued: (1) there are rules and regulations as to the protocol to access the State's information database; (2) internet securities and firewalls are in place to protect the information from hackers and officers are trained regarding how it can and cannot be used. Audits are also performed to assure the officers use the software within the prescribed guidelines; (3) because the State owns the information, only data is accessed, and documentation must be provided by the police department explaining how it is used; (4) the DAVID program is used currently and this is a renewal of the Memorandum of Understanding (MOU); (5) only in cases where an investigation is collaborative, would the North Port Police Department share the information with another law enforcement agency for law enforcement purposes; (6) citing Section 3 of the MOU, City Attorney Moriarty stated the information becomes public record and is subject to public disclosure unless exempted by law; (7) City Manager Lewis clarified that the public access only applies to the information held by the North Port Police Department; (8) any other public record request from the State must be requested from the State; (9) the audit procedure was explained.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the Memorandum of Understanding for Law Enforcement Agency Access to Driver and Vehicle Information Database System (DAVID). The motion carried by the following vote:

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

- C. [16-0631](#) Equitable Sharing Agreement and Certification between the U.S. Department of Justice, the U.S. Department of Treasury and the City of North Port.

5. PUBLIC HEARINGS:

- A. [16-0652](#) Ordinance No. 2016-37, second reading, amending the Fiscal Year 2016-2017 Non-District Budget and Capital Improvement Program and Budget.

City Clerk Adkins read Ordinance No. 2016-37 into the record by title only and City Manager Lewis provided a brief overview of the requested legislation and stated that all funds for this budget amendment are from the Tree Fund which included: (1) \$40,000 for enhancement of trees in conjunction with the Butler Park improvements; (2) \$55,570 for trees and irrigation at Fire Station 85; and (3) a new vehicle for the City Arborist; (4) Finance Director Lear stated that City Code Chapter 45-13 authorizes the use of funds within the Tree Fund. Public comment was held.

Questions and discussion ensued: (1) the Arborist vehicle's transmission is no longer operable and a vacant position's vehicle is currently being used; (2) the vacant position is in the process of being filled shortly; (3) a truck is required for the arborist position and all other City trucks are assigned to a purpose, not to the employee's position; (3) the salvageable trees from the parking project along U.S. 41 could be relocated to Butler Park to reduce the cost of those improvements; (4) Finance Director Lear stated that ULDC Chapter 45-13, Tree Protection Regulations, includes public education and the arborist staff position is not specifically stated but certain functions stated therein cannot be accomplished without a City arborist, unless a different funding source was used, such as the General Fund; (5) prior to Fiscal Year 2009-2010, the Arborist was funded by the Neighborhood Development Services Department; (6) by Commission direction, the Arborist vehicle is funded from the Tree Fund but all that is needed to

change that policy is direction from the Commission to use revenues from the General Fund and to place the request as a Consent Agenda Budget Amendment item; (7) City Manager Lewis stated that the \$200,000 budgeted for the excessive growth Ordinance is also from Neighborhood Development Services; (8) the \$26,250 for the arborist vehicle from the \$200,000 would result in an overall savings and may not require a budget amendment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Ordinance No. 2016-37, amending to remove the \$26,250 for the Arborist's vehicle and utilizing the funds out of the amount that was approved for the impinging growth. The motion carried by the following vote:

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

B. [16-0653](#)

Ordinance No. 2016-33, Second Reading, Petition No. TXT-16-164, Amending the Code of the City of North Port and the City of North Port Unified Land Development Code to include regulations related to Low-THC Cannabis and Medical Cannabis Dispensing Facilities.

City Clerk Adkins read Ordinance No. 2016-33 into the record. Neighborhood Development Services Director Williams introduced Planner Galehouse who provided a PowerPoint overview. The recently approved Amendment 2 by the State does not apply to the proposed City legislation. The State is still reviewing details of the statute which may or may not ultimately affect the City's proposed ordinance. City can determine the number of facilities, their location and permitting associated with the Special Exception process. Public comment was held.

Questions and discussion ensued: (1) the 1500-foot buffer refers to the parcel boundary of a church or school; (2) City Attorney Moriarty stated that after allowing dispensing locations anywhere in the City, the location rights of the business could not be revoked without being compensated therefore, any pre-existing business would be grandfathered in; (3) City Manager Lewis stated it is easier to relax a code than impose a new restriction; (4) Planner Galehouse affirmed that the proposed Ordinance relates to current State laws, and the Commission can amend this proposed Ordinance to comply with future requirements of Amendment 2; (5) if no action is taken today, a retail facility could locate anywhere in North Port with no restrictions; (6) residential zones do not have the same 1500-foot buffer requirement as churches and schools; (7) there is a 1500-foot buffer requirement for locating a cannabis dispensing facility near a school or church, but the same 1500-foot buffer is not required for locating near a residential area because it would exclude them from locating in any Activity Center; (8) facilities are allowed in Commercial General zones within Activity Centers 1, 2, 3, 8, and in Planned Community Developments; (9) after a concern was expressed, Planner Galehouse stated that consideration can be given to adding a buffer for residential areas; (10) following a question, it was stated that the Commission will be provided with the policy regarding whether the City inspects other business leases in Commercial General Zoned areas; (11) City Attorney Moriarty stated other cities are implementing similar Ordinances, and North Port has received several requests from other jurisdictions to review our Ordinance; (12) cannabis cannot be distributed through regular pharmacies because it is not legal on the federal level; (13) the blue shaded areas shown on the map are the only options to locate a dispensing facility; (14) only one dispensing facility is allowed per Activity Center; (15) clients must have a prescription for any of the items sold from a dispensary; (16) the City has not received any business permit applications for a dispensing facility, and without legislation in place, a dispensing facility may locate anywhere in North Port where retail is allowed; (17) City Manager Lewis clarified that that which is already legal was accomplished by legislative enactment, whereas, that which was done November 8, 2016 is now an amendment to the State Constitution and cannot be changed or modified by legislative enactment because it is protected in the

State Constitution; (18) Planner Galehouse further clarified that: [a] the amendment expands the full strength cannabis to the category of users that are currently allowed to use the low-THC for medical purposes; [b] municipalities are preempted by the State from preventing organizations who wish to open a business in their jurisdictions; (19) City Attorney Moriarty stated; [a] that to insure that the property owner was the responsible party and that he/she is aware of the State regulations governing dispensaries, the City requires a copy of the lease; [b] an inventory was requested of the City's regulations governing the sale of alcohol, and pain management and other facilities to insure all are treated fairly; [c] approving the Ordinance and also placing a moratorium today, would prevent facilities from opening tomorrow but someone may legally challenge the City; (10) City Manager Lewis stated: [a] that the draft Ordinance was prepared based on Commission direction so that a land-use protection would be in place prior to a dispensing facility being located in North Port; (11) a moratorium still must follow the legal process of a legal advertisement and a public hearing prior to its adoption.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Ordinance No. 2016-33.

Discussion ensued and the following concerns were expressed: (1) the City must get ahead of the curve concerning the cannabis issue and the proposed Ordinance is a workable starting point; (2) parameters are needed for residential areas that border Commercial General districts; (3) after the State provides the newest requirements, the City can pass a compliance amendment to this Ordinance.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to amend the motion, for the Ordinance to include an 800-foot buffer around the residential areas. The motion carried by the following vote:

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

Discussion continued: (1) Commissioner Hanks articulated he has issues with the free-market aspect of this; (2) City Manager Lewis was requested to provide: [a] Ordinances from other cities regarding dispensing facilities; [b] information pertaining to the residential buffering; [c] information regarding leases; [d] options for any refinements that the Ordinance may need.

A vote was taken on the main motion, as amended, to approve Ordinance No. 2016-33, and for the Ordinance to include an 800-foot buffer around the residential areas. The motion carried by the following vote:

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

Recess 12:28 p.m. - 12:48 p.m.

C. [16-0649](#)

Ordinance 2016-34, First reading, CPAL-16-170, Amendments to the Elements of the City of North Port Comprehensive Plan as recommended in the Evaluation and Appraisal Review (EAR) for transmittal to the Florida Department of Economic Opportunity.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to read Ordinance No. 2016-34 by title only. The motion carried by the following vote:

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

City Clerk Adkins read Ordinance No. 2016-34 into the record by title only and City Manager Lewis introduced Planning Division Manager Norton and Planner Whittaker,

who presented a brief overview and a PowerPoint citing the changes and additions to the City's Comprehensive Plan. Mr. Thomas Cookingham, an AICP Planner assisting the Department, presented the Capital Improvement Program Element. Economic Development Manager Buchanan presented the new, optional, element of Economic Development. It was reported that the Planning & Zoning Advisory Board unanimously recommended that the Commission transmit the Comprehensive Plan to the Department of Economic Opportunity, but some members opposed the addition of the new Element, because the role of municipal government should be limited to the function of providing appropriate land use, transportation infrastructure, and incentives to allow the private sector to build from this base. Public comment was held.

Questions ensued: (1) City Manager Lewis clarified that staff has been working with the University of Florida concerning the Unified Land Development Code (ULDC) Community Meeting scheduled for January 5, 2017; (2) Manager Norton stated that Comprehensive Plan can be amended if the Commission decides to move in a different direction; (3) Exhibit A, page 2-29, Policy 9.12 prohibiting the cultivation of poultry for personal use, was clarified to mean large-scale poultry farming; (4) to clarify page 5-3, Policy 3.5.3, City Manager Lewis stated that examples of park enhancements included adding the splash pad and playground at Atwater Park, shade structures have been added at other parks as well; (5) page 5-4, Policy 3.10, the verbiage states "shall encourage" regarding Florida Friendly Landscaping and Manager Norton reported that cost complaints have not been received from developers concerning vegetation criteria; (6) it was agreed to delete the Public Art requirement on page 6-5, Policy 3.25; (7) page 6-7, Objective 8, and Policy 8.1, it was agreed to add "architectural to the list of Special Interest Parks, and to add "by 2020" in Policy 8.2; (8) page 7-4, Policy 3.3, staff recommended a Joint Planning Agreement (JPA) with Sarasota County because of the annexation opportunities that would be beneficial to the City, however, goals may be accomplished without the requirement of a JPA by amending the language: "The City of North Port may consider working with Sarasota County..."; (9) following a question regarding page 8-1, Housing Development, Objective 1, Manager Norton stated that tiny homes fall under a density and zoning issue and will be addressed in the Unified Land Development Code update; (10) the State Forest and Orange Hammock Preserve are in the city limits of North Port, are part of the City's Green Space and will be discussed further during the Comprehensive Plan update; (11) page 2-27, Objective 7, was amended by the University of Florida for clarification. The Capital Improvement Program (CIP) will be renamed Capital Improvement Budget (CIB); (12) following a concern on page 4-21, Policy 1.2, Stormwater Management, that single family platted lots were excluded from compensation due to negative impacts to the 100-year floodplain, Stormwater Manager Wong explained that subdivisions, commercial and industrial developments must compensate for the displacement of dirt and negative impacts they make on the flood plain. A small, 80x120-foot Single family home typically does not have to excavate equal amounts of dirt to compensate for the amount of fill dirt brought in, nor do the regulatory agencies require that they do; (13) because page 4-21, Policy 1.2 was included only as a point of clarification, it was requested to delete the last sentence: "For all developments other than single family plated lots, any impacts to the 100-year floodplain will need to be compensated;" (14) the following clarifications were provided for page 5-3, Objective 3: [a] the Tree Canopy Study noted in Policy 3.7, has not been done; [b] a Commission policy decision is needed whether to consider the additional acreage annexed by the City since 1997 as part of the Tree Canopy Study; [c] tree canopy coverage is determined at the tree's maturity; (15) Mr. Cookingham stated that a summary is provided for the entire Capital Improvements Schedule, and detailed sheets for individual projects are posted to the City's website; (16) the deletion on page 10-3, Policy 1.3, pertains to the ten-year financial projection for projects, and eliminates it from this part of the Goals, Objectives and Policy part of the Comprehensive Plan but does not eliminate it from the Capital Improvement Project process; (17) page 3-1, Transportation, the tables mentioned under the second asterisk, "backlogged" and "constrained" facilities are found in the Supplemental Data,

therefore needs to be removed; (18) page 3-12, Policy 10.3 and 10.4, pertains to hurricane evacuation routes and it was requested to add Price Boulevard to the list in trade for Preto Boulevard in the West Villages; (19) page 6-1, Recreation and Open Space, accumulating Neighborhood Parks was taken out as part of the Parks Master Plan process as a result of public input and professional assessments of current trends toward regional parks; (20) neighborhood parks is found on page 6-2 and has not been deleted.

PLANNING FRAMEWORK

City Manager Lewis stated that the "Mission Statement" should be determined in the Commission's Strategic Planning Meeting and thereafter, incorporate it into the Ordinance.

FUTURE LAND USE ELEMENT

(1) Activity Center 5 on page 2-6: [a] will increase the land use allotment to 5% to Commercial and 5% to Industrial; and [b] each Activity Center description will include the geographic classification in parenthesis; (2) page 2-15, Policy 2.7.3, the language regarding the future land use designations for residential uses near Warm Mineral Springs will remain and reviewed during the City's Comprehensive Plan review; (3) page 2-20, Objective 3, enables the City to work with the economic development community, as needed, to increase and/or diversify the City's economic tax base. The Objective will remain with staff's recommendations, but it was agreed to strike the reference "University of South Florida, 2012" in Policy 3.2 on page 2-20; (4) page 2-26, Policy 6.6 following a concern, clarification was provided of why staff recommended a separation of the Supplemental Data and Analysis book (Volume I) from the Goals/Objectives/Policies and Maps (Volume II). No changes were made.

TRANSPORTATION ELEMENT

(1) page 3-1, Policy 1.1 to keep Table 3-4; (2) page 3-8, Policy 5.9, it was requested to put a date: "Every three years" the City shall review its codes.

UTILITIES ELEMENT

(1) page 4-1, Objective 1, the language stricken is in this chapter is outdated, incorrect, and the underlined is the newly adopted Level of Service in the Utilities Master Plan and is reflected in Chart 10.1; (2) City Manager Lewis stated that the State will dictate the terms for the Level of Service; (3) Utilities Director Newkirk stated the City has a Utility Ordinance that includes more details, therefore those facts are unneeded here.

Recess 3:41 p.m. - 5:30 p.m.

CONSERVATION & COASTAL ZONE MANAGEMENT ELEMENT

(1) page 5-3, Policy 2.3, it was agreed to strike the 2012 date as recommended by staff and set a completion date of 2020 for the inventory analysis of areas containing critical wildlife and upland habitats; (2) page 6-7, Policy 9.5, it was agreed to strike the 2013 date as recommended by staff and set a date by 2020 to coordinate with local, state, regional, and national historic/archaeological experts to locate and evaluate historic sites and properties; (3) page 6-8, Policy 10.3, it was agreed to add Deer Prairie Creek in the list to work with Sarasota County "and other governmental and other agencies" regarding tailhead locations.

HOUSING ELEMENT

(1) page 8-5, Policy 5.4, it was agreed to keep the policy to coordinate with Sarasota County to bring economic development employment opportunities to North Port; (2) regarding Chapter 9, Public School Facilities, Planning Division Manager Norton explained that North Port's Ordinance is the same as the City of Venice, the City of Sarasota, Longboat Key, and Sarasota County, and will be updated together at a later date.

CAPITAL IMPROVEMENTS ELEMENT

(1) page 10-3, the Level of Service Chart, remains. However, staff will update Utility Potable Water, Sanitary Sewer with the correct LOS language prior to transmission to the State; (2) page 10-3, Policy 1.3, Table 2 and Table 3 were stricken because they are outdated. Following a discussion, it was agreed to leave the deletion as recommended by staff and discuss the item further during the budget process.

FUTURE LAND USE ELEMENT (revisited)

(1) page 2-29, Policy 9.10, it was agreed to strike the 2013 date for designated historic resources, and change the date to 2020; (2) page 2-4, it was agreed to strike Strategy 1.3.1.

ECONOMIC DEVELOPMENT ELEMENT

(1) following a question, it was explained that this section may be transmitted to the State and continue to review the contents; (2) Planning Division Manager Norton stated that the element is optional, was crafted by public input, and memorializes North Port's vision and strategies for future economic development; (3) City Manager Lewis stated that the Economic Development Element could be left in and removed at a later date without having to re-submit the Comprehensive Plan to the State, or the Commission could take it out and added later as a Comprehensive Plan amendment; (4) concern was expressed that there was insufficient time to vet the document's contents properly prior to submitting the Comprehensive Plan to the State by the December deadline; (5) if pulled at this time and subsequently adopted by the Commission at a later date, the document would be submitted to the State as an independent Comprehensive Plan Amendment. If transmitted now, the Commission may vet it further and then adopt it; (6) following a discussion, there was a general agreement to keep the Economic Development Element, with confidence that the Commission will reach the right solution; (7) it was recommended to schedule a joint meeting and invite the input of the area Economic Development entities; (8) page 7-4, to eliminate Policy 3.3, regarding the Joint Planning Agreement.

There was a consensus to direct the City Manager to work with the North Port Area Chamber of Commerce, the Community Economic Development Advisory Board and the Sarasota County Economic Development Corporation to schedule an Economic Summit, including public participation in February, 2017 in the evening.

City Manager Lewis clarified Commission's direction to contact the agencies, draft an outline plan based on the recommendations received, and, if possible, bring the framework back for Commission approval at the December 13, 2016 meeting. Additional specifications included: (1) to collaborate and identify how these entities will help North Port; (2) obtain their input concerning the Economic Development Element objectives; and (3) to resolve the Commission's point of view regarding the Economic Development Element.

For the record, Planning Division Manager Norton provided the following summary of Commission directions: (1) no changes were made to the City's Mission Statement; (2) Future Land Use Element, page 2-4, strike Strategy 1.31; (3) page 2-6, Figure 1, add 5% to Commercial and 5% for Industrial, and leave the geographical notations; (4) page 2-20, Policy 3.2, strike "University of South Florida, 2012" reference; (5) page 2-29, Policy 9.10, add "by 2020"; (6) a typo on page 2-31, Policy 10.3 add "Hurricane Evacuation Study 2010"; (7) Transportation Element, page 3-1, Objective 1, to keep the reference to Tables 3-4 in the Element; (8) page 3-8, Policy 5.9, add "every three years"; (9) page 3-12, Policy 10.3 and 10.4 add "Price Boulevard"; (10) page 4-21, Policy 1.2, delete last line regarding the 100-year flood plain; (11) page 5-3, Policy 2.3, add "by 2020"; (12) page 6-7, Objective 8 and Policy 8.1, add "architectural." Policy 8.2, add "by 2020"; (13) page 6-7, Policy 9.5, add "by 2020"; (14) page 6-8, Policy 10.3, add "Deer Prairie Creek" and "other governmental and other agencies"; (15) page 8-5,

Policy 5.4, unstrike the policy; (16) page 10-3, Level of Service Table, add Potable Water and Utility Level of Service; (17) page 6-5, Policy 3.2, delete the Public Art requirement.

There was a consensus to "consider" working with Sarasota County regarding the Joint Planning Agreement and Interlocal Service Boundary Agreement (JPA/ISBA) on page 7-4, Policy 3.3.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to continue Ordinance No. 2016-34, CPAL-16-170, Amendments to the Elements of the City of North Port Comprehensive Plan as amended today in the Evaluation and Appraisal Review for transmittal to the Florida Department of Economic Opportunity, and other reviewing agencies, for second reading. The motion carried by the following vote:

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

Recess 7:12 p.m. - 7:25 p.m.

D. [16-0654](#)

Ordinance No. 2016-38, First Reading, An Ordinance of the City of North Port, Florida, Amending the City of North Port Administrative Code, Chapter 42, Nuisances; Amending Section 42-21 Excessive Growth; Dead Trees.

THIS ITEM WAS PULLED FROM THE AGENDA.

6. RESOLUTIONS

A. [16-0648](#)

Resolution 2016-R-29, transmittal of Evaluation & Appraisal Review (EAR) based Comprehensive Plan Amendments to the Department of Economic Opportunity and other reviewing agencies.

City Clerk Adkins read Resolution No. 2016-R-29 into the record by title only and City Manager Lewis provided an overview. authorizing transmission to the state. There was no public comment.

Following a question, City Attorney Moriarty stated that the Resolution will be transmitted as the Commission instructed.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution No. 2016-R-29, to authorize the transmittal of the Evaluation & Appraisal Review Based Comprehensive Plan Amendments as noted previously, to the Department of Economic Opportunity and other State and regional reviewing agencies. The motion carried by the following vote:

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

7. GENERAL BUSINESS:

A. [16-0630](#)

A three-year tenant lease between Air Methods Corporation, Inc. (tenant) and the City of North Port (landlord) for space at Fire Station 81, 4980 City Center Blvd., North Port, FL for \$17,904 per year for office/living space to operate air medical transport services.

City Manager Lewis stated this is a three-year Agreement between the City of North

Port and Air Methods Corporation, In., which provides air transport services, located at Fire Station 81. Public comment was held.

Following a question, clarification was provided that the Agreement leases office space. Air Methods Corporation maintains the landing pad, lighting, wind sock, fencing, and all other associated devices.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve a three-year tenant lease between Air Methods Corporation, Inc. (tenant) and the City of North Port (landlord) for space at Fire Station 81, 4980 City Center Blvd., North Port, FL for \$17,904 per year for office/living space to operate air medical transport services. The motion carried by the following vote:

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

B. [16-0650](#)

South Biscayne Drive Median Improvements Project Update

City Manager Lewis introduced Public Works Director Bellia who provided an overview of the South Biscayne Drive Median Improvements with a PowerPoint. Public comment was held.

Questions ensued: (1) the curbing portion of the project is scheduled for Commission approval on December 13, 2016 and thereafter, a Notice to Proceed and Pre-construction Conferences will ensue. The landscaping and irrigation is scheduled for the January 10, 2016 Commission Meeting with an anticipated completion date of May, 2017; (2) the City Arborist was consulted regarding the appropriate trees to be installed with sight visibility and low maintenance. They are not expected to be a hazard in the future; (3) the residents expressed concern when the existing palm trees were removed and wanted them back; (3) City Manager Lewis suggested the Commission consider the option of replacing specific trees or direct staff to bring back options in conjunction with the irrigation system discussion in January.

There was a consensus to change the Biscayne Drive Median Improvements Project with the following Commission suggestions: (1) no pigmy palms shall be planted; (2) the number of shade trees shall be increased; (3) the City Arborist is directed to provide his recommendations to establish the transition look.

C. [16-0625](#)

Discussion and possible action regarding 2017 Convocation based on the Interlocal Agreement for School Facility Planning

City Manager Lewis provided a brief report regarding the Interlocal Agreement for School Facility Planning and requested Commission direction as it relates to coordination of land use, school facility planning, population and student growth, in-county migration trends, schools' needs, off-site improvements, school concurrency, and joint use opportunities. There was no public comment.

Discussion ensued regarding Commission suggested agenda items: (1) a school facility planning update including population projections; (2) the joint use and the capital investment for a 50-meter pool; (3) determining bus stop location and lighting issues; (4) a Suncoast Technical College update including plans to integrate existing schools; (5) a traffic signal and street lighting at North Port High School; (6) School Resource Officers and elementary school joint funding; (7) opportunities for joint infrastructure projects.

There was a consensus to transmit the Commission's suggested agenda items for the Convocation of Governments Meeting scheduled for January, 2017, as captured by City Manager Lewis in the summary.

D. [16-0646](#) Discussion and possible action regarding appointment of two (2) Members to the Planning & Zoning Advisory Board.

City Clerk Adkins provided a brief overview regarding the current openings on the Planning & Zoning Advisory Board. There was no public comment.

Subsequent to a question, City Clerk Adkins stated that knowledge of whether or not they are full-time residents but the Advisory Board Application will be revised soon and that change will be considered.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to approve the appointments of Calum Middleton and Philip Lamade to the Planning & Zoning Advisory Board. The motion carried by the following vote:

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

E. [16-0647](#) Discussion and possible action regarding appointment of one (1) Member to the Charter Review Advisory Board.

City Clerk Adkins stated that a second application was received shortly after this was placed on the agenda and Commission direction was requested regarding the one vacancy opening. There was no public comment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to pull the application and re-schedule the agenda item to include consideration of the two applicants for the Charter Review Advisory Board at the December 13, 2016 Commission Regular Meeting. The motion carried by the following vote:

Following a question, City Clerk Adkins responded that there is currently one vacancy on the Charter Review Advisory Board and there are no openings upcoming in the next few months.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to include any applications received through November 29, 2016 for the December 13, 2016 Commission Meeting. The motion carried by the following vote:

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

A vote was taken on the main motion, as amended, to pull the current application and re-schedule the agenda item to include consideration of any applications received through November 29, 2016 for the December 13, 2016 Commission Meeting. The motion carried by the following vote:

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

F. [16-0655](#) Discussion, and possible action regarding the District and Commission Regular Meeting Schedule for 2017.

City Clerk Adkins requested direction regarding approval of the Commission Regular Meeting Schedule for 2017. Examples were submitted for consideration. Public comment was held.

Discussion ensued: (1) a legal ad is advertised in the local newspaper noting the schedule that is approved by the Commission. It can be amended and may need to be re-advertised: (2) a strike-through version of Ordinance No. 2016-04 was distributed regarding Meeting Procedures, which addresses Commission Meeting times; (3) Tuesday Commission meetings conflict with Sarasota County Board of County

Commission Meetings; (4) there was an agreement to schedule one daytime meeting and one evening meeting; (5) a suggestion was proffered to re-incorporate the Recognition Meetings into the Regular Meetings; (6) it was suggested to schedule first and second reading of Ordinances with one in the afternoon meeting and the other in the evening meeting.

A motion was made by Commissioner Hanks, seconded by Vice-Mayor Carusone, to approve Schedule 2 for the 2017 Commission Meetings with the proposed changes as follows: (1) the day meeting will begin at 1:00 p.m.; (3) District meetings will be scheduled on the fourth Tuesday at 4:00 p.m.; (5) the first March meeting will be changed to Tuesday, March 7, 2017 at 1:00 p.m.; (6) the first May meeting will be changed to Wednesday, May 10, 2017 at 1:00 p.m.; (7) the first November meeting will be changed to Monday, November 13, 2017 at 1:00 p.m. The motion carried by the following vote:

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

G. [16-0659](#) Discussion and possible action regarding approval of a 2017 Special Recognition Meeting Schedule.

City Clerk Adkins provided the 2017 Commission Special Meeting Schedule for consideration. There was no public comment.

Subsequent to a question, City Manager Lewis stated that some Special Recognition Meetings could be scheduled for a time certain when needed, to accommodate the group being recognized. City Clerk Adkins reported that the reason this meeting is scheduled on the first Thursday is to accommodate time-sensitive proclamations etc., in an efficient manner.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to accept the Special Recognition Meeting Schedule for 2017 as presented. The motion carried by the following vote:

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

H. [16-0658](#) Discussion, and possible action regarding Commission Board and Committee assignments for the Year 2016/2017

City Clerk Adkins distributed an updated schedule for the Commission Board and Committee Assignments for the Year 2016/2017 for consideration and thereafter, discussion ensued and resulted in the following assignments:

2016-2017 COMMISSION BOARD AND COMMITTEE ASSIGNMENTS.

- (1) Charlotte Harbor National Estuary Program – Voting Seat Commissioner McDowell, Alternate Vice-Mayor Carusone.
- (2) Community Health Action Team (CHAT) – Voting Seat Commissioner Hanks, Alternate Mayor Yates.
- (3) Council of Governments – Voting Seat Mayor Yates, Alternate Vice-Mayor Carusone.
- (4) Economic Development Corporation of Sarasota County – Voting Seat Commissioner Hanks, Alternate Vice-Mayor Carusone.
- (5) Manasota League of Cities – Voting Seat Mayor Yates, Alternate Vice-Mayor Carusone.
- (6) MPO (Sarasota/Manatee Metropolitan Planning Organization) – 1st Voting Seat Mayor Yates, Alternate Commissioner McDowell; 2nd Voting Seat Vice-Mayor Carusone, Alternate Commissioner Hanks.
- (7) Peace River Water Alliance Board – Voting Seat Commissioner McDowell, Alternate

Commissioner Hanks.

(8) Southwest Florida Regional Planning Council – Voting Seat Commissioner McDowell, Alternate Vice-Mayor Carusone.

(9) Visit Sarasota (Sarasota County Commission Chambers) – Voting Seat Commissioner Hanks, Alternate Commissioner McDowell.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the Commission Board and Committee Assignments for 2016-17 as discussed. The motion carried by the following vote:

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

8. PUBLIC COMMENT:

Public Comment from 9:58 p.m. - 10:01 p.m.

9. SCHEDULING OF WORKSHOPS:

Commissioner McDowell requested the following workshops: (1) excessive growth; (2) internet access in the Estates.

Following a request concerning former workshop requests, direction was provided: (1) remove the citizen food sustainability item but bring back specific items; (2) keep the workshop regarding the tree ordinance (Unified Land Development Code, Chapter 45); (3) schedule the streetlight moratorium as an agenda item; (4) the solicitation item will remain as a workshop discussion; (5) the backflow program needs to be reviewed as a General Business item with a draft of legislation language; (6) the Extended Hour Program at Warm Mineral Springs to be scheduled as a General Business item; (7) the harvesting Ordinance discussion is still to be decided; (8) address issues that were never incorporated into an Ordinance General Business item with draft Ordinance language; (9) the Community Hall of Fame to recognize citizen achievements.

10. COMMISSION REPORTS:

Vice-Mayor Carusone requested to schedule: (1) a Resolution for December 13, 2016, rescinding Resolution No. 2015-R-28, Use of City Facilities; (2) a draft Ordinance on December 13, 2016 mirroring the Sarasota County Ordinance regarding backyard chickens; (3) an agenda item for December 13, 2016 revisiting Ordinance No. 2016-04, Meeting Procedures; (4) sometime in January, to revisit Chapter 29, Political Sign Regulations; (5) in December or January an anti-fracking Resolution.

Commissioner McDowell requested: (1) a presentation in January, 2017 meeting, to restore the City's Animal Control Officer; (2) to review Attorney Robert Robinson's contract including a Termination Notice at the December meeting; (3) to bring back the Human Rights Ordinance in January and amend it to include veterans and pregnant women.

Following a request for an update on the Deputy City Clerk search, City Clerk Adkins stated that the advertisement closed on November 27, 2016 and applications are under review. Assistant City Manager Schult stated that the Commission directed that all qualified applicants be provided to the Commission to short-list the candidates and conduct interviews and the Human Resources Director has list of seven candidates that met all the qualifications of the job description.

Following a question regarding the termination notice for the City Clerk Consulting Agreement, City Attorney Moriarty stated that a Commission consensus today would serve to satisfy the 20-day notification requirement.

There was a consensus to direct the City Clerk to bring back a short-list of three candidates for the Deputy City Clerk position for the Commission to interview at the next meeting.

There was a consensus to allow Commissioner McDowell to work with City Attorney Moriarty and/or City Manager Lewis to amend the Human Rights Ordinance and thereafter present the draft to the Commission for discussion and possible action.

There was a consensus to direct the City Manager or designee, to send the Termination Letter on the Independent Contractor Consulting Services Agreement for Helen Raimbeau, effective in 20 days.

Mayor Yates reported: (1) the 2016-07 Sarasota County Legislative Delegation Meeting has been scheduled for January 18, 2017, at 9:00 a.m., at the County Administrative Building in Sarasota, where Representative Julio Gonzalez will Chair the Meeting; (2) the Florida League of Cities Conference is scheduled for December 7, 2016 in Tallahassee; (3) requested a consensus to a re-hear the Economic Development Element beginning with the Planning & Zoning Advisory Board; (4) requested a consensus to receive the updated City Charter language as passed in the recent Referendum item last November.

City Attorney Moriarty reported that the recent City Charter amendment, as approved in the recent referendum, will be memorialized in a Resolution that will be publicly noticed and distributed to the Commission with the underlined and strike-through versions of the changes. In addition, another amendment from 2004 that was never codified will also be memorialized in the Resolution.

There was a consensus to direct staff and the Planning & Zoning Advisory Board to revert the Economic Development Element to the Comprehensive Plan and forward their recommendations to the Commission.

11. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lewis reported: (1) that the 10th Annual 12 Days of Giving starts November 29, 2016 through December 9, 2016 and noted the drop-off locations for unwrapped presents; (2) the Price Widening Public Meeting is scheduled for November 30, 2016 from 6:00 p.m. at the Morgan Family Community Center; (3) the 5th Annual Poinsettia Parade is scheduled for December 2, 2016 at 5:00 p.m. along North Port Boulevard; (4) the 5th Annual Tree Lighting Celebration is scheduled on December 2, 2016 from 6:00 p.m. to 9:00 p.m. at the City Center Green.

12. ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Regular Meeting at 11:05 p.m.

City of North Port, Florida

By: _____
Linda M. Yates, Mayor

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

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2017.