



# 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*

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Tuesday, January 10, 2017

1:00 PM

CITY COMMISSION CHAMBERS

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**NOTE: This is a draft copy of the minutes of the 01-10-2017 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 1:05 p.m. in City Chambers by Mayor Yates.

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

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

### **1. APPROVAL OF AGENDA – COMMISSION**

City Manager Lewis requested to pull agenda item 7.A., to approve Contract No. 2017-08 between the City of North Port and C-Squared Certified General Contractor, Inc. to construct curbing around the South Biscayne Drive medians in the amount of \$412,912.60, plus \$15,000.00 for contingencies, to a future meeting.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the Agenda as amended. The motion carried by the following vote:***

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

The meeting was recessed to conclude a previous Special Meeting that started at 9:00 a.m., and this meeting will be reconvened later.

Recess 1:08 p.m. - 2:01 p.m.

**2. ANNOUNCEMENTS****A. [17-0755](#) Current Vacancies for Boards and Committees.**

City Clerk Adkins read the Current Vacancies for Boards and Committees into the record and announced that Sarasota County has a vacancy for a North Port representative on the Bicycle Pedestrian and Trail Advisory Committee. Applications are available in the City Clerk's Office.

**B. [17-0756](#) 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 2:03 p.m. - 2:30 p.m.

Buddy Hughes: Road & Drainage cleaned ditches at Country Club Ridge. Bottles of water for the Commission.

Bill Welk: Public Record Requests. A City dump truck parked at RaceTrac for two hours, boring equipment sitting in a warehouse for two years, \$200,000 spent on outside legal services, \$481,000 given to capped employees, labor and benefit costs, retroactive pay increases.

Pete Emrich: The Special Election process, campaign contributions and signs, the cost of the Special Election. The pool. Maintenance on City's welcome signs.

Steve Brand: Plantation Boulevard.

Lindy Endy: Directional signs to the Fire Station.

Louis Macri: Maintenance of Woodlands and Panacea landscaping.

Carmine Coronato: A Woodlands resident. City should maintain it. Panacea is a jungle.

Joan Morgan: Dedication of the Multi-purpose Parks last Saturday. Bill Butler history. Sports fields, swimming pool. YMCA pool.

Pete Pedersen: Requested the Commission pull Item 4.F., Students riding in Emergency Vehicles.

Subsequent to public comment: (1) following a question from Vice-Mayor Carusone, City Attorney Moriarty confirmed that when the Panacea development submitted the final plat, the City did not approve the landscape with the right-of-way and it is not maintained by the City; (2) City Manager Lewis stated that the sidewalks, the curb, and the light infrastructure was dedicated to the City and direction is needed regarding public purpose, therefore an agenda item is scheduled for the next Commission meeting addressing his concerns.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to suspend the City Code for Commission Meeting Procedures for this meeting. The motion carried by the following vote:***

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

Mayor Yates requested that Agenda Item 5.A., be heard prior to the Consent Agenda.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to move Agenda Item 5.A., be heard prior to the Consent Agenda. The motion carried by the following vote:***

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

## **5. PUBLIC HEARINGS:**

- A. [16-0715](#)** DMP-16-155, 7-11 Cranberry Development Master Plan (convenience store and gas station) located on the southeast corner of Toledo Blade Boulevard and Cranberry Boulevard (Quasi-Judicial).

City Clerk Adkins, as a Notary Public for the State of Florida, swore in all those wishing to provide testimony.

The Commissioners had no ex parte communications to disclose.

City Manager Lewis provided a brief overview of quasi-judicial procedures and introduced Mr. Roland Piccone, of Gap Engineering and Planning, Agent for the Developer for the 7-11 Gasoline Convenience Store, who provided an overview of the concept plan with a PowerPoint. Mr. Tom Ballenger, Engineer for Gap Engineering, was present to answer questions.

Planning Division Manager Norton and Project Planner McNish provided an overview of the project and, for the record, made a correction that the package wastewater lift station as mentioned in the Staff Report, will not be constructed, but the development will comply with the City's Utility Regulations as determined in the Major Site and Development stage of the project. A PowerPoint presentation was provided regarding various aspects of the development. There was no public comment.

Questions ensued: (1) turn lanes on Toledo Blade and Cranberry Boulevard were explained; (2) the remaining 2.6 acres is zoned commercial general and is not being developed at this time; (3) currently, discussions are in progress with 7-11 corporate offices regarding the appropriate number of pumping stations on this site, with 16 as the maximum capacity; (4) all stormwater filtering will comply with the Southwest Florida Water Management District (SWFWMD) and the City of North Port requirements; (5) for the record, a concern was expressed regarding gasoline delivery trucks traveling through residential neighborhoods such as Price Boulevard (6) the dedicated turn lanes into the school facility on Cranberry Boulevard is the responsibility of the Suncoast Technical College; (7) confirmation was provided by the Applicant, that there will be a dedicated left turn lane into the 7-11, a right turn lane into the technical college and a continuing stripe-through lane continuing on Cranberry Boulevard; (8) the parcel under consideration is all commercial general and the residential area is to the west on the other side of the canal; (9) the maps and information in the DMP will be updated.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve DMP-16-155, 7-11 Cranberry Development Master Plan. The motion carried by the following vote:***

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

Recess 3:18 p.m. - 4:00 p.m.

## **4. CONSENT AGENDA:**

Commissioner McDowell requested to pull all Consent Agenda Items except 4.E., 4.H., and 4.I., and Mayor Yates requested to pull Item 4.E.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the Consent Agenda Items 4.H., and 4.I., and pulling 4.A.,***

**4.B., 4.C., 4.D., 4.E., 4.F., 4.G., and 4.J. for discussion. The motion carried by the following vote:**

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

**A. [16-0736](#)** Appointment of Andrew Sias for his second term as a Member of the Parks & Recreation Advisory Board.

City Clerk Adkins stated the Appointments were placed on the Consent Agenda because there was only one individual who submitted an application for each board. When there was more than one from which to choose, the item would be placed in General Business. An overview was then provided regarding the vacancy on the Parks & Recreation Advisory Board and the qualification of Mr. Sias. There was no public comment.

**A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve appointing Andrew Sias for his second term as a member of the Parks & Recreation Advisory Board. The motion carried by the following vote:**

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

**B. [16-0737](#)** Appointment of Nicholas Trolli as a Member on the Public Utility Advisory Board.

City Clerk Adkins provided a review of the vacancies on the Public Utility Advisory Board and the candidate's application for Commission consideration. There was no public comment.

After Mr. Trolli was acknowledged as present in the audience and invited to speak, he declined the opportunity unless the Commission had questions.

It was suggested that at the end of the meeting, the Commission provide direction to the City Clerk whether to place all appointments on General Business or the Consent Agenda

Commissioner McDowell stated she was contacted by several people who expressed that his appointment was inappropriate based on things he said and did in the past, and she will choose to follow the citizens' direction.

**A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to appoint Nicholas Trolli as a member of the Public Utility Advisory Board. The motion carried by the following vote with Commissioner McDowell dissenting for reasons previously stated:**

**Yes:** 3 - Mayor Yates, Vice-Mayor Carusone and Commissioner Hanks

**No:** 1 - Commissioner McDowell

**C. [16-0738](#)** Appointment of Jenny Casch as a Public Relations Representative to the Community Economic Development Advisory Board.

City Clerk Adkins reported there is a vacancy for a Public Relations Representative on the Community Economic Development Advisory Board and that the application had been submitted for Commission's consideration. There was no public comment.

**A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks,**

***to approve Jenny Casch as the Public Relations Representative to the Community Economic Development Advisory Board. The motion carried by the following vote:***

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

**D. [16-0733](#)**

Agreement to conduct the Special Primary Election on March 14, 2017, and the Special Election on May 9, 2017 between the Sarasota County Supervisor of Election and the City of North Port. The agreement will require a deposit of \$20,000 with any costs incurred to the Supervisor of Elections above the \$20,000.00 deposit to be billed in a final statement to the City of North Port after the final account of the Election(s).

City Clerk Adkins provided an overview of the Agreement to conduct a Special Primary Election in March and, if necessary, a Special Election in May.

Questions ensued: (1) the estimated deposits of \$10,000 for the Primary and \$10,000 for the General Election is paid to the Sarasota County Supervisor of Elections, and includes Supervisor of Election staff overtime, the cost of any temporary elections office staff, gas reimbursement for election office vehicles, vehicle leases, mileage reimbursement for staff vehicles, vote-by-mail outgoing envelopes, return certificate envelopes and secrecy sleeves, printing backup precinct registers, all phone usage, advertising for voting equipment, public logic and accuracy tests, and the canvassing board meeting notices; (2) the City will pay directly for the polling locations, poll workers, for the design, printing and mailing of sample ballots, advertisement for the election and for a sample ballot to be placed in the newspaper. There are some costs that are included in the deposit, such as the vendor for the polling-place ballots; (3) the Supervisor of Elections will bill the City with a statement of final costs, noting any refunds or overages in expenses; (3) all cost-related quotes have not been received and a final estimate cannot be provided at this time; (4) sample ballots must be mailed to all registered voters; (5) the cost for mail-in ballots will come from the deposit; (6) the contact person to receive the certified election results is City Clerk Adkins and the backup will be Administrative Services Specialist Frost; (7) the 2017 Estimate Election Expenses Incurred by the Supervisor of Election and the Summary of Responsibilities and Obligations were provided for the record. The documents were reviewed by the City Attorney as to the form and correctness.

Public comment was held.

Buddy Hughes: Special Election.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the Agreement to conduct the Special Primary Election on March 14, 2017, and the Special Election on May 9, 2017 between the City and the Sarasota County Supervisor of Election. The motion carried by the following vote:***

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

**E. [16-0735](#)**

Polling Place Agreements for Precinct 309, 311, 313, and 331 between the Sarasota County Supervisor of Elections and the City of North Port for the Special Primary Election, March 14, 2017 and the special Election, May 9, 2017.

City Clerk Adkins provided an overview of the Polling Place Agreement for the Special Election. For the record City Attorney Moriarty reviewed the Agreement as to form and

correctness. There was no public comment.

Following a question, clarification was provided that the polling locations cannot be exclusive to the Mullen Center and the Morgan Center.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Polling Place Agreements for Precinct 309, 311, 313, and 331 between the Sarasota County Supervisor of Elections and the City of North Port. The motion carried by the following vote:***

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

**F. [16-0444](#)**

Renewal of Affiliation Agreement with Sarasota County School Board to permit students enrolled in health science programs to ride-along with Fire Rescue EMS crews.

Fire Chief Taaffe provided a PowerPoint presentation regarding the Agreement. Chief Taaffe explained that students are all covered under School and the City, and they also sign a HIPPA agreement and a Liability Agreement with the City.

Questions ensued: (1) a copy of Exhibit C, was provided for the record; (2) the indemnity clause was moved to paragraph 6 and the City is listed as the entity being indemnified; (3) for the record, the Agreement was placed on the City Commission Meeting because it is the parent body for both the EMS and the Fire Rescue District; (4) the Mayor's signature line needs to be changed to the current Commission Mayor.

Public comment was held.

David Duval: Student ride-alongs.

Questions and discussion continued: (5) following a public comment concern, Chief Taaffe stated that in life-threatening incidents, students would be removed from the front line whenever there is prior knowledge of such cases; where Fire personnel wait until law enforcement has secured the scene; (6) following a request, City Manager Lewis stated he will obtain the Standard Operating Procedures for those situations from Chief Taaffe and forward them to the Commission; (7) students must be at least 18 years-old; (8) high school students may enroll for the classroom programs but cannot do field clinicals, the clinical rotations or be certified until they are 18; (9) students must purchase insurance through the school program and the course is taught at Suncoast Technical College; (10) the majority of students are adults; (11) it was suggested to develop a volunteer Explorer Program for high school students pertaining to firefighting and EMT training.

***A motion was made by Commissioner Hanks, seconded by Vice-Mayor Carusone, to approve renewal of Affiliation Agreement with Sarasota County School Board to permit students enrolled in health science programs to ride-along with Fire Rescue EMS crews. The motion carried by the following vote:***

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

**G. [16-0703](#)**

First Amendment to Investment Advisory Agreement with PFM Asset Management LLC.

City Manager Lewis provided an overview and explained this is an amendment to an existing Agreement that will lower the City's fees currently being paid to manage the fund. There was no public comment.

Subsequent to a request, City Manager Lewis clarified that the \$86,127,366 is the total

cash investment as reflected in the City's Annual Audit. A significant portion of that is for the Road Bond because all the proceeds were deposited at one time. When there is a cash amount that is restricted or set aside for a specific purpose, it is prudent to place it in an account to earn interest. Citizens may review the Annual Audit, under the Investments for All Funds, to see the cash amount.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve First Amendment to Investment Advisory Agreement with PFM Asset Management LLC. The motion carried by the following vote:***

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

- H. [16-0707](#) Requested Operational and Voluntary Cooperation Agreement between the North Port Police Department and the Charlotte County Sheriff's Office.
- I. [16-0723](#) Memorandum of Understandings between the North Port Police Department and the Peace River K9 Search and Rescue, and the North Port Police Department and Sarasota K9 Search & Rescue, Inc.
- J. [16-0712](#) Amendment No.1 to an Interlocal Agreement between Sarasota County and the City of North Port to undertake community development and housing activities utilizing Community Development Block Grants within the municipality, adding that Sarasota County and the City of North Port will affirmatively further fair housing.

Assistant City Manager Schult provided an overview regarding the Interlocal Agreement with Sarasota County. The Department of Housing and Urban Development (HUD) required a minor change after the Agreement was already approved. Sarasota County Approved the Agreement on December 13, 2016. There was no public comment.

Questions ensued: (1) the Community Development Block Grant Program (CDBG) is the umbrella funding source for several programs; (2) historically, and because it is based on population, North Port has received more funding by joining a coalition with the City of Sarasota, the City of Venice and Sarasota County; (3) Assistant City Manager Schult attends the meeting to insure funds are allocated to those programs the City chooses; (4) the program to be funded is reviewed and approved by the Commission prior to taking the request to the Sarasota County Commission; (5) the Interlocal Agreement has a three-year renewal option; (6) Section 13 states that, in order to receive grant funding, the City will participate in the Interlocal Agreement and agrees to support the fact that fair housing is needed; (7) as each renewal option nears, staff reviews the amount of funding the City received vs. how much would have been received as a stand-alone, small city and North Port has consistently received more as a member of the coalition than we would have alone; (8) a historical statistical report of benefits will be forwarded to the Commissioners; (9) projects that the City submitted and were approved in the past include two positions in Social Services; the replacement of air conditioning units, interior and exterior repainting, interior refurbishing in the Senior Service Center; the replacement of 16 lift stations in the mobile home areas near Ortiz Boulevard; (10) Assistant City Manager Schult confirmed, for the record, this does not prevent the City from any other benefits that the CDBG funding may offer that go beyond the scope of fair housing.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the Amendment No.1 to an Interlocal Agreement between Sarasota County and the City of North Port to undertake community development and housing activities utilizing Community Development Block Grants within the***



*municipality, adding that Sarasota County and the City of North Port will affirmatively further fair housing. The motion carried by the following vote:*

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

## **6. RESOLUTIONS**

### **A. [16-0728](#)**

Resolution 2017-R-01; A Resolution of the City of North Port Supporting a Statewide Ban on Hydraulic Fracturing, Acid Fracturing, and Well Stimulation for the purpose of exploration of Oil or Natural Gas in the State of Florida.

City Clerk Adkins read Resolution No. 2017-R-01 into the record and City Manager Lewis provided a review of the proposed legislation regarding fracking.

Public comment was held.

David Duval: the Legislation doesn't go far enough.

Questions ensued: (1) it was noted that issues related to natural resources will be considered this year by the Florida State Legislature and it was recommended that in trips to Tallahassee and Washington D.C., the Commission convey the message that North Port is adamantly against any authorization preventing the City from creating laws against the use of fracking etc., in the State of Florida; (2) if approved, the Resolution should be forwarded to the Governor in Tallahassee; the City's delegation members; lobbyists, and request input from the latter of other entities to whom the Resolution should be communicated; (3) officially, Florida has not banned fracking; (4) because of the Florida League of Cities stance on the protection of home rule, they support a ban.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Resolution 2017-R-01, and direct the City Manager to send the Resolution to the appropriate legislators and other entities, with a cover letter under the mayor's signature.***

Discussion continued: (1) it was noted that science is not settled on the negative effects of fracking and the Commission must weigh the risks and rewards; (2) to preserve "home rule" it was suggested that the City should craft its own ordinance to ban fracking sooner rather than later.

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to amend the motion, to direct staff to bring an Ordinance in 60 days banning fracking within North Port City Limits.***

***The motion and second were withdrawn.***

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to amend the motion, to direct the City Manager and staff to bring back a draft Ordinance within 90 days, banning fracking within the City limits. 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 approve Resolution 2017-R-01; to direct the City Manager to send the Resolution to the appropriate legislators and other entities, with a cover letter under the mayor's signature; and to direct the City Manager and staff to bring back a draft Ordinance within 90 days, banning fracking within the City limits. The motion carried by the following vote:***



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

Mayor Yates requested that information provided by staff or other Commissioners will be provided to the City Manager or City Clerk to distribute to the other Commissioners.

***A motion was made, seconded by Vice-Mayor Carusone, that the Resolution be amended. The motion carried by the following vote:***

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

**B. [16-0730](#)**

Resolution 2017-R-02, providing for codification of the City Charter Article III, Section 3.02 "Election and Term of Office," subsection (d) to amend the language as approved by voters in the November 8, 2016 referendum

City Clerk read Resolution No. 2017-R-02 into the record by title only and City Attorney Moriarty provided a brief introduction to the agenda item.

Questions ensued: (1) the strike-through language in Section 2.01 was added in an over abundance of caution and the final version will be clean with no strike-through text or underlining.

Public comment was held.

Arthur Grimes: Losing people with experience when new Commissioners elected. Learning curve for new Commissioners. A poor choice to shut the door for future potential Commissioners.

Pete Pedersen: "Amending the language as approved by voters" is confusing. Is on the Charter Review Advisory Board and doesn't remember discussing this. Why.

Mayor Yates explained it is a codification of language already put to the voters and approved last November, and is an administrative formality. The Commission took the recommendation of the Board and made changes.

Questions and discussion continued: (2) clarification was provided that: [a] Resolution No. 2017-R-02 is an administrative formality which will codify the language approved by the voters last November; [b] the Commission took the Charter Review Advisory Board's recommendation and used its prerogative to change the language before it went to the residents as a referendum; and [c] the amendment was approved by North Port voters through due process; (3) subsequent to a concern, City Attorney Moriarty affirmed that because this is a voter directive, Vice-Mayor Carusone may vote on the issue at hand; (4) after a brief discussion, it was proffered that the Resolution language states that "No person shall be elected to the office of a Commissioner more than twice." needs to be readdressed.

***A motion was made by Commissioner Hanks, seconded by Commissioner McDowell, to approve Resolution 2017-R-02, providing for codification of the City Charter Article III, Section 3.02 "Election and Term of Office," subsection (d) to amend the language as approved by voters in the November 8, 2016 referendum. The motion carried by the following vote:***

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

**C. [16-0731](#)**

Resolution 2017-R-03, providing for codification of the City Charter Article VI, Section 6.01 "Meetings" to amend the language as approved by voters in the November 2, 2004 referendum

City Clerk Adkins read Resolution No. 2017-R-03 into the record by title only and City

Attorney Moriarty stated the item is adequately explained in the title.

Questions ensued: (1) the City Charter has been reviewed thoroughly and the City Attorney is confident that all provisions approved by voters in referendum; (2) it is unknown at this time why the 2004 Charter amendment approved by voters was not codified; (3) after an extensive review by the City Attorney and a secondary review by the Assistant City Attorney, it was stated that the City Charter is up-to-date and this was the only error that was found; (4) officially codified or not, the Charter provision is effective from the referendum approval date; (5) each time there is a change in the City Charter, it is so noted in the Introduction to the document; (6) for the record, the only language that is being added and codified in this Resolution Section 2.02 are the words: "Article VI, Section 6.01."

Public comment was held.

Pete Pedersen: Questioned the changes.

Mayor Yates explained the changes are explained in the backup material; and Vice-Mayor Carusone stated that this makes sure that North Port complies with State Statutes.

Following public comment, the specific portions of the City Charter that were changed as a result of the 2004 referendum, were noted for the record and it is included in the backup material along with the original Ordinance.

***A motion was made, seconded by Commissioner Hanks, to approve Resolution 2017-R-03. The motion carried by the following vote:***

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

Recess 6:27 p.m. - 6:45 p.m.

## **7. GENERAL BUSINESS:**

- A. [16-0716](#) Approve Contract No. 2017-08 between the City of North Port and C-Squared Certified General Contractor, Inc. to construct curbing around the South Biscayne Drive medians in the amount of \$412,912.60, plus \$15,000.00 for contingencies.

***THIS ITEM WAS REMOVED FROM THE AGENDA.***

- B. [16-0696](#) Discussion and direction regarding the City of North Port paying to paint traffic control signals on US 41 between Salford Boulevard and Sumter Boulevard relating to the US 41 Widening Project in the amount of \$27,500.

City Manager Lewis introduced the agenda item and Public Works Director Bellia provided an overview of the signal pole mast arm and bench painting project. Clarification was provided that the focus of this item pertains to painting only, and the Agreements are scheduled for approval at the next Road & Drainage District Regular Meeting.

Questions ensued: (1) the cost for painting all 11 signal light poles and mast arms is approximately \$42,000; (2) the City is funding the project and FDOT will continue through with their procurement procedures; (3) FDOT has not apprised the City regarding the improvement plans for U.S. 41 between Ortiz Boulevard and Salford Boulevard; (4) it was reported that FDOT has no plans in their 5-year plan to further widen U.S. 41, however, the long-range plan widens U.S. 41 all the way to Ortiz

Boulevard; (5) after it was suggested to increase the distance between the City Center Green decorative pedestrian light poles from Ortiz Boulevard to Pan American Boulevard, City Manager Lewis clarified that the installation requirements are from FDOT regulations but there may be opportunity for future discussions with FDOT to modify the distance provision; (7) it was stated that no part of the mast arm is required to be painted; (8) it was affirmed that FDOT's estimated cost to paint the 11 mast arm poles are for three intersection locations at Salford Boulevard, in front of the Cocoplum Village Shops, and at Sumter Boulevard; (9) it was reported that a Resolution will accompany the Agreement when it is presented to the Commission and it is an FDOT requirement; (10) funding source for the project will be identified in the Road & Drainage District Fund and if additional funds are required, a budget amendment request will be brought to the Commission; (11) it was reported that: [a] portions of the poles in front of Home Depot are bronze in color but those pre-date the "City Center Green" policy; [b] if not painted, the mast arms being replaced by FDOT will be galvanized steel; (12) the cost is approximate and is based on the intersection with the higher number of mast arms.

Public comment was held.

David Duval: Let FDOT install the galvanized poles.

***A motion was made by Vice-Mayor Carusone, to direct staff to paint (City Center Green) any traffic control signals on US 41 relating to any US 41 Widening Projects with the direction to have the required Agreements and Resolutions to be brought back to the Commission at a Road & Drainage District Meeting. There was no second and the motion failed.***

Discussion ensued: (1) Vice-Mayor Carusone stated; [a] that City Center Green was part of the community's design standards for U.S. 41; [b] and the City should be required to follow design standards just like the design standards commercial developers are required to follow; [c] U.S. 41 is the City's entrance way and the design standards make North Port unique; [d] the long-term effect of design standards is very important and upon entering North Port the beauty begins at the West Villages welcome sign and continues until one exits the City limits into Charlotte County; (2) clarification was provided that the decorative pedestrian lights along U.S. 41 are painted City Center Green and the poles that have flag and/or event banners belong to FDOT; (3) following a question, it was reported that the premise of City Center Green is for way finding and the Urban Design Pattern Book for urban amenities, is specific to pedestrian-level street lights, and when working with FDOT the City requires those lights to be City Center Green because they are a pedestrian way-finding amenities; (4) clarification was provided that the streetlight with the flags are galvanized steel and the sidewalk pedestrian lighting is City Center Green.

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to allow the Florida Department of Transportation (FDOT) to install the galvanized steel light pole mast arms and not paint them City Center Green or any other color. The motion carried by the following vote with Vice-Mayor Carusone dissenting for reasons previously stated:***

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

**No:** 1 - Vice-Mayor Carusone

Following a request, clarification was provided that because FDOT will install the mast arms, City Manager Lewis understood that means all of them will be galvanized.

***A motion was made by Vice-Mayor Carusone, to direct staff to address the pedestrian decorative poles between Ortiz Boulevard and Pan American Boulevard that are too close together. There was no second and the motion failed.***

Following a concern regarding the decorative light poles between Ortiz Boulevard and Pan American Boulevard that are too close together, City Manager Lewis clarified that because the project is funded by FDOT, it was recommended to wait until the close-out date of the project. This was an item identified in the Action Items from the Commission's Strategic Plan.

***There was a consensus to direct staff or the City Manager to provide an update to the Commission concerning moving the pedestrian lights on U.S. 41.***

C. [16-0718](#)

Update on the West Price Boulevard Improvement Project: acquisition of vacant lots for storm water retention

City Attorney Moriarty provided a brief overview of the acquisition of 16 lots along Price Boulevard for stormwater purposes.

Questions and discussion ensued: (1) clarification was provided that: [a] the lots identified for acquisition are the preferred lots at each of the four locations; [b] the other lots were less preferable and less functional; [c] the intent is to purchase lots before they are developed; [d] today's requested direction pertains to stormwater retention needs not land acquisition for the future road-widening improvements on Price Boulevard; (2) the accumulated information is targeted to come before the Commission at the February 28, 2017 Commission Meeting; (3) after a concern was expressed, City Attorney Moriarty stated that to get a fair representation of the value of the property, the appraiser will review similarly situated parcels, so as not to get a "false comparable" comparison. By doing so, if eminent domain is employed, the City can prove it used fair market value if citizens protest; (4) the process of moving forward to a final sale was explained; (5) a brief discussion ensued regarding a moratorium on property along Price Boulevard and clarification was provided that a moratorium must include commercial as well as residential, it needs to have a justification, and reasoning must be substantive; (6) the \$8,000 is for the appraisal services for all 16 parcels and if there is subsequent litigation, a new pricing structure would ensue; (7) property inspections require the permission of the owner and all 16 lots are currently vacant; (9) the letter to the property owner is a draft and may be amended; (10) any action of eminent domain must be approved by the Commission prior to its implementation; (11) concern was expressed that the City has a duty to inform those who are developing along Price Boulevard that the corridor will be widened at a future date.

***A rewording of the letter to property owners, starting at the second paragraph, will be as follows: Remove the sentence, "Part of the acquisition process involves an inspection and appraisal of your lot at no cost to you." Replace it with "The City will making an offer to purchase your property, and in order to do so, needs to obtain an appraisal, at no cost to you." Then, the paragraph after the email address will add "The appraisal firm will be contacting you to schedule an appraisal, it is not necessary for you to attend the site inspection, but you are invited to do so." The rest of the paragraph shall remain as is.***

***There was a consensus to accept the letter as revised.***

Public comment was held.

Pete Pedersen: Notice to public of the future development of Price Boulevard.

Additional discussion ensued regarding a moratorium with signage indicating future the road widening project.

***There was a consensus to direct the City Attorney to research a moratorium on building along Price Boulevard as well as direction to the City Manager to find ways to place signs along Price Boulevard regarding future widening.***

After a recommendation to modify the Resolution referencing eminent domain, a brief

discussion ensued.

***There was a consensus to clean up the Resolution No. 2016-R-26, regarding eminent domain and ensure that the Resolution accurately reflects Commission direction.***

**D. [16-0714](#)**

Discussion, and possible action to suspend Sign Regulations in Sections 29-6 (K) and 29-7(O) of the Unified Land Development Code, for signs at the City Hall Complex and the Butler Park/Morgan Family Center Complex on Election Days.

City Manager Lewis provided an overview regarding suspending sign regulations on election days and stated that this plan will be effective until Chapter 29 of the Unified Land Development Code (ULDC) is re-written, or after the 2018 Election, which ever comes first. Direction is requested from Commission.

Discussion ensued: (1) it was suggested to increase the time period and split the difference to 24 hours prior and 24 hours after the event; (2) the days should be clarified; (3) the plan pertains to polling places on public property and public right-of-way; (4) it was suggested to specify this for North Port elections only; (5) it was clarified that signs during this time frame are not exclusive to candidates and anyone may put up a sign for any reason for the 72 hours.

Public comment was held.

Tom Nicholson: (1) Price Boulevard widening, (2) the City "taking" property that is in City right-of-way, (3) Commission term limits, and (4) Election Day signage.

Discussion continued: (6) following a question, City Attorney Moriarty stated that the City Manager's plan is legal but expressed a concern regarding a mechanism in which to approve or deny a request for an advertisement courtesy, unrelated to elections, at another time during the year. What is the government's compelling interest if it says no?; (7) citing Florida Statutes, Chapter 202.031, it was opined polling places serve a public purpose and the City Manager's plan abides by that freedom of speech ruling; (8) subsequent to a question, City Attorney Moriarty stated that the Florida Statute is under inspection and might be overturned by Reed v. Town of Gilbert; (9) if the Commission holds to Florida Statutes, which are found ultimately to be invalid, the City might be sued; (10) addressing a concern, City Manager Lewis clarified that on State and County roads there is a statutory provision not to allow signs in the right-of-way or on public property, and the City Ordinances provide that the Commission may approve a written plan to the contrary.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the written plan with an amendment to the first bullet point to read: "Beginning at 5:00 p.m. the day prior to election day, and ending 48 hours thereafter for any North Port election, which have been approved by the Sarasota County Supervisor of Elections, sign regulations found in the City's land development code will not be enforced by staff at the City Hall complex, the Butler Park/Morgan Center, and Mullen Center." The second bullet point shall be deleted. The motion carried by the following vote:***

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

**E. [16-0739](#)**

Discussion and possible action regarding appointment of one Firefighters' Pension Board of Trustee as a North Port Resident appointed by the Commission.

City Clerk Adkins provided a review of the candidates for the Firefighters' Pension

Board of Trustees Resident appointed by the Commission and requested consideration and direction. There was no public comment.

Questions ensued: (1) the Financial Disclosure form required by the Florida State Commission on Ethics is tendered after the appointment; (2) when the Ordinance governing Advisory Boards was revised, the provision of Commission interviewing Board and Committee candidates was removed; (3) it was suggested to schedule a future discussion regarding interviewing Board and Committee candidates.

***A motion was made, seconded by Commissioner McDowell, to approve Casey Kelch as the Firefighters' Pension Board of Trustees North Port Resident Appointed by the Commission. The motion carried by the following vote:***

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

Recess 9:05 p.m. - 9:26 p.m.

Discussion ensued regarding continuing the Commission meeting until tomorrow. It was stated, for the record, that it is appropriate to continue the meeting to the next day to a time certain, and does not have to be re-advertised. Regrets will be sent to entities whose meetings Commissioner Hanks and Commissioner McDowell were to attend.

***There was a consensus to recess this meeting and reconvene at 8:30 a.m. on Wednesday, January 11, 2017.***

**F. [16-0742](#)**

Discussion and possible action regarding appointment of one (1) Member to the Beautification & Tree/Scenic Highway Committee.

City Clerk Adkins provided an overview of the candidates to be appointed on the Beautification & Tree/Scenic Highway Committee and requested Commission direction. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the appointment of Donna McGinn as a member of the Beautification & Tree/Scenic Highway Committee. The motion carried by the following vote with Commission Hanks dissenting due to not being able to interview the applicants and Ms. Fournier had a reference of someone he knew.***

**Yes:** 3 - Mayor Yates, Vice-Mayor Carusone and Commissioner McDowell

**No:** 1 - Commissioner Hanks

**8. PUBLIC COMMENT:**

Public comment was held 9:42 p.m. - 9:50 p.m.

David Duval: Speeding on I-75. Woodlands/Panacea comments.

Arthur Grimes: Meeting procedures.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to continue the Commission Regular meeting until January 11, 2017 at 8:30 a.m. in City Chambers. The motion carried by the following vote:***

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

The meeting was recessed on Tuesday, January 10, 2017 at 9:50 p.m. and was reconvened on Wednesday, January 11, 2017 at 8:33 a.m.

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

## **7. GENERAL BUSINESS:**

### **G. [16-0721](#)**

Discussion and possible action regarding the capture of social media accounts by the City.

Commissioner Hanks provided a review regarding the need to set social media standards and opened the agenda item for discussion.

Questions and discussion ensued: (1) it was stated that the City has the ability to capture social media information with an existing computer program with unlimited accounts; (2) currently the program captures the City's Face Book, Twitter YouTube, Instagram, and others; (3) the Commission needs to set a policy of how to handle social media information; (4) the focus of using the program was to make sure a tool is available to capture information for public record; (5) the accounts should be separate from personal accounts; (6) following a request, City Attorney Moriarty clarified that the Sunshine Law prohibition targets the interaction of deliberation or the response and Face Book rules are the same.

City Manager Lewis arrived at 8:45 am.

Questions continued: (7) a report on a social media platform to constituents is allowed but deliberations must happen in a recorded, advertised meeting; (8) caution was expressed not to comment on another Commissioner's stance as seen on his/her social media page; (9) it was suggested to make the disclosure policy more prominent; (10) the Commission already approved funding for additional software licenses: (11) a social media policy is needed related to Commissioners' use; (12) following a concern, City Attorney Moriarty clarified that when the Commission sits as a judge in a quasi-judicial hearing, the opinion reached needs to be based on the competent, substantial evidence presented during the hearing. If a Commissioner comes to the meeting, having posted an opinion on social media that indicates he/she is pre-decided, and the Commission votes against the issue, the petitioner can argue that it was not a fair hearing; (13) the Commission is entitled to post opinions regarding legislative issues but in quasi-judicial hearings, the Commission is applying testimony facts to the City Code and making a decision; (14) clarification was provided regarding exparte communications: [a] they are with interested parties, not just a constituent voicing an opinion; [b] the conservative approach to exparte communication is to disclose everything; [c] exparte disclosure gives the petitioner or staff to opportunity to ask the Commissioner about his/her conversation to understand if the Commissioner's conclusion is based upon something that can be discussed; [d] any written discussions from any party, by email etc., of a quasi-judicial nature that may be deemed pertinent to the hearing, must be provided at the meeting for the record; (15) all public records retention stipulations will be maintained for social media accounts for the time frame required; (16) recognizing social media is a City tool that helps the Commission do its job, the City should "turn on" the account, and at the end of a Commissioner's term, the City should "turn off" the account; (17) following a question, clarification was provided that the City can set the Commissioner's Face Book page so it only captures that side of communication and will not capture for public record, information linked from a personal Face Book page; (18) following a question, it was stated that the safest way to communicate through social media is to create a new Face Book page; (19) public records requests need to be specific so that the search can be expedited in answering the request and social media requests are a relatively simple matter to accumulate; (20) Commissioners may not use City resources as a political platform for re-election; (21) the example was provided



where the ethics line is crossed when an incumbent Commissioner uses time to contact constituents to double as an opportunity to distribute re-election literature. The individual not the City, would answer to the Commission on Elections and the same would apply with social media contacts; (22) after a comment, City Manager Lewis clarified that, from an administrative point of view, and upon receiving a public record request for electronic or social media communication, the City is responsible to have captured and to provide anything on record; (23) subsequent to a concern, City Attorney Moriarty stated that the Commission should only deliberate during a publicly advertised, open meeting where minutes are taken; (24) it was stated that rules of decorum govern all participants who use social media platforms and comments of an offensive nature will be blocked and comments that are not germane to the subject will be reviewed and possibly removed from the thread; (25) the City has a policy and criteria before removing a comment from the City's Face Book page and First Amendment rights do not give cart blanc for indiscriminate speech; (26) the City's program will also capture private messages through the City-sanctioned Commissioner Face Book page and as soon as a comment is posted, it is captured by the City's social media program; (27) following a request for clarification, City Attorney Moriarty agreed that Federal Court decisions have determined there is no expectation of privacy when something is posted in a public forum, however, further research is needed to regarding the limited-public or non-public forum side of social media platforms; (28) it was noted that the Face Book Terms of Use take the privacy issue away; (29) the two issues needing direction are: [a] whether or not to use Face Book as a means of communication with the City capturing those posts, and [b] setting Commission policy in the future of how the Commission utilizes social media avenues; (30) after a question, City Attorney Moriarty stated that "live streaming" a discussion/debate from a Commissioner's home is similar to holding a Town Hall Meeting and is fine as long as there is no deliberation/dialog between Commissioners; (30) following a concern regarding social spoofing, City Attorney Moriarty stated that to be found in violation requires clear and convincing evidence; additionally, there must be intent to violate the law; (31) subsequent to a concern, Public Information Officer Taylor will request information from the program provider regarding the protection level details.

Policy suggestions included: (1) to direct staff to start capturing social media accounts of Commissioners; (2) that the Commission will follow existing Florida Statutes and Federal Law guidelines; (3) if necessary, a formal policy will be crafted at a future time adapted specifically to the Commissioners; (4) staff will provide assistance to Commissioners to set up social media accounts; (5) the content is the responsibility of the individual Commissioner;

Addressing concerns whether Commissioner's electronic activity during a meeting must be disclosed, City Attorney Moriarty stated the Sunshine Law requires that the meetings are publicly noticed, minutes are taken, the public may attend and provide comment. If electronic communication is received during a quasi-judicial hearing, that is pertinent to the discussion and is clouding a Commissioner's judgment, it must be entered into the record. Just a general email or other social media post encumbers no legal obligation yet, to disclose that. However, Commissioners texting each other during a meeting is a different matter.

Public comment was held.

David Duval: Cost regarding capturing social media.

***A motion was made by Commissioner Hanks, seconded by Commissioner McDowell, that it is the policy of the City Commission to be able to use all current and future social media to be captured by the City. It is the responsibility of the individual Commissioners to maintain the content of their City social accounts.***

Discussion ensued: (1) it was suggested to have a future discussion regarding how to capture text messaging; (2) concern was expressed that the City may not be able to

capture "all" current and future social media, when future capabilities are unknown.

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to amend the motion to state that it is the Policy of the City Commission to be able to use all current and future social media as capable to be captured by the City. 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 read: that it is the Policy of the City Commission to be able to use all current and future social media as capable to be captured by the City. It is the responsibility of the individual Commissioners to maintain the content of their City social accounts. The motion carried by the following vote:***

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

Recess 11:03 a.m. - 11:20 a.m.

**H. [17-0747](#)**

Discussion and possible action regarding the North Port Pool/Aquatic Center.

Commissioner McDowell presented the agenda item for discussion and request to move the pool project forward. A summary of the September 29, 2016 Commission Workshop was provided, wherein the Commission approved Option B for a 50-meter pool at the Butler Park complex, directing staff to provide updated costs for the pool's construction with amenities. In addition to the information, City Manager Lewis reported that there will be an agenda item on the next Commission meeting authorizing to re-engage Kimley Horn & Associates from 2012 so the City can move forward, and stated the construction cost is approximately 15% more.

Questions and discussion ensued: (1) following a question, Mayor Yates stated that Sarasota County is willing to help as long as the 50-meter pool because that fits the criteria of the Tourist Development Tax (TDT) funding, and because much of the funding is already earmarked for other projects, it may take some time to receive a portion; (2) the Commission has not yet approved moving forward with an application to the TDT; (3) following a question, City Manager Lewis stated that: [a] from the Commission direction for a 50-meter pool, potential uses to match the available site will be planned to maximize competitive opportunities combined with community interests and leisure activities; [b] the attachment H map of the aquatic center is a concept rendering; [c] the only part of the project that is prescriptive is the 50-meter pool; [d] after the Commission's approval next meeting to move forward, the experts will review the opportunities and provide the options to the Commission at a future meeting; (4) Mayor Yates clarified that the Lazy River amenity was not received well by the former Commission at the Workshop and was deleted from the plan; (5) Vice-Mayor Carusone favored the pool Option 2, provided as seen on page 77 of the 2010 Aquatic Facilities Master Plan with a 50-meter pool, lazy river, the water slide, concessions, locker rooms, to bring in the revenue to offset the operating costs, and stated for the record, that she has yet to see something in North Port that has not flourished.

Public comment was held.

Jill Luke: Worked previously in aquatics. The Masters Program in Sarasota.

Joan Morgan: North Port has been in the pool business since 1959.

Nick Trolli: North Port needs an aquatic center.

Questions and discussion continued: (6) City Manager Lewis requested confirmation from the Commission whether the scope being asked of Kimley Horn is consistent with

Commission direction. He prefers receiving that professional recommendation, however, if Commission direction is given today, the City Manager is authorized, through the City's Procurement Code, to move forward with the aquatic center; (7) the option of a bigger site other than at Butler Park was suggested; (8) for the record, Commissioner McDowell: [a] does not favor Option B because it does not provide the wow factor that a more extensive aquatic center would provide; [b] an aquatic center is needed to attract people to North Port above and beyond the Poinsettia Parade, the July 4th Celebration, and Warm Mineral Springs; [c] favored a pool project built to the scale of something between Option B and the slide on the screen (included in the meeting folder); (9) following her concerns, City Manager Lewis explained that there are site limitations that present challenges, but the engineering firm will start with Option B at Butler Park, with a 50-meter pool as constants, and then will maximize the rest with locker rooms, concessions, the leisure aspect, and any other amenities possible with the range of probable costs; (10) it was suggested that a small "Wet and Wild" aquatic center would provide a wow factor to the attraction; (11) it was stated that in the past, many City park amenities plans were not accomplished due to the economic decline and prior Commission direction, but that projects included: [a] splashpads in the neighborhood parks; [b] a large-scale waterpark feature accessible to I-75; [c] another future site on the east end of the City for a pool.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to direct City Manager Lewis to move forward with the 50-meter pool with bulkhead as well as the lazy river and required amenities, maximizing the site and opportunities, with the site-specific constants; and to add other amenities as applicable; and authorize the City Manager to move forward with the consultants without having to come back to the Commission at the next meeting. The motion carried by the following vote:***

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

Discussion ensued: (1) clarification was provided that required amenities included lockers, bleachers, restrooms, and shade; (2) following a question, City Manager Lewis reported having contact with Sarasota County last Fall when they indicated they were amenable to a joint venture, and now that the Commission has made some decisions, he will renew conversations with them; (3) a recommendation was proffered to request that City staff update the County as the project moves forward; (4) it was suggested to adopt the Parks & Recreation Master Plan at a future Commission Recognition Meeting; (5) a discussion is needed regarding the future of the Dallas White YMCA Pool; (6) it was noted staff continues to work on funding sources for the new pool complex.

***There was a consensus to direct the City Manager to add to a future agenda item within six months, to bring the Parks & Recreation Master Plan for consideration and adoption.***

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

**I. [17-0748](#)**

Discussion and possible action regarding Director Monthly Reports.

Commissioner McDowell provided a brief overview of the agenda item and after a question, City Attorney Moriarty stated that there are protections in Florida law that make certain public records confidential and non-exempt. If the Commission directs that these documents are communicated to you in a Monthly Report, the Commission has waived the confidentiality/exemption process. There was no public comment.

Discussion ensued: (1) it was suggested to simply name a case on the Monthly Report; (2) in the past, a spreadsheet was provided to the Commission, containing the date, the

title of the attorney's open cases, the general outcome whether open or closed, the time dedicated to that item, and the name of the person or department requesting the item. A Year-End Report would list all open and closed cases; (3) listing the status of new cases filed during the month; (4) a listing of the cases closed during the month; (5) the report should be a summary to be used as an informational tool; (6) following a question concerning Risk Management claims, City Manager Lewis stated that the degree of the City Attorney's involvement depends on the scope, order, and magnitude of the claim.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to direct the City Attorney to provide a Monthly Report to include: (1) all open work products to be reported by the seventh of each month; (2) the Report must include title or type of work; (3) the issue/brief description; (4) time used; (5) the individual and department requested by; (6) date of the request; (7) a budget update from HTE; (8) the total number of cases closed for the closing month; (9) a year-to-date report by July with details included on the list attached for the meeting today and provided to the City Clerk; (10) cases closed within the year-to-date; (11) outside counsel expenses City-wide; (12) to direct the City Attorney to post the Attorney's Monthly Report with the Directors' Monthly Reports on the website. The motion carried by the following vote:***

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

Recess 1:51 p.m. - 2:07 p.m.

**J. [17-0746](#)**

**Draft Ordinance 2016-40 Amending Commission Procedures (Continued from December 13, 2016)**

Discussion of this agenda item continued from the December 13, 2016 Commission Regular Meeting:

SECTION 2.02(i) regarding public comment. There was a CONSENSUS, to strike "The Mayor shall have the right to decline to recognize any member of the" adding the word "If". Thereafter, putting a comma after the word "commission" in the next sentence and striking the words Under such circumstances,

SECTION 2.02(j) There was a CONSENSUS to change Commissioner Reports/Comments to Commissioner "Communication." The first sentence shall read: This section of the agenda shall be utilized by the Mayor and Commissioner to provide "informational reports and communication." The rest of the suggested redline deletions and underline shall be deleted, keeping the original last sentence: The order of speaking shall be determined by the Mayor.

After a discussion regarding the definition of "consensus" there was an AGREEMENT not to define consensus, but rather decide, on a case by case basis, as the mayor sees fit, to determine the appropriate time for a consensus, or whether a subject requires a formal vote.

***There was a consensus to allow public comment.***

Public comment was held.

Arthur Grimes: Using Robert's Rules of Order as a parliamentary guide, which discourages using consensus. The process of making a motion prior to discussion. The City Attorney's project to review the City Charter. The City Attorney's Report to the Commission.

Discussion ensued regarding:

SECTION 2.03(a) There was a CONSENSUS to reword the last sentence to read:

Members of the commission needing to leave during the meeting, will notify the mayor.

Subsequent to a discussion, City Manager Lewis expressed that the Police Department and those responsible for the safety of the Commissioners have been directed not to allow anyone to approach the dais during a Commission meeting. During breaks, the individual Commissioner may move down from the dais to speak with members of the public.

SECTION 2.03(d) There was a CONSENSUS to leave paragraph (d) regarding not allowing people to approach the dais.

***There was a consensus to schedule a special meeting on Thursday, February 2, 2017 at 12:00 noon, to continue this agenda item as the only item for discussion.***

## **9. SCHEDULING OF WORKSHOPS:**

An update was requested concerning the Workshop on excessive growth.

***There was a consensus to direct City Manager Lewis and the City Clerk will schedule a meeting when the City Manager can attend before the end of February.***

## **10 COMMISSION REPORTS:**

Mayor Yates requested a consensus: (1) to send a letter on Commission letterhead, to recently elected officials in this region, including legislative representatives; (2) to send a thank you card along with the official confirmation letter to new Advisory Board and Committee members; (3) for the Commission to start using electronic signatures.

Vice-Mayor Carusone left the meeting at 3:08 p.m.

Commissioner McDowell reported attending: (1) the Southwest Florida Regional Planning Council (SWFRPC) meeting online on December 15, 2016. Following a concern, City Manager Lewis recommended asking the SWFRPC Director the status of a North Port representative is Sarasota County withdraws its membership; (2) expressed concern regarding Mosaic Mining impinging North Port's water supply and reported the company is willing to meet with the Commission. Discussion ensued and Commissioner McDowell will place an agenda item regarding the issue.

Mayor Yates: reported: (1) the Charter Review Advisory Board will meet on Thursday, January 12, 2017 and a Joint Meeting with the Charter Review Advisory Board is scheduled for January 31, 2017; (2) following a question, City Clerk Adkins stated that Advisory Board minutes and agendas are posted on the City's website and the City Clerk will provide backup for any Advisory Board meeting; (3) reported that the Sarasota Legislative Delegation is meeting on January 18, 2017 in the Sarasota County Commission Chambers and Mayor Yates will attend to present the City's Legislative Priorities; (4) will attend the Convocation of Governments Meeting is scheduled on January 20, 2017; (5) will attend the Manasota League of Cities Meeting on January 20, 2017; (6) there is opportunity for a North Port resident to serve on Sarasota County's Tamiami Trail Scenic Highway Beautification Committee and more information is forthcoming; (7) attended the Heron Creek Middle School and participated in the "If I were Mayor for the Day" event.

***There was a consensus to send a letter on Commission letterhead, to recently elected officials in this region, including legislative representatives.***

***There was a consensus to send a thank you card along with the official confirmation letter to new Advisory Board and Committee members.***

*There was a consensus to direct the City Clerk to find the means to capture and authorize the use of electronic signatures for the Commissioners.*

#### **11. ADMINISTRATIVE AND LEGAL REPORTS:**

City Clerk Adkins reported she will interview January 17-18, 2017 for a new administrative assistant.

City Manager Lewis reported that the State of the City is scheduled for Thursday, January 19, 2017 at the Heron Creek Golf and Country Club.

Mayor Yates stated that there will be an agenda item at the next Road & Drainage District Regular Meeting regarding a streetlight moratorium. The discussion regarding overgrowth in the Panacea area is also forthcoming.

#### **12. ADJOURNMENT:**

Mayor Yates adjourned the North Port City Commission Regular Meeting on Wednesday, January 11, 2017 at 3:30 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.