



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes City Commission Regular Meeting

### **CITY COMMISSIONERS**

*Christopher B. Hanks, Mayor*  
*Debbie McDowell, Vice-Mayor*  
*Vanessa Carusone, Commissioner*  
*Peter Emrich, Commissioner*  
*Jill Luke, Commissioner*

### **APPOINTED OFFICIALS**

*Peter Lear, City Manager*  
*Amber L. Slayton, City Attorney*  
*Kathryn Peto, City Clerk*

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Tuesday, December 11, 2018

1:00 PM

CITY COMMISSION CHAMBERS

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**AMENDED TO REMOVE ITEM 4.B. AND ADD ITEM 5.D.**

**NOTE: This is a draft copy of the minutes of the 12-11-2018 City Commission Regular Meeting, has not been approved by the Commission and is subject to change.**

### **CALL TO ORDER/ROLL CALL**

The North Port City Commission Regular Meeting was called to order at 1:06 p.m. in City Commission Chambers by Mayor Hanks.

Present: Mayor Hanks; Vice-Mayor McDowell; Commissioners Luke and Emrich, City Manager Lear; City Attorney Slayton; City Clerk Peto; Recording Secretary Hale; Police Chief Garrison and Fire Chief Titus.

It was noted that Commissioner Carusone is present and briefly stepped away.

**The invocation was provided by Pastor David Schutte of Edgewater United Methodist Church followed by the Pledge of Allegiance led by the Commission.**

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

After a request by the Mayor, the Commission determined that they would like to pull Consent Agenda item 7.D. for discussion.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Agenda as presented. The motion carried by the following vote, with Mayor Carusone not present:***

**Yes:** 4 - Mayor Hanks, Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

**2. ANNOUNCEMENTS****A. [18-885](#) Current Vacancies for Boards and Committees.**

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

**B. [18-886](#) Upcoming Expiration Dates for Boards and Committees.**

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

**3. PUBLIC COMMENT:**

Public comment was held 1:12 p.m. - 1:17 p.m.  
Alice Olejnik: Citizen's Tax Oversight Committee.  
Richard Liebel: The Universal Urinal LLC.

**4. PRESENTATIONS****A. [18-863](#) Presentation by Rich Suggs: Partnership for Creative Economies**

City Manager Lear gave an overview of the item. Mr. Richard Suggs provided a PowerPoint presentation of the item.

Discussion ensued: (1) by operating in the public sector Sunshine Laws make information available to competitors; (2) it was suggested that a copy of today's presentation be provided to the City Clerk; (3) the public sector is being asked to contribute 40% of operational costs which shouldn't be more than \$60,000; (4) it was noted that the City's economic development strategic plan expired in October 2018, that the City is currently restructuring their economic development department, and that there are two full-time and one part-time positions in that department; (5) the City Attorney will need to be consulted before any action is taken regarding a public partnership; (6) the suggested partnership could have five to six board members by January 8, and a full board of ten to 15 members by January 22; (7) the Commission was invited to have a seat on the board, and it was noted that any Commission participation would have to be researched with respect to the Sunshine laws; (8) it was clarified that the presenter is asking for a consensus today from the Commission to return on January 8 for further discussion of a possible partnership.

**PUBLIC COMMENT**

Linda Yates: economic development.

Discussion continued: (1) a suggestion was made for Mr. Suggs to have conversations with the City Manager and City Attorney to review if the City may proceed with this public private partnership; (2) Vice-Mayor McDowell expressed concerns that the City Manager and City Attorney are being asked to review this item quickly when there are numerous Commission directives waiting to be completed, that a review of the City's economic development team is needed and because they currently have vacancies this could be a strain on staff, and that the co-mingling of public funds and staff with the private sector does not sit well; (3) Commissioner Luke stated she will not support the motion for reasons captured in public comment and because the City's economic development department is currently being restructured; (4) it was noted that the City funds \$70,000 a year with a different private entity and nothing is being received in return.

***A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to support a private initiative with the potential of a creative economic private partnership provided that the City Manager and the City Attorney have extensive conversations about what is lawful and what is not prior to the January 8 meeting. The motion carried by the following vote, with Vice-Mayor McDowell and Commissioner Luke dissenting for reasons stated:***

**Yes:** 3 - Mayor Hanks, Commissioner Emrich and Commissioner Carusone

**No:** 2 - Vice-Mayor McDowell and Commissioner Luke

## **5. PUBLIC HEARINGS:**

### **A. [18-872](#)**

Ordinance No. 2018-59, first reading, amending Article VIII, Section 2 - Procurement of the City's Administrative Code to allow for Public-Private Partnerships unsolicited proposals.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to read Ordinance No. 2018-59 by title only. The motion carried by the following vote, with Commissioner Carusone briefly stepping away:***

**Yes:** 4 - Mayor Hanks, Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

City Clerk Peto read Ordinance No. 2018-59 into the record by title only. City Manager Lear gave an overview of the item and Attorney Frederick J. Springer of Bryant, Miller and Olive provided a PowerPoint presentation.

Discussion ensued: (1) the City team should be able to conduct a Public-Private Partnership (P3) procurement or process unsolicited proposals that are received, and that the team's roles are to be designated in an ordinance; (2) it was noted that the City does have a procurement division in the Finance Department with overseers selected by the City Manager; (3) the example in the presentation reflects connectivity to the Concessionaire, the flow can be changed based on the project, and multiple projects can be in effect with different points of contact; (4) the P3 laws require the government entity to own the property either prior to or after completion of the project.

#### **PUBLIC COMMENT**

Linda Yates: proposed ordinance concerns.

Discussion continued: (1) a suggestion was made to add "conceptual" to the definitions on line 100 so that the fee applies to both a conceptual and detailed review; (2) the language in the draft ordinance adheres to Florida State statutes (FSS) which uses the terminology of a "qualifying project", though circular in meaning, FSS does not define public purpose; (3) it was explained that to define public purpose in the ordinance is not a simple matter and that the Commission should determine if a project will serve a public purpose; (4) concern was expressed that the Commission should determine up front if a project serves a public purpose before staff resources have been expended; (5) it was noted that line 231 contains a repetition of words and should be corrected; (6) it was suggested line 261 also include the company's website address; (7) it was explained that a conceptual proposal must be submitted to the Finance Department, and that an entity may initially submit a conceptual or detailed proposal; (8) a suggestion was made to add the City Attorney and the Commission to line 199; (9) concern was expressed that a time limit is not provided for reinstating a project when conditions are not met within the required time frame as outlined on line 253; (10) a suggestion was made to add language

that if the cost is not paid within 90 days the proposal will be withdrawn; (11) Vice -Mayor McDowell stated she cannot support the motion because: [a] she can only speak with other Commissioner's at meetings and she's trying to find compromise with concerns of the ordinance; [b] that there were many things not captured in the motion; [c] time limits were removed in the meeting procedures; (12) it was noted that the scrivener's error in line 231 does not need to be added to the motion, staff will make the appropriate correction.

***A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to approve Ordinance No. 2018-59 for another first reading with the changes to the conceptual proposal as noted in this meeting, changing the process that the Commission must have the approval of whether a project qualifies or not, adding on line 261 that a website and portfolio is required as documentation, and to allow a mechanism to assume a withdrawal of the project when they have not met the financial deadline. The motion carried by the following vote:***

**Yes:** 4 - Mayor Hanks, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**No:** 1 - Vice-Mayor McDowell

**B. [18-873](#)** Ordinance 2018-43, Petition TXT-18-171, Prohibition on Well Stimulation (Fracking) for Oil and Natural Gas Exploration

City Clerk Peto read Ordinance No. 2018-43 into the record by title only. City Manager Lear gave an overview of the item.

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

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to accept Ordinance No. 2018-43. The motion carried by the following vote:***

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

**C. [18-874](#)** Ordinance No. 2018-40, Petition TXT-18-165, Prohibition on Phosphate Mining, Second Reading

City Clerk Peto read Ordinance No. 2018-40 into the record by title only. City Manager Lear gave an overview of the item.

There were no questions from the Commission and no public comment.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve Ordinance No. 2018-40. The motion carried by the following vote:***

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

Recess 3:07 p.m. - 3:19 p.m.

**D. [18-890](#)** Resolution No. 2018-R-34, Statewide Stormwater Treatment Rule

City Clerk Peto read Resolution No. 2018-R-34 into the record by title only. City Manager Lear gave an overview of the item.

Discussion ensued: (1) a suggestion was made to remove the wording "incoming" from the last whereas clause, or remove the last whereas clause; (2) it was suggested to give

City Manager direction sending out the resolution.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to accept Resolution No. 2018-R-34, amending the last whereas to remove the word "incoming" and leaving it ..."the governor of the State of Florida". The motion carried by the following vote:***

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

Discussion ensued: (1) a suggestion was made to send the resolution to all cities in Florida; (2) it was suggested to send the resolution to Florida League of Cities (FLC) for distribution to all members, and that it also be sent to local governments, including the cities of Venice, Sarasota, Longboat Key, Punta Gorda and the counties of Sarasota and Charlotte, the governor and elected state officials. There was no public comment.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to have staff send the resolution to the new administration of the state including the governor, also to the League of Cities in Florida asking them to distribute it to their members especially to utilities, natural resource and public works committee, and then to local governments in the area, Punta Gorda, Charlotte County, Sarasota, City of Venice, City of Englewood and Sarasota County. The motion carried by the following vote:***

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

**E. [18-866](#)**

Petition No. PLF-18-199, Islandwalk at the West Villages, Phase 7, Plat (Quasi-Judicial)

City Clerk Peto swore in those wishing to provide testimony.

Ex parte communications were disclosed: (1) Commissioner Luke stated that she had an agenda briefing with both Assistant City Managers, City Manager and City Attorney and that the item was not discussed in detail; (2) Vice-Mayor McDowell stated that the item wasn't discussed at the agenda briefing and that she has nothing to disclose; (3) Mayor Hanks, Commissioner Carusone and Commissioner Emrich did not have any ex parte communications to report.

Heidt Design Vice President Strickland Smith, Agent for the Applicant provided a review of the item. City Senior Planner Hansen stated that there was a minor modification to the plat and then read the Planning and Zoning Advisory Board (PZAB) recommendation for approval of Petition No. PLF-18-199 into the record.

There were no aggrieved parties, no rebuttal from the Applicant or Staff and there was no public comment.

Discussion ensued: (1) concern was expressed that the DiVosta website states that the West Villages IslandWalk is in Venice and that West Villages is in North Port; (2) there was an issue with installation of the stoplight and they hope to have it in place in January.

There were no closing arguments.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Petition No. PLF-18-199 for IslandWalk at West Villages Phase 7 Plat. The motion carried by the following vote:***

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

**F. [18-864](#)**

DMA-18-247, Amendment to DMP-15-030 to allow for an additional waiver from the Urban Design Standards related to building appearance for the US 41 Corridor/Activity Center #1.

City Clerk Peto swore in those wishing to provide testimony.

Ex parte communications were disclosed: (1) Mayor Hanks, Commissioner Carusone and Commissioner Emrich did not have any ex parte communications to report; (2) Commissioner Luke stated that she had an agenda briefing with the City Manager, both Assistant City Managers and the City Attorney and that they reviewed and discussed the proposed style of the building, other businesses conforming with the Mediterranean style and an email regarding the original rendering of the building; (3) Vice-Mayor McDowell stated that she had an agenda briefing with the City Manager and the City Attorney, and that a copy of her email questions will be provided to the City Clerk.

LodgCo Hospitality Vice-President of Development Mike Postle, Agent for the Applicant gave a presentation of the item. City Senior Planner Hansen gave a presentation of the item and read the Planning and Zoning Advisory Board (PZAB) December 6 recommendation into the record. It was explained that the Applicant is requesting a waiver regarding the style of the building. The PZAB recommended approval with the condition that approval of waivers only apply to this building.

There were no aggrieved parties.

In rebuttal the Applicant cited existing establishments within North Port and noted the intent to apply a similar design as those facilities. It was noted that waivers are not being requested for other requirements. There was no rebuttal from staff.

**PUBLIC COMMENT**

Mike Postle on behalf of Dan O'Berski: hotel.

Discussion ensued: (1) it was explained that the back-side of the building will have different heights; (2) concern was expressed that the Mediterranean style is ground level and that with the setback the style may not be visible from the road; (3) it was opined that as development proceeds in the City the back-side of the building may be more important than the front; (4) it was explained that the back-side of the building will have stone and tile features, there is also a pergola over the rear entrance, a walkway all around the building, lighting will be the same as City Center Green, electrical will be screened behind high walls on the roof and that reducing sound is important for hotel guests; (5) electrical will be located at the center of the roof with the intent to have it hidden from view; (6) it was explained that this waiver request only applies to this building and does not transfer; (7) for the waiver to apply to the undeveloped parcel it would need to be addressed in the waiver; (8) a different texture and color will be used on the windows to add articulation to the building; (9) the portico will be in the Mediterranean style and is included in the staff report; (10) a suggestion was made for a Mediterranean style border around the top of the building; (11) the project is out for bid, it is anticipated that groundbreaking could be March 1 and the facility could be operational in May or June 2020; (12) it was explained that the building will not have a barrel roof; (13) though suggested to convert to a barrel roof in 10-15 years it was explained that branding dictates remodeling; (14) conditions can be placed on the waiver and that the language would have to be clearly defined; (15) it was explained future remodeling would have to be

done in accordance with regulations and the waivers.

There were no closing arguments from the Applicant or Staff.

Discussion continued: (1) the exception of No. 9 was stated in the motion to ensure compliance; (2) it was clarified that the Applicant will be complying with item No. 9; (3) concern was expressed that to require the Applicant to adhere to the City's design standard in the future could result in withdrawal of the project and that the citizens support having a hotel in the City; (4) it was noted that the Applicant isn't being required to make specific changes date certain in the future, it is the understanding that the design standards may need to be upgraded in the future when remodeling occurs; (5) for a waiver, the Applicant must apply for a DMA amendment, and that the fees are the same as the Development Master Plan.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve DMA-18-247 allowing for additional waivers contingent on the condition if any significant remodel over 20% of the exterior of the building is done the waivers will then be void, and that this only applies to this specific project and building and does not carry forward if this project does not follow through. The motion carried by the following vote:***

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

## **6. GENERAL BUSINESS:**

### **A. [18-857](#) Annual Water Demand Projections**

City Manager Lear and Public Utilities Assistant Director Desroisiers provided an overview of the item.

Discussion ensued: (1) water demand has been steady the last several years and an increase is not requested, it is presumed that demand will increase over the 20-year projection period; (2) there is an annual set fee plus a charge for each 1,000 gallons of water; (3) Commission is approving the letter being sent by the City Manager to Peace River letting them know we are not asking for additional water in the seventh year; (4) the contract was signed in 2005 and remains in effect until 2035 notwithstanding any modifications. There was no public comment.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Water Demand Projections provided by staff. The motion carried by the following vote:***

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

## **7. CONSENT AGENDA:**

Vice-Mayor McDowell asked to pull the Minutes from November 27 as requested changes are in process.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve the Consent Agenda, pulling items A. and D.***

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to amend the motion to approve the Minutes from November 19. The motion carried by the following vote:***



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

***A vote was taken on the main motion, as amended, to approve the Consent Agenda, pulling items A. and D., and to approve the Minutes from November 19. The motion carried by the following vote:***

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

- A.** [18-887](#) Approval of Minutes for the November 19, 2018 Commission Special Meeting; November 27, 2018 Commission Regular Meeting.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to table the item to a future meeting at the City Clerk's discretion. The motion carried by the following vote:***

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

- B.** [18-854](#) Cash Receipts Summary - October 2018

- C.** [18-798](#) Utilization of Lake County contract 17-0606I for the purchase of wildland firefighter protective clothing from North America Fire Equipment Co., Inc. (NAFECO) in accordance with contractual discounted pricing in a total amount not-to-exceed \$128,000.

- D.** [18-809](#) Utilize the Florida Department of Management Services Contract number 25100000-18-1 for Motor Vehicles to purchase two (2) replacement Ford Transit Connect Vans in the estimated total of \$46,870.10 from Garber Ford, Inc.

***A motion was made by Vice-Mayor McDowell, to not purchase the two vehicles from Ford for the Fleet Department and the IT Department. The motion failed for lack of a second.***

Discussion ensued: (1) Vice-Mayor McDowell stated she cannot support the motion because: [a] fleet and IT vehicles are not being used frequently enough; [b] that the replacement vehicles are pool vehicles and new vehicles should be not used for pool vehicles; (2) it was explained that Fleet vehicles are utilized by City staff to perform their job and that the IT vehicle has a blown transmission; (3) it was noted that there was an omission of significant information from staff notes regarding the blown transmission. There was no public comment.

***A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve Consent Agenda item D. The motion carried by the following vote, with Vice-Mayor McDowell dissenting for reasons stated:***

**Yes:** 4 - Mayor Hanks, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

**No:** 1 - Vice-Mayor McDowell



- E. [18-825](#) RFB No. 2018-59 for Janitorial Services for the City of North Port to 3H Service Systems, Inc., in an annual amount of \$148,334.52 plus additional services on an “as-required” basis per the terms and conditions in the solicitation and authorize the City Manager to approve options to renew for two additional one-year terms per the terms & conditions in the solicitation.
- F. [18-812](#) One-year renewal of Agreement No. 2015-40 between the City of North Port and TPH Holdings LLC, d.b.a. The Parts House, for vehicle and equipment parts management supply per the unit prices, terms and conditions of the Agreement.
- G. [18-828](#) Cooperative Funding Agreement between the Southwest Florida Water Management District and the City of North Port for North Port Water Distribution System Looping (N979).
- H. [18-837](#) Sole source procurement of a new Freightliner chassis and re-chassis the Braun patient compartment from ambulance CID #71614 with Ten-8 Fire Equipment, Inc. for an estimated total of \$226,711.
- I. [18-843](#) Procurement of stationary bypass pumps for lift station hardening utilizing Sourcewell (formerly known as NJPA) Contract No. 012418-TPM
- J. [18-832](#) Memorandum of Understanding (MOU) Between the City of North Port and the Suncoast Professional Firefighters and Paramedics, Local No. 2546, I.A.F.F.
- K. [18-879](#) Amendment No. 1 to the MOU between the Florida Department of Highway Safety and Motor Vehicles and City of North Port.
- L. [18-867](#) Appointment of Cory Hutchinson for a second term as a Regular Member to the Charter Review Advisory Board.
- M. [18-870](#) Appointment of Melina Frederick and James Scheidel as Regular Members to the Parks & Recreation Advisory Board.
- N. [18-858](#) Appointment of Alice Olejnik as a Regular Member to the Citizens' Tax Oversight Committee.

**8. PUBLIC COMMENT:**

There was no public comment.

**9. COMMISSION COMMUNICATIONS:**

Commissioner Emrich: nothing to report.

Commissioner Carusone: nothing to report.

Commissioner Luke: (1) kudos to staff for the Poinsettia Festival and Parade; (2) the

Bearcat was used the first day it was introduced.

Vice-Mayor McDowell: (1) kudos to staff for the Poinsettia Festival and Parade, and to Donna Suggs for decorating City Hall.

Mayor Hanks: (1) suggested that the benefit of the Bearcat be explained to the public.

Discussion ensued: (1) it was noted that the Bearcat ultimately keeps the Police Officers safe; (2) it was explained that today's use of the Bearcat demonstrated how it protects Police Officers in a detrimental situation, the Bearcat allowed them to approach a home and act without anyone being hurt.

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

There were no Administrative and Legal Reports.

#### **11. ADJOURNMENT:**

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 5:01 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Christopher B. Hanks, Mayor

Attest: \_\_\_\_\_  
Kathryn Peto, City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.