



# 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, January 8, 2019

10:00 AM

CITY COMMISSION CHAMBERS

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**AMENDED TO ADD ITEM 4.A.**

**NOTE: This is a draft copy of the minutes of the 1-8-2019 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 10:05 a.m. in City Commission Chambers by Mayor Hanks.

Present: Mayor Hanks; Vice-Mayor McDowell; Commissioners Carusone, Luke and Emrich, City Manager Lear; City Attorney Slayton; City Clerk Peto; Police Captain King and Fire Chief Titus.

**The Invocation was provided by Pastor Brian Zdrojowy from Awaken Church, followed by the Pledge of Allegiance led by the Commission.**

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

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

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

### **2. ANNOUNCEMENTS**

**A. [18-934](#)** Current Vacancies for Boards and Committees.

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

**B. [18-935](#) Upcoming Expiration Dates for Board Members.**

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

**3. PUBLIC COMMENT:**

Public comment was held 10:12 a.m. - 10:14 a.m.  
Hector Munoz: Commission directives.

Discussion ensued: (1) the legal review of the ordinance regarding commercial gardens may be completed this month, after it is reviewed by Planning and Zoning Advisory Board (PZAB) it may be brought to Commission in March; (2) it was suggested that staff email the Commission if there are delays so that they may inform Mr. Munoz.

**4. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

**A. [19-0003](#) Presentation by Rich Suggs - Partnership for Creative Economies, Inc.**

City Manager Lear gave an overview of the item and Mr. Suggs gave a presentation.

**PUBLIC COMMENT**

David Duval: opposes City and private partnership for economic development.  
Linda Yates: opposes proposed private partnership with the City.

Discussion ensued: (1) concerns were expressed that the presenter doesn't have an existing entity, a budget or a business plan and that this proposal doesn't meet the criteria of a Public-Private Partnership (P3); (2) concern was expressed that pursuant to previous direction from the Commission the presenter was to come back with a plan, a board of directors and a budget, and that none of the requested items have been presented; (3) it was suggested that the presentation along with a list of accomplishments from the City be added to the backup material; (4) it was clarified that the City may enter into a contract with an economic development organization; (5) concern was expressed that detailed information would need to be provided regarding the proposed \$120,000 operational expenses prior to any funding by the City; (6) concerns were expressed for conducting business pursuant to the Sunshine law, and that the services proposed in the presentation would be a duplication of services that the City provides; (7) a suggestion was made to have a consensus to determine if the matter should be brought back as an agenda item, and that detailed information be provided in the backup material of that agenda item; (8) it was opined that before the matter returns as an agenda item the entity should be a registered business with a 501(c)6 designation; (8) it was explained that a P3 as provided in the proposed ordinance is for qualifying projects and it does not include services, this presentation is not a qualifying project and Commission would need to provide specific direction to bring this back as an agenda item.

***There was a majority consensus to bring this back as an agenda item with detailed information being provided in the backup material for review prior to the meeting.***

Recess 11:13 a.m. - 11:33 a.m.

**5. PUBLIC HEARINGS:**

*There was a unanimous consensus to move Agenda item 5.G. prior to 5.A. and to allow public comment on item 5.F. before 5.G.*

**F. [18-919](#)**

Ordinance No. 2018-59, providing for a policy for the utilization of public-private partnerships (P3) in procurement by amending the Code of the City of North Port, Florida, Chapter 2 - Administration, Article VIII - Procurement, Section 2-402 - Definitions, and by creating a new Section 2-420 - Public-Private Partnerships (P3)

**PUBLIC COMMENT**

Linda Yates: suggested P3 ordinance be all inclusive and not just qualifying projects as defined.

**G. [18-895](#)**

Approval of Plat, The Preserve Phase 3, PLF-18-209 (QUASI-JUDICIAL)

Recording Secretary Hale swore in those wishing to provide testimony, and then read PLF-18-209 into the record by title only.

Ex parte communications were disclosed: (1) Commissioner Luke stated she had an agenda briefing with the City Manager, Assistant City Manager Yarborough and the City Attorney; (2) Vice-Mayor McDowell stated she had an agenda briefing with the City Manager, Assistant City Managers Branco and Yarborough and Assistant City Attorney Golen, and that she sent an email to the City Manager regarding a discrepancy in the staff report and page three of the backup materials; (3) Mayor Hanks stated he had an agenda briefing with staff and that this topic was not discussed; (4) Commissioners Carusone and Emrich stated that they had no ex parte communications.

Bobbi Claybrooke of AM Engineering, Inc. representing the Applicant gave a presentation of the item. Interim Planning Division Manager Galehouse provided an overview of the item and stated that the Planning and Zoning Advisory Board unanimously recommended approval of the Preserve Phase Three Plat.

There was no rebuttal, no aggrieved parties and no public comment.

Discussion ensued: (1) it was explained that tracts 506, 407 and others recapture the open space designation originally situated in this area of the development; (2) this tract is for paired villas with each lot having two units, and it is seven units shorter than what was approved, the area is well forested with natural Florida vegetation preserved; (3) this area was originally platted as an open tract, it wasn't designated as a conservation area, open space or a park.

There were no closing arguments.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Plat at The Preserve Phase 3, PLF-18-209 as presented. The motion carried by the following vote:***

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

**PUBLIC COMMENT:**

Public comment was held 11:56 - 11:59  
Timothy Doyle: complaint about City.

It was suggested that the City Manager, with police presence, meet with Mr. Doyle to gather the details of his concern and report back to the Commission.

Recess 12:01 p.m. - 12:48 p.m.

Commissioner Carusone was not present when the meeting reconvened.

## **5. PUBLIC HEARINGS:**

### **A. [18-920](#)**

Ordinance No. 2018-36, first reading, amending the Code of the City of North Port, Florida, Chapter 4 - Boards and Committees, to address residency and membership requirements, public comment at meetings, terms, and voting

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to read Ordinance No. 2018-36 by title only. The motion carried by the following vote, with Commissioner Carusone absent:***

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

City Clerk Peto read Ordinance No. 2018-36 into the record by title only. City Manager Lear and City Attorney Slayton gave an overview of the item.

Discussion ensued: (1) a suggestion was made that because the Planning and Zoning Advisory Board (PZAB) and the Zoning Board of Appeals (ZBA) are decision making boards, residency should be a requirement; (2) it was suggested that the language on line 69 and 161 be modified to "currently owned for at least one year".

***There was a unanimous consensus to change the phrasing that the intent is that it is currently owned and at least for one-year.***

#### **PUBLIC COMMENT**

David Duval: North Port residents only to serve on boards.

Justin Willis: seasonal residents serving on boards may cause quorum issues.

Discussion continued: (1) a suggestion was made to create educational videos that explains each of the boards; (2) concern was expressed for the consecutive period of time a seasonal resident would be absent from meetings, and it was suggested to combine the seasonal resident and non-resident property owner as one category with limitations for serving on a board; (3) it was noted that alternates are assigned to boards to ensure a quorum; (4) it was suggested that staff research the issue of alternates voting in the absence of a member and advise the Commission prior to the second reading.

Commissioner Carusone rejoined the meeting at 1:11 p.m.

#### **PUBLIC COMMENT**

Justin Willis: respect for board members.

City Attorney Slayton clarified that an alternate does take the place of an absent member without limitation to voting rights.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to move Ordinance No. 2018-36 to second reading to be held on January 22, with the change on line 69 and 161 regarding currently owned real property.***

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***The motion carried by the following vote:***

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

**B. [18-911](#)**

Ordinance No. 2018-37, First Reading, Changes to ULDC Chapter 1, General Provisions, Article III, Boards and Duties, Section 1-28 Zoning Board of Appeals and Section 1-29 Planning and Zoning Advisory Board addressing qualifications of members, removal, vacancies, and compensation, TXT-18-266.

***A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to read Ordinance No. 2018-37 by title only. The motion carried by the following vote:***

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

City Clerk Peto read Ordinance No. 2018-37 into the record by title only. City Manager Lear and City Attorney Slayton gave an overview of the item.

Discussion ensued (1) it is recommended to strike section(s) E. regarding compensation language because the Code and the Charter do not allow for compensation; (2) it was suggested that members to the Planning and Zoning Advisory Board (PZAB) and the Zoning Board of Appeals (ZBA) should be residents, and that non-resident property owners should not sit on either of these two boards; (3) it was noted that the strikethrough can be removed in Sections 1-28 (B)(2) and 1-29(B)(1) regarding residency requirements. There was no public comment.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to move Ordinance No. 2018-37 to second reading on January 22, removing any reference to a non-resident board member on PZAB and ZBA. The motion carried by the following vote:***

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

**C. [18-926](#)**

Ordinance No. 2018-64, first reading, amending the Fiscal Year 2018-2019 Non-District Budget.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to read Ordinance No. 2018-64 by title only. The motion carried by the following vote:***

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

City Clerk Peto read Ordinance No. 2018-64 into the record by title only. City Manager Lear gave an overview of the item.

Discussion ensued: (1) it was suggested that staff provide the Commission with a date that the closed captioning of meetings will go live, if approved prior to second reading; (2) two-years of historical videos will be captioned creating an initial workload, but it is not anticipated that additional staff will be required. There was no public comment.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to move Ordinance No. 2018-64 to second reading on January 22 with additional information regarding the length of time for implementation to be able to go live to be included in the legislative text. The motion carried by the following vote:***

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

**D. [18-914](#)**

Ordinance No. 2018-56, First Reading, Amending ULDC Chapter 55, Section 55-15 and Section 55-16 to Allow Pawn Shops in Activity Center 1, TXT-18-230

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to read Ordinance No. 2018-56 by title only. The motion carried by the following vote:***

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

City Clerk Peto read Ordinance No. 2018-56 into the record by title only. City Manager Lear gave an overview of the item.

Discussion ensued: (1) Vice-Mayor McDowell expressed concern for allowing pawn shops along all of Activity Center One (AC1); (2) it was noted that AC1 includes U.S. 41 from Ortiz Boulevard to Salford Boulevard, the North-West corner of River Road and U.S. 41, and any future annexations from River Road to Ortiz Boulevard; (2) it was suggested to apply non-conforming use in AC1 only, and allowing the existing pawn shops to expand their operations; (3) a suggestion was made to table this item to allow time to research non-conforming use in the ordinance; (4) it was explained that non-conforming use addresses entities already established prior to a zoning change; (5) concern was expressed for non-conforming use in other areas of the City that should be addressed; (6) concern was expressed for a motion giving direction to modify the non-conforming use ordinance and it was not publicly noticed for today's agenda. There was no public comment.

***A motion was made by Vice-Mayor McDowell, to table Ordinance 2018-56 and have staff bring it back at the same time as the previously directed non-conforming use ordinance at a future time. The motion failed for lack of second.***

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to continue Ordinance No. 2018-56 to second reading on January 22. 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. [18-915](#)**

Ordinance No. 2018-42, First Reading, Annual revision and update to the Capital Improvements Element of the Comprehensive Plan, adding a fifth year and projects related to Level of Service standards and adopted 2018-2019 Sarasota County School Board Capital Improvement Plan by reference, CPA-18-167

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to read Ordinance No. 2018-42 by title only. The motion carried by the following vote:***

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

Recording Secretary Hale read Ordinance No. 2018-42 into the record by title only. City

Manager Lear gave an overview of the item.

Discussion ensued: (1) Interim Planning Manager Galehouse explained that projects have to go through school capacity and concurrency reviews, and it was noted that the comprehensive plan provides that the City adopt the schools Capital Improvement Plan (CIP) by reference; (2) it was suggested that the City pursue their own CIP for schools; (3) a suggestion was made to review what the schools have done and what our services are to ensure compliance, and that this be completed prior to the second reading. There was no public comment.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to move Ordinance No. 2018-42 to second reading on January 22. The motion carried by the following vote:***

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

**F. [18-919](#)**

Ordinance No. 2018-59, providing for a policy for the utilization of public-private partnerships (P3) in procurement by amending the Code of the City of North Port, Florida, Chapter 2 - Administration, Article VIII - Procurement, Section 2-402 - Definitions, and by creating a new Section 2-420 - Public-Private Partnerships (P3)

Recording Secretary Hale read Ordinance No. 2018-59 into the record by title only. City Manager Lear gave an overview of the item.

Discussion ensued: (1) it was explained that this ordinance was drafted based on language in the state statute which speaks to qualifying projects, to offer a process for proposed services would require additional research; (2) it was suggested that item three starting on line 176 should be renumbered as item one in this section; (3) concern was expressed that the Commission may decide to not move forward with a proposal and line 248 states the fee is non-refundable; (4) staff would need to research an applicable amount of fees that may be assessed if a proposal is to be refunded in part; (5) it was suggested that all be required to submit a conceptual proposal with a \$5,000 non-refundable fee; (6) the intent was to bring items before the Commission for determination of a qualifying project before proceeding and staff resources being expended; (7) a suggestion was made to add that all unsolicited detailed proposals will be reviewed by Commission and if the Commission is interested in the project then the \$25,000 non-refundable fee would be required; (8) it was noted that if a project is rejected without review the fee can be returned/refunded; (9) a scrivener's error was noted on line 264, the word "should" is to be replaced with "must"; (10) line 375 provides for a fee to be paid for a competing proposal but no fee amount is listed, it was suggested that the fee amount be stated; (11) it was explained that a \$25,000 fee or a lesser amount may be assessed for a competing detailed proposal because the full review process wouldn't be necessary; (12) a suggestion was made that all fee amounts within the ordinance be removed and stated in the City fee schedule; (13) it was explained that to extract the fees from the ordinance and restate them in the fee schedule would require an additional public notice for the next reading; (14) the date of January 9 as stated on line 566 is incorrect; (15) it was suggested that competing detailed proposals be assessed a \$15,000 fee; (16) lines 266-305 identifies information to be submitted with the proposal, starting on line 321 outlines the review process that will be performed by staff and/or outside counsel; (17) it was explained that if review costs exceed \$25,000 there is a provision in the ordinance to collect additional fees if necessary.

PUBLIC COMMENT

David Duval: Public-Private Partnership (P3) ordinance not ready for second reading.

Discussion continued: (1) it was clarified that refunds as stated in the motion pertain to the \$5,000 conceptual fee; (2) it was suggested that P3s for other than what is provided in this ordinance as suggested in public comment should be under a separate ordinance; (3) it was clarified that the intent is to have unsolicited conceptual and detailed proposals initially come to the Commission to determine if there is an interest to proceed.

***A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to continue Ordinance No. 2018-59 for final reading, date to be determined, and with the following changes: to refer all fees to the City's approved fee schedule as attachment A, to make sure that conceptual proposals are required to come before the Commission for approval, and that if not approved review fees will be reimbursed, and that on line 373 the review fee to be determined by outside counsel using same market data as used within this ordinance.***

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to amend the motion to move line 176 item three to line 165 as the new item number one, line 264 under item four "This information must include the following", changing line 566 to the 8th day. 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 continue Ordinance No. 2018-59 for final reading, date to be determined, and with the following changes: to refer all fees to the City's approved fee schedule as attachment A, to make sure that conceptual proposals are required to come before the Commission for approval, and that if not approved review fees will be reimbursed, and that on line 373 the review fee to be determined by outside counsel using same market data as used within this ordinance and move line 176 item three to line 165 as the new item number one, line 264 under item four "This information must include the following", changing line 566 to the 8th day. The motion carried by the following vote:***

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

Discussion continued: (1) it was suggested that the City Attorney research the information necessary to have an ordinance that allows for a P3 for services and plans and to bring it back as an agenda item in six-months; (2) it was noted that the public already can approach the Commission with their ideas and different examples were stated; (3) a suggestion was made that staff develop definitions, parameters and criteria for unsolicited services and requests and that it be brought back to the Commission; (4) it was opined that there should be a process for the different requests that come before the Commission.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to have staff draft something for the Commission in regard to definitions and parameters to make a fair process for citizens to bring unsolicited, ideas, concepts and designs forward in regard to service partnerships. The motion failed by the following vote, with Mayor Hanks, Commissioners Emrich and Carusone dissenting for reasons not stated:***

**Yes:** 2 - Vice-Mayor McDowell and Commissioner Luke

**No:** 3 - Mayor Hanks, Commissioner Emrich and Commissioner Carusone



Discussion continued: (1) Commissioner Carusone stated she couldn't support the motion because residents are coming to the Commission and doesn't want to see that go away; (2) Commissioner Emrich and Mayor Hanks did not state their reasons for dissenting. There was no public comment.

## **6. CONSENT AGENDA:**

It was noted that there were no notices of intent to pull an item from the Consent Agenda.

Discussion ensued: (1) it was noted that an item can only be pulled during a public meeting; (2) though a previous motion was stated to pull items the day prior to the meeting, it was clarified that the Commission will notify of their intent to pull an item prior to the meeting, and that items will continue to be pulled at the meeting; (3) concern was expressed that the motion didn't capture the correct language; (4) it was clarified that the Commission will share their intent to pull an item with the City Manager.

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

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

- A. [18-936](#) Approval of Minutes for the November 13, 2018 Commission Regular Meeting; November 27, 2018 Commission Regular Meeting; December 3, 2018 Commission Workshop Meeting ; December 6, 2018 Commission Special Meeting.
- B. [18-792](#) Purchase five (5) replacement Ford F-150 trucks, and one (1) replacement Ford F-250 truck from Coggin Ford for an estimated total of \$174,208.00.
- C. [18-922](#) Agreement between ImageTrend, Inc. and the City of North Port Fire Rescue to authorize transmission of electronic patient health information (ePHI) data to Intermedix for billing purposes.
- D. [18-813](#) Purchase two (2) replacement 4-inch Thompson Pumps for an estimated \$73,546.00 and one (1) replacement 6-inch Thompson Pump for an estimated \$38,573.00 from Thompson Pump Manufacturing Co., Inc. for an estimated total of \$112,119.00.
- E. [18-888](#) Community Development Block Grant Subrecipient Agreement between Sarasota County, Florida and the City of North Port, Florida to fund sidewalk construction, in the amount of \$100,000, Contract Number B-18-UC-12-0014
- F. [18-899](#) Work Assignment No. 2019-01 with CDM Smith, Inc. in the amount of \$ 131,528 for the Myakkahatchee Creek Water Treatment Plant Structural Evaluation.
- G. [18-910](#) Cash Receipts Summary - November 2018

**7. PUBLIC COMMENT:**

There was no public comment.

**8. COMMISSION COMMUNICATIONS:**

Commissioner Luke: (1) need to address noise at the dais because it hinders the audience's ability to hear; (2) suggested that an update regarding the noise ordinance be provided; (3) shared that she had asked the City Manager to forward the Sarasota County Economic Development Corporation (EDC) approval of the coding grant for the college.

City Manager Lear stated that the first reading (regarding the noise ordinance) is scheduled for January 22.

Vice-Mayor McDowell: (1) concern was expressed with direction given to advisory boards regarding scheduling that wasn't discussed with the Commission, and that the Charter provides that an advisory board creates their own meeting schedule.

City Manager Lear explained that advisory boards are now setting their calendars for the year, that there are issues with board's scheduling, and it will be brought as an agenda item January 22 or early February.

Commissioner Carusone: nothing to report.

Commissioner Emrich: nothing to report.

Mayor Hanks: nothing to report.

**9. ADMINISTRATIVE AND LEGAL REPORTS:**

There were no Administrative and Legal Reports.

**10. ADJOURNMENT:**

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 3:31 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.