



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes City Commission Special 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*  
*Heather Taylor, Deputy City Clerk*

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Thursday, February 7, 2019

1:00 PM

CITY COMMISSION CHAMBERS

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### ADDING ITEM 4.E.

**NOTE: This is a draft copy of the minutes of the 2-7-2019 City Commission Special Meeting, has not been approved by the Commission and is subject to change.**

### CALL TO ORDER/ROLL CALL

The North Port City Commission Special Meeting was called to order at 1:01 p.m. in City Commission Chambers by Mayor Hanks.

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

Absent: Commissioner Carusone.

**A moment of silence was observed followed by the Pledge of Allegiance led by Assistant City Manager Yarborough.**

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

*A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Agenda as presented, and moving item 5.B. after time certain item 4.E. The motion carried by the following vote, with Commissioner Carusone absent:*

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

### **2. PUBLIC COMMENT:**

Public comment was held 1:05 p.m. - 1:11 p.m.

Timothy Doyle: Complaint against City.

Hector Munoz: Community Garden direction from Commission.

Commissioner Carusone joined the meeting at 1:07 p.m.

Discussion ensued: (1) the City Attorney's office has reviewed and drafted language of the proposed ordinance for community gardens and it may be reviewed by the Planning and Zoning Advisory Board (PZAB) in early March.

### **3. WELCOME OF NEW EMPLOYEES:**

#### **A. [19-0048](#) Acknowledgement of New Employees**

Human Resources Director McDade introduced the City's newest employees in the City Clerk's Office, the City Manager's Office, Internet and Technology, Economic Development, Finance, Fire Rescue, Neighborhood Development Services, Police Department and Public Works.

### **5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

#### **A. [19-0081](#) Presentation requesting signage for Sand Hill Cranes**

Commissioner Luke introduced Barbara Lockhart who provided a PowerPoint presentation of the item.

Discussion ensued: (1) signs are requested to be placed on Panacea Boulevard because it is a highly traveled multi-lane road, with a median, where traffic is greater than the residential areas, and that other roads will be reviewed for possible signage; (2) it was suggested that signage recognition be given to North Port Friends of Wildlife (NPFOWL) for their financial assistance; (3) a suggestion was made to place signs in both directions along Panacea Boulevard intersecting at Toledo Blade Boulevard, Plantation Boulevard, Price Boulevard and near the middle school; (4) it was noted that the eight signs will cost approximately \$125 each; (5) a suggestion was made to have NPFOWL communicate with City staff to work towards actual sign placement; (6) it was noted that Public Works will need to be included in conversations with NPFOWL to review for any sign restrictions or requirements; (7) the Commission would like the matter brought back to ensure that signs can be completed; (8) it was explained that there are regulatory requirements for sign installation and staff will work with NPFOWL to have the signs installed. There was no public comment.

***There was a unanimous consensus for staff to work with North Port Friends of Wildlife to install signs and bring the matter back to Commission for accountability purposes.***

#### **C. [19-0049](#) NDS Building Division Presentation**

Assistant City Manager Yarborough introduced Neighborhood Development Services Director Miles who gave an overview of the item. Building Official Hopkins provided a presentation.

Discussion ensued: (1) staff is working with a homeowner that pulled permits without disclosing or paying subcontractors that completed the work; (2) a small number of permits have been submitted electronically, staff is reviewing the process and working

with Information Technology (IT) to determine how storage of data and the Track-It system will work moving forward; (3) first and second delivery is an IT matter regarding storage and transitioning data from Naviline to the Track-It system, it is hoped to be implemented in May or June 2019. There was no public comment.

## **6. GENERAL BUSINESS:**

**Present:** 5 - Mayor Christopher Hanks, Vice-Mayor Debbie McDowell, Commissioner Jill Luke, Commissioner Pete Emrich and Commissioner Vanessa Carusone

**A. [19-0046](#) Discussion on Artisan Markets and draft Artisan Markets Ordinance, GEN 18-224**

Assistant City Manager Yarborough introduced Neighborhood Development Services Director Miles who gave an overview of the item. Planning Manager Galehouse answered questions for the Commission.

Discussion ensued: (1) it was noted that the ordinance can be modified to provide for time restrictions; (2) it was explained that a special event is coordinated by the users and is not based on the number of random vendors, and that the number of allowed vendors can be reviewed if it becomes necessary; (3) staff is working on notifications to avoid a conflict between vendors and special events; (4) concern was expressed that during previous discussion it was noted that artisan vendors would be allowed quarterly, that they are not to have rummage sale items and that staff would schedule special events separate from artisan vendors; (5) the original concept was that location and space availability would dictate the number of allowed vendors and that market hours of operation would align with the noise ordinance; (6) a suggestion was made to add additional locations as determined by the Commission; (7) it was previously discussed to have different times allowed for homemade artisan vendors and commercial vendors; (8) it was suggested that the vendor application include their website; (9) concern was expressed that enforcement should not overload staff resources and it was suggested to include the Fire Marshall in section (d) Enforcement; (10) concern was expressed for monitoring the number of vendors at any given time; (11) it was suggested to review the National League of Cities (NLC) maker movement; (12) concern was expressed that people would park at the Garden of Five Senses if artisan vendors are allowed in the field across the street; (13) it was suggested to: [a] schedule the artisan markets quarterly; [b] review other possible locations for the market; [c] require vendors to sign up with North Port residents being given first priority; [d] ensure that this will not become a flea market; [e] get feedback from the vendors to determine what is working and what else may be done; (14) a suggestion was made to consider Dallas White Park as a location; (15) concerns were expressed regarding traffic issues, water availability and restrooms; (16) it was clarified that vendors would be required to get a permit, scheduling will be done on a quarterly basis with North Port resident artisans being scheduled first then open it up to non-residents, staff will confirm vendors on site are registered and staff will review after the event to make sure the area is cleaned up. There was no public comment.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to bring back an amended ordinance to allow a pilot program to begin at Dallas White Park on a quarterly basis, to include opening and closing hours, to limit the employee required participation to only help with scheduling and marking out the area, to make sure said ordinance also allows to expand locations as determined by Commission, to remove the limit of artisans to the area but to come up with a calculation of maximum artisans per land mass and to add Fire Department to Enforcement in section (d).***

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

***McDowell, to amend the motion so that residents that are part of the market have first right for ten days, after which it will be open to any artisans publicly. 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 bring back an amended ordinance to allow a pilot program to begin at Dallas White Park on a quarterly basis, to include opening and closing hours, to limit the employee required participation to only help with scheduling and marking out the area, to make sure said ordinance also allows to expand locations as determined by Commission, to remove the limit of artisans to the area but to come up with a calculation of maximum artisans per land mass, add Fire Department to Enforcement in section (d), and that residents that are part of the market have first right for ten days, after which it will be open to any artisans publicly. The motion carried by the following vote:***

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

**B. [19-0045](#)**

Comparison of Transportation Impact Fees Collected (FY 2015-2016, FY2016-2017 and FY 2017-2018) Under Current City Rate, with Projected City Rates and Sarasota County Mobility Fee

Assistant City Manager Yarborough introduced Neighborhood Development Services Director Miles who gave an overview of the item. Planning Manager Galehouse and City Planner Cookingham provided a presentation.

Discussion ensued: (1) a consultant was used to create Sarasota County's mobility methodology and it is based on miles traveled; (2) it was clarified that all impact fees for other services should be reviewed separate from mobility fees; (3) concern was expressed to exercise caution in the study and implementation of mobility fees so that the cost doesn't reduce commercial growth, and it was suggested to use a phased in approach; (4) a suggestion was made to include commercial parks in the fee impact study; (5) the study will provide options for the Commission to consider for implementing mobility fees; (6) \$175,000 has been budgeted for the impact/mobility fee study and that the mobility study alone could cost up to \$500,000; (7) the mobility fee study prepared for Sarasota County included North Port and their study may be used to reduce the cost; (8) if the Commission elects to have the mobility impact fee study, transportation impact fees will be extracted from the impact fee study; (9) it was clarified that the \$175,000 budgeted is more than sufficient for the impact fee study; (10) it was noted that the City is currently charging 42.5% of the recommended impact fees based on the 2011 study; (11) both studies could be done simultaneously, and the City Manager can bring back a budget amendment or to determine if it should be budgeted for next year; (12) a suggestion was made to start phasing in the mobility fee now; (13) it was clarified that the Commission has the authority to raise impact fees but cannot exceed the recommended amount from the 2011 study.

***A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to direct staff to move forward with the mobility study and to bring forward with the criteria as discussed to phase in bringing in 100% of the mobility fees by the third year, to then independently move forward with an updated impact fee study for all other departments collected thus far. 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 impact fees be increased to 75% of the recommended amount, including the transportation impact fees; (2) it was clarified that impact fees cannot be used to create sidewalks and that is the reason for implementing the mobility fee; (3) impact fee studies are based on the number of vehicles on the road at that time, this can be an actual count or Florida Department of Transportation's (FDOT) growth factor; (4) concern was expressed that the 2011 study was based on the 2004 study which reflected a high growth pattern in the City at that time and that the numbers would be different today; (5) Mayor Hanks stated he cannot support the motion because the percentage increase is too high.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to have the City Attorney, City Manager and staff work on bringing forth an ordinance to have Chapter 58 at the 75% level of the most current impact fee study to date. The motion carried by the following vote, with Mayor Hanks and Commissioner Carusone dissenting for reasons stated:***

**Yes:** 3 - Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

**No:** 2 - Mayor Hanks and Commissioner Carusone

Discussion continued: (1) Commissioner Carusone stated she dissented because of the 75% increase, and that full information is needed before increasing the rate so that economic development is not harmed.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to have staff bring back the comparison chart for the past three fiscal years showing the 42.5% impact fees that are being collected now, the 75% proposed for the ordinance being worked on and the 100%, also add in a 60% column; staff will also bring back a list of each one of the impact fees collected, what they specifically can do and what they can specifically be used for. The motion carried by the following vote, with Commissioner Luke dissenting for reasons stated:***

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

**No:** 1 - Commissioner Luke

Discussion continued: (1) Commissioner Luke stated she dissented because information regarding the 42.5% is already available in the backup material, that the Commission was already advised what 100% would be, and that the motion is putting additional unnecessary work on staff because information will be available with the study being done; (2) it was noted that the ordinance from the first motion should be brought back promptly. There was no public comment.

Recess 3:45 p.m. - 4:00 p.m.

Commissioner Carusone left the meeting at 3:45 p.m.

#### **4. PROCLAMATIONS AND RECOGNITIONS: TIME CERTAIN AT 4:00 P.M.**

**D.** [19-0055](#) Proclamation Honoring Gerald Gregory for creating the slogan "Yesterday's Dream, Today's Reality, Tomorrow's Promise..."

Commissioner Luke read the Honoring Gerald Gregory Proclamation into the record and presented it to Mr. Gregory.

- B. [19-0009](#) Proclamation "National Engineers Week in the City of North Port, Florida" February 17 through February 23, 2019.

Commissioner McDowell read the National Engineers Week in the City of North Port Proclamation into the record and presented it to Public Works Director Bellia and City Engineering Staff.

- A. [19-0034](#) Proclamation for Employee Appreciation Day 2019.

Commissioner Emrich read the Employee Appreciation Day Proclamation into the record and presented it to Human Resources Director McDade and Human Resources Staff.

- C. [19-0024](#) Recognition of the Departments of Public Works, Risk Management and the Utilities staff for the hydraulic spill cleanup at the off-ramp of Exit 195, Interstate 75 at the intersection of Laurel Road.

Mayor Hanks gave Recognition to the Departments of Public Works, Risk Management and the Utilities staff for the hydraulic spill cleanup at the off-ramp of Exit 195, Interstate 75 at the intersection of Laurel Road. Public Works and Public Utilities Staff accepted the plaques.

- E. [19-0088](#) Certificate of Appreciation for Donna McGinn, Jenny Casch, Nicholas Trolli in recognition of their personal commitment and dedication while serving on their respective Board or Committees.

Mayor Hanks read the Certificates of Appreciation into the record and they will be mailed to Donna McGinn, Jenny Casch and Nicholas Trolli.

## **5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

- B. [19-0073](#) Students Working Against Tobacco (S.W.A.T.)

Vice-Mayor McDowell introduced Sarasota County Health Department Tobacco Program Manager Jennifer Sadonis who provided an overview of the item. Members of Students Working Against Tobacco (SWAT) provided a PowerPoint presentation.

Discussion ensued: (1) undercover operations are conducted at random by the North Port Police Department or the Sarasota County Sheriff Department in conjunction with the Food and Drug Administration (FDA); (2) a question was raised regarding the sale of tobacco and restricting sales to those under the age of 21; (3) Alachua County allows municipalities to opt-out of their program requiring sales to those aged 21 or older, SWAT is working to bring the municipalities together toward having the same policy and then approach Sarasota County; (4) it was suggested an updated presentation be provided to the Commission as this group progresses with other municipalities; (5) it was explained that there are different levels of discipline for students who violate smoking and tobacco restrictions at school, including action with Teen Court. There was no public comment.

***There was a consensus to look at what Alachua County is doing, to have staff and legal meet with Jennifer and SWAT to review and get information of how to implement the program.***

***There was a consensus to have staff look into regulating advertising inside the***

*building at point of sale.*

## **6. GENERAL BUSINESS:**

### **C. [19-0069](#) Discussion and possible action on city staffing of City Advisory Boards.**

Assistant City Manager Yarborough gave an overview of the item.

Discussion ensued: (1) it was noted that the Environmental Advisory Board (EAB) has been meeting monthly and the report reflects that meetings are quarterly; (2) concerns were expressed that some boards wish to meet more than monthly and that staff is being asked to do tasks that should be the board's responsibility; (3) a suggestion was made that boards should meet monthly and that quarterly may be too long of a time period between meetings; (4) a suggestion was made that the Commission be provided with information about how much staff time and funding is attributed to the boards, and the amount of hours that the boards meet; (5) it was explained that there is a process for matters to be brought forward from advisory boards and it starts with staff presenting a memo to the City Manager who then determines the disposition of those items; (6) the City Manager's Office is working on educating the boards so they understand the process; (7) there was a one day delay in the Planning and Zoning Advisory Board (PZAB) receiving their packets when the initial switch to Legistar occurred, there was discussion and direction for the Chair to contact the board which was reviewed and authorized by the City Manager; (8) staff members volunteer to serve as board liaisons, and this is in addition to their regular work, work schedules are adjusted so that they are not compensated for overtime and it does have an impact on their work duties; (9) PZAB board members are provided paper documents the Friday before they meet and they are also available electronically; (10) suggestions were made that the roles and meeting times of the boards be reviewed, and that each board provide an annual report to the Commission at the beginning of the year prior to strategic planning so that items may be considered for the budget; (11) recording secretaries also adjust their hours to work evenings and it is becoming problematic as they have to leave during business hours to flex their time so they are not compensated for overtime; (12) it was noted that the Code provides that the boards are to give a report within the first quarter of the calendar year; (13) suggestions were made that staff assist the advisory boards with setting time limits for meeting discussions, and provide advisory board members with a link to the Uniform Land Development Code to help answer questions; (14) it was opined that advisory board meetings should last one and half hours, and it was suggested to ask the advisory boards how long they think their meetings should be within reason; (15) it was noted that caution was advised for setting time certain meetings for Zoning Board of Appeals (ZBA), PZAB and Code Enforcement; (16) it was suggested that this item be brought back to the Commission soon due to the staff resources involved.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to have staff check with their boards at their next meeting and ask how long they think their meetings should be and can they change their meeting time to be during the day as opposed to the evenings, then report back to the Commission in the form of a memo, except for PZAB, ZBA and Code Enforcement; also have staff come back in nine months with an updated information sheet as presented today so that the Commission can see if the processes have helped.***

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to amend the motion to change it from nine months to three months for an evaluation. The motion carried by the following vote, with Commissioner Carusone absent:***



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

***A vote was taken on the main motion, as amended, to have staff check with their boards at their next meeting and ask how long they think their meetings should be and can they change their meeting time to be during the day as opposed to the evenings, then report back to the Commission in the form of a memo, except for PZAB, ZBA and Code Enforcement; also have staff come back in three months with an updated information sheet as presented today so that the Commission can see if the processes have helped. The motion carried by the following vote, with Commissioner Carusone absent:***

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

Discussion continued: (1) it was noted that the EAB can meet monthly or as staff resources are available; (2) it was recommended that the boards supported by Neighborhood Development Services meet every other month due to the number of boards supported by the department and the staff resources involved; (3) it was clarified that the EAB will continue to meet monthly and that the Commission will reevaluate in three months; (4) it was suggested that training be provided to the boards to reduce the length of meetings; (5) City Clerk staff is attending Parliamentary Procedures classes and this information can be shared with the staff liaisons. There was no public comment.

***There was a unanimous consensus for training for the boards to run effective meetings.***

## **7. CONSENT AGENDA:**

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

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

- A.** [18-882](#) Central Florida Internet Crimes Against Children Task Force Memorandum of Understanding 2019 with Osceola County Sheriff's Office.
- B.** [19-0013](#) West Coast Inland Navigation District (WCIND) Waterway Development Program Grant Agreement and sub-grant award from Sarasota County for the dock pile wrappings at Marina Park in the amount of \$6,700.

## **8. PUBLIC COMMENT:**

There was no public comment.

## **9. COMMISSION COMMUNICATIONS:**

Commissioner Luke: (1) reported attending other city commission meetings and noted that the Stormwater Resolution has been approved by other municipalities; (2) suggested that the City consider having a Sustainability Manager possibly under Economic Development; (3) a meeting to discuss the Legacy Trail should be set; (4) a citizen recommended having an event to paint the skate park using youth artwork; (5) suggested that the Commission table at Newcomers Day be moved to a corner and let non-profit organizations use the current space; (6) requested that a copy of City owned properties



and their respective zoning be provided.

Vice-Mayor McDowell: (1) reported attending the Suncoast Institute of Chemical Dependency presented by Division Chief Bennett; (2) Charlotte Harbor National Estuary has been approved for a \$900 educational grant; (3) will be setting an agenda item to address concerns with the memo regarding Municode; (4) attended Newcomers Day and noted that the Commissioners table is preferred where it is, suggested that another location be considered because the event is outgrowing the Mullen Center; (5) suggested creating an advisory board to work on events at the Braves stadium.

Commissioner Emrich: (1) reported attending the Metropolitan Planning Organization (MPO) meeting.

Discussion ensued: (1) it was explained that staff will be reviewing amenities along U.S. 41 after the Department of Transportation (DOT) completes the sidewalk project; (2) concern was expressed regarding the low elevation and flooding that will occur; (3) the design is complete for angled parking on the south side of U.S. 41 from Bolander Terrace to Almonte Terrace, if the grant funding isn't approved it will be included in the district budget for 2020 and constructed in 2021.

Mayor Hanks: nothing to report.

Commissioner Carusone: was not present.

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

There were no Administrative and Legal Reports.

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

Mayor Hanks adjourned the North Port City Commission Special Meeting at 5:56 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.