



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Draft 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 Wong, City Clerk*  
*Heather Taylor, Deputy City Clerk*

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Tuesday, June 11, 2019

9:00 AM

CITY COMMISSION CHAMBERS

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### **CALL TO ORDER**

The North Port City Commission Regular Meeting was called to order at 9:03 a.m. in City Commission Chambers by Mayor Hanks.

### **ROLL CALL**

**Present:** 4 - Mayor Christopher Hanks, Vice-Mayor Debbie McDowell, Commissioner Jill Luke and Commissioner Pete Emrich  
**Absent:** 1 - Commissioner Vanessa Carusone

### **Also present:**

Assistant City Manager Jason Yarborough, City Attorney Amber Slayton, Deputy City Clerk Heather Taylor, Recording Secretary Susan Hale, Recording Secretary Laura Reed, Police Chief Todd Garrison, Parks and Recreation Director Sandy Pfundheller, Planning Division Manager Nicole Galehouse, Project Manager Derek Applegate, Stormwater Manager Elizabeth Wong, Public Utilities Director Rick Newkirk, Public Utilities Assistant Director Jennifer Desrosiers, Neighborhood Development Services Director Frank Miles, Economic Development Manager Mel Thomas, and Assistant City Manager Cari Branco.

**The invocation was provided by Mayor Hanks followed by the Pledge of Allegiance led by the Commission.**

Commissioner Carusone joined the meeting at 9:06 a.m.

Ms. Reed replaced Ms. Hale at 9:06 a.m.

### **1. APPROVAL OF AGENDA**

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

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

**2. GENERAL BUSINESS - This item is time certain for 9:00 a.m.****A. [19-0535](#)**

Approval of Amendment #1 to Agreement No. 2018-35 with Recreational Design & Construction, Inc. in the amount of \$498,146.45 for the construction of an additional parking lot in support of the North Port Aquatic Center.

Mr. Yarborough reviewed this item to include alternative parking options, possible operational issues, potentially having to go out to bid, and operating under a temporary Certificate of Occupancy (CO).

Ms. Pfundheller responded to Commission questions regarding the use of shell and asphalt for parking construction and grass parking to be used as overflow.

Ms. Galehouse responded to Commission questions regarding waiving of parking requirements.

Mr. Applegate continued to respond to questions regarding cost comparisons of shell versus pavement.

Discussion took place on prior Commission conversation regarding additional parking location and use of shell, proposed location of grass lot, total number of paved parking spots, reviewing the need for overflow parking at a later date, lifeguard safety, and concern with use of shell.

Staff continued to reply to Commission questions regarding Change Order 12 cost inclusion and procedure to modify the paved parking plan to allow for half to be grass.

Ms. Wong replied to questions regarding permitting, excavating, and procedure to reduce paved parking.

Mr. Yarborough spoke to location of wheel stops and divots.

Discussion continued regarding current grass parking location and the possibility of having to go out to bid.

Staff replied to additional questions regarding cost to redesign drainage, middle school parking transportation, installation of speed bumps, whether grass parking can be used to account for required parking, location of speed bumps, and shuttle service from Heron Creek lot to the Aquatic Center.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Amendment #1 to Agreement No. 2018-35 with Recreational Design & Construction, Inc. in the amount of \$498,146.45 for the construction of an additional parking lot in support of the North Port Aquatic Center.***

Discussion took place regarding change orders adding to timeline and the expected opening date.

Mr. Emrich stated he cannot support due to not knowing the need for parking and money being able to be used in other areas.

Discussion continued regarding time passed from prior discussion until now, the need for adequate parking, increased costs if postponed, lack of secondary discussion prior to

approval of contract, timeframe for installation of playground, and mobilization location for construction of playground.

***The motion carried by the following vote, with Commissioner Emrich dissenting for reasons stated:***

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

**No:** 1 - Commissioner Emrich

### **3. PUBLIC COMMENT:**

There was no public comment.

### **4. ANNOUNCEMENTS**

- A. [19-0607](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees

Ms. Taylor read the Current Vacancies and the Upcoming Expiration Dates for Boards and Committees into the record.

### **5. CONSENT AGENDA:**

***A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, 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. [19-0606](#) Approve Minutes for the May 2, 2019 Commission Special Meeting  
***This item was approved on Consent.***
- B. [19-0505](#) Reappoint Alice White as Regular Member to the Citizens Tax Oversight Committee  
***This item was approved on Consent.***
- C. [19-0562](#) Appoint Dylan Hubbard as the North Port High School Representative, Kevyn Dufrense as the Woodland Middle School Representative, Madisyn Crites, Aiden Hubai and Damien Auxier as At-Large Members to the North Port Youth Council  
***This item was approved on Consent.***
- D. [19-0524](#) Approve Work Assignment No. 6 with Granite Inliner, LLC. for the Inflow and Infiltration Project in the Amount of \$214,657.00  
***This item was approved on Consent.***
- E. [19-0529](#) Accept the Cash Receipts Summary Report for April 2019

*This item was approved on Consent.*

Discussion followed regarding communication from a member of the Youth Advisory Board.

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

**A. [19-0532](#)**

Bryan Mantz, GovRates Inc.:2019 Utility Rate Analysis and Discussion and Direction for Staff to Prepare and Submit Proposed User Rate, Level of Service and Miscellaneous Fee Adjustment Recommendations for FY 19/20, FY 20/21 and FY 21/22

Mr. Newkirk gave an overview of the item and introduced Bryan Mantz, President of GovRates, Inc.

Mr. Mantz provided a presentation to include utility overview, major cost drivers affecting utility system, revenue requirements, projected need for revenue adjustments and recommendations for the next three fiscal years, projected financial position, financial risks of not adjusting rates at this time, comparison of monthly charges, water and wastewater capacity fees, other charges, requested Commission action, and responded to Commission questions regarding combined system adjustment for water and wastewater.

Ms. Desrosiers clarified the percentage increase to be added onto the existing rates.

Mr. Mantz continued to respond to questions regarding lowering level of service, bulk reclaimed water rate for West Villages, and general fund expenses.

Mr. Yarborough provided clarification on return on investments.

Mr. Mantz responded to additional questions regarding Engineering News-Record (ENR) average, construction cost index versus local Consumer Price Index (CPI), and FY 2022 rate increases.

Ms. Desrosiers spoke to concern with not showing change to deposits and activation, and noted deposits are only required for commercial properties.

Mr. Mantz responded to questions regarding inclusion of inflation of CPI and an increase to use ENR versus CPI.

Ms. Desrosiers suggested staff bring back a resolution incorporating rate increases and move from CPI to ENR.

Mr. Mantz spoke to rate increases as part of construction projects and the capital improvement fund balance for the district.

Ms. Desrosiers explained the ability to connect customers to pipes going from the City to West Villages and the piping capacity.

Mr. Mantz responded to Commission questions regarding federal and state addressing infrastructure, use of capacity fees, costs calculated on number of residential units served, and reallocation for distribution of water units.

Ms. Desrosiers addressed Commission questions regarding a community meeting,

customer notification, changes taking effect October 1, 2019, revenue and costs provided within the report, and use of surtax funding for the sewer expansion project.

***A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to direct staff to prepare and submit proposed User Rate, Level of Service and Miscellaneous Fee Adjustment Recommendations for FY 19/20, FY 20/21 and FY 21/22.***

Discussion continued regarding staff providing a comparison of CPI and ENR for the past 10 years and informing citizens of meeting dates.

Commissioner Carusone stated she cannot support the motion due to pricing people out of the City, sufficient revenue existing for the next five-years, lack of allocation for other revenue sources, and the need to plan for the next 10 years.

***The motion carried by the following vote, with Commissioner Carusone dissenting for reasons stated:***

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

**No:** 1 - Commissioner Carusone

## **7. PUBLIC HEARINGS:**

### **ORDINANCES - Second Reading**

**A. [ORD NO. 2018-33](#)**

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Chapter 58 - Planning and Development, Article III - Impact fees, Allowing for Deferral of Payment of Impact Fees, Modifying the Timeline for and Interest Paid on Refunds, and Removing Outdated Language; Amending Appendix A - City Fee Structure to Provide Fees for Petitions Related to Impact Fees; Providing for Severability; Providing for Conflicts; Providing for Codification; and Providing for an Effective Date

Ms. Taylor read the ordinance by title only.

Discussion took place regarding possible cap on maximum amount of deferred impact fees.

Ms. Slayton spoke to other municipalities not deferring impact fees and reviewed the parameters in the ordinance, maximum three-year repayment, fees on liens included in the fee schedule, verbiage regarding costs for filing liens, costs in excess of petition fee, first in time and first in right process, protections in the agreement for breach of contract, and instances when the City initiates deferment of impact fees.

***A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to approve Ordinance No. 2018-33, with the caveat to have the ordinance reflect that the deferment should be no more than 80% of the impact fee total.***

Discussion took place regarding Commission developing process and requirements for deferments.

Ms. Slayton recommended Commission develop criteria during the ordinance approval process, pointed out Subsection D regarding waiving or reducing impact fees, and suggested future revision of waiver process.

Discussion continued regarding the 20% being based on an estimate due to procedure, modifying line 99 value amount to more than one-million dollars, alternative percentages for deferral, and various impact fees.

Ms. Branco replaced Mr. Yarborough at the dais from 11:25 a.m. to 11:28 a.m.

Discussion ensued regarding benefits of deferring and allowing flexibility to make determinations on a case by case basis.

Mr. Miles recommended approval of ordinance and allowing flexibility for incentives on future projects.

Ms. Slayton responded to Commission questions regarding ability to prioritize projects and Commission approval for deferment requests.

Ms. Thomas spoke to standard of looking at economic impacts.

Discussion followed regarding prior practice to determine zones for enhancement, ability to defer Hampton Inn, Economic Development Master Plan, and scheduling a Workshop for further discussion.

Ms. Slayton clarified determining a public purpose and the possibility of liability.

Commissioner Luke expressed concern to not amend the ordinance at this time, addressing enhancements in a Workshop, and to include Economic Development in future discussions.

Ms. Slayton clarified variance of terms can be provided in an agreement if not restricted by the ordinance.

***Vice Mayor McDowell withdrew her second to the motion.***

***Commissioner Emrich seconded the motion.***

Discussion took place regarding guidelines for granting 100%, ability to establish criteria, and criteria targeted into the master plan.

Vice Mayor McDowell stated she will not support the motion as agreements can provide buy-in opportunities.

***The motion failed by the following vote, with Mayor Hanks, Vice Mayor McDowell and Commissioner Luke dissenting:***

**Yes:** 2 - Commissioner Emrich and Commissioner Carusone

**No:** 3 - Mayor Hanks, Vice-Mayor McDowell and Commissioner Luke

***A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to approve Ordinance No. 2018-33 as presented on second reading.***

Discussion took place regarding a workshop in conjunction with the Economic Development Master Plan and concern with not having a cap in the ordinance.

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

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

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to direct staff to establish a workshop to define criteria for deferment of 100% impact fees, and to include the Economic Development Department, the Economic Development Advisory Board and the Chamber of Commerce for their input prior to and during the workshop.***

Discussion took place regarding inclusion in the Economic Development study and the Impact and Mobility Fees study to include affordable housing.

Mr. Yarborough clarified that the scope for the Impact and Mobility Fees study has been completed.

Discussion continued regarding concern with having separate criteria for affordable housing impact fees, different types of dwellings that may be deemed affordable housing, and support for additional information without acting on inclusion of affordable housing.

***There was consensus to have staff ask the consultant who is doing the impact fee study to include affordable housing.***

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

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

Recess was taken from 12:02 p.m. until 12:17 p.m.

Commissioners Carusone and Emrich not present.

**B. [19-0590](#)**

Ordinance No. 2019-06; An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Chapter 58 – Planning and Development, Article III. – Impact Fees; Providing for Severability; Providing for Conflicts; Providing for Codification; and Providing an Effective Date.

Ms. Taylor read the ordinance by title only.

Mr. Yarborough reviewed the item.

***A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to approve Ordinance No. 2019-06 as presented on second reading.***

Discussion took place regarding needs within the city to include solid waste expansion, police department expansion, study recommendation for solid waste and police department to be at 100%, and need to increase to recommended percentage until study comes back for impact fees and mobility fees.

***A motion to amend was made by Vice Mayor McDowell, to have fees for Solid Waste and Law Enforcement at 100% until the impact study for fees has been completed. The motion failed for lack of second.***

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

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

**Not Present:** 2 - Commissioner Emrich and Commissioner Carusone

Discussion took place regarding sufficient funding at 75%.

Commissioners Carusone and Emrich arrived at 12:22 p.m.

Mr. Yarborough clarified there is no environmental impact fee and none has been considered.

## **GENERAL BUSINESS - Continued**

### **B. [GEN-18-224](#) Discussion and Possible Action Regarding Makers Market Ordinance Language**

Mr. Yarborough introduced the item.

Ms. Galehouse reviewed the item to include prior Commission suggested changes and responded to Commission questions regarding rotation of quarterly events, date of prior discussion, minimal staff participation, and the intent to bring back as ordinance.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to have staff bring back the draft reading as presented to Commission for first reading of the actual ordinance.***

Discussion continued regarding concern with the intent discussed at a prior meeting, over regulating, and allowing to try various locations.

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

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

## **8. PUBLIC COMMENT:**

There was no public comment.

## **9. COMMISSION COMMUNICATIONS:**

Commissioner Luke reported on bill for Certificate of Need (CON) removal, inviting elected representative of Sarasota Memorial to come to a workshop or special meeting to discuss policies, and concerns with Physicians First services.

Ms. Slayton spoke to funds from citizens of North Port and the inability for the City to intervene without petitioning to the State.

Commissioner Luke continued her report on concerns with Sarasota Memorial elected officials lack of communication.

Discussion took place regarding the need for accountability and a meeting with board members.

***There was consensus to invite the Sarasota Memorial Board Members to come to a joint special meeting.***

Discussion continued to explore options regarding allocation of funding and services.

Ms. Slayton explained individual taxpayer standing and that of the City.

Discussion took place to request verification of assistance for the indigent and other



statistical information.

***There was consensus to direct the City Attorney to investigate standing and what avenue Commission can take.***

Commissioner Luke continued her report on statewide stormwater rule and overhead costs for the family services building.

***There was consensus to direct staff to provide updated breakdown for overhead cost for family service building on Pan American during budget.***

Commissioner Luke noted she would like an update about the tree fund during budget discussions.

Discussion ensued regarding tree fund historical information and changes to the tree ordinance.

***There was consensus to direct staff to provide history of the tree fund ordinance.***

Vice Mayor McDowell provided clarification that she did not have ex-parte communication for CC PLF-19-036 at the May 28, 2019 meeting and reported on state committees for legislative session.

***There was consensus to discuss state legislative priorities in July.***

Vice Mayor McDowell inquired about police vehicles and asked for additional information to be provided at budget discussions.

Mr. Garrison provided input on the policy for police vehicles being taken home.

Mr. Yarborough stated he will provide Vice Mayor McDowell with how many vehicles go home, what is policy, and City Manager exemptions.

Mayor Hanks, Commissioners Carusone and Emrich had nothing to report.

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

Mr. Yarborough reported on Citizens' Academy graduation, Parks and Recreation accreditation, Warm Mineral Springs Day, and stated he will get notification of Warm Mineral Springs Day on social media.

Ms. Slayton had nothing to report.

Ms. Taylor reported on the kiosk in the lobby for citizens to review the agenda.

## **11. ADJOURNMENT:**

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 12:56 p.m.

City of North Port, Florida

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

Attest: \_\_\_\_\_  
Heather Taylor, Deputy City Clerk

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