



# 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, September 10, 2019

10:00 AM

CITY COMMISSION CHAMBERS

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### **CALL TO ORDER**

Mayor Hanks called the meeting to order at 10:02 a.m.

### **ROLL CALL**

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

### **Also present:**

City Manager Peter Lear, Assistant City Manager Cari Branco, City Attorney Amber Slayton, Assistant City Attorney Michael Golen, Deputy City Clerk Heather Taylor, Recording Secretary Susan Hale, City Grant Writer Valerie Malingowski, Fire Chief Scott Titus, Fire Medic Anthony Morandi, Neighborhood Development Services Director Frank Miles, City Planner Sherry Willette, Parks and Recreation Director Sandy Pfundheller, Parks and Recreation Assistant Director Tricia Wisner, City Arborist David Jayroe, Police Chief Todd Garrison, Public Utilities Director Rick Newkirk, Assistant Public Works Director Jennifer Desrosiers, Public Works Director Julie Bellia, Fleet Manager Kenneth Rappuhn and Desktop Systems Administrator Jonathan Hall.

**The invocation was provided by Pastor Marc Knoedler of Bethel Baptist Church, followed by the Pledge of Allegiance led by Vice Mayor McDowell.**

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

*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:*

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

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

Tim Ritchie: Mosaic Bartow South and Mulberry gyp stacks, failed water testing.

### **3. ANNOUNCEMENTS**

- A. [19-0960](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the current vacancies and upcoming expirations into the record.

### **4. GENERAL BUSINESS:**

- A. [19-0954](#) Discussion and Possible Action Related to the Submissions Received from the Advisory Boards for a Tribute/Infinity Wall, Bricks or Artwork Display at the North Port Aquatic Center

Mr. Lear introduced the item.

Ms. Wisner spoke to prior Commission direction, advisory board recommendations, and responded to Commission questions regarding date to obtain Art Advisory Board recommendation.

Discussion took place regarding waiting on Art Advisory Board input, tribute wall diminishing the value of sponsorship program, using the wavy fish as fence line around facility, utilizing archeological theme at playground, playground Request for Proposal (RFP) to match aquatics theme, criteria for tribute wall, participation in tree and bench tribute programs, dinosaur and swing better suited at Warm Mineral Springs, tribute wall being a fixed asset, and educating residents of tribute opportunities.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to postpone discussion until input is received from the Art Advisory Board. The motion carried by the following vote:***

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

***There was consensus to have staff include participants and costs for other tribute programs, to be brought back with Art Advisory Board recommendations.***

***There was consensus to incorporate design features in Warm Mineral Springs redevelopment as suggested by the Historic and Cultural Advisory Board including archeological features in a playground or free-standing area as a tribute.***

- B. [19-0772](#) Discussion and Possible Action Regarding the Use of Single Use Plastics at City facilities and Functions

Mr. Lear introduced the item.

Discussion took place regarding the need for more time to gather additional information, logistics of replacing plastics, expected time-frame for further discussion, and re-fill zones at water fountains.

- C. [19-0969](#) Discussion and Possible Action Regarding Memorandums from the Environmental Advisory Board Related to General Board Action and Recommendations Including but not Limited to: Aquatic Plant Management and Spraying; Purchase of Conservation Land; Single-Use Plastics; and

## Code Provisions Related to Scrub Jays, Gopher Tortoises, and Environmental Studies.

Mr. Lear introduced the item and spoke to advisory board members attending meeting to answer questions.

Discussion continued regarding spraying canals and safety of chemicals used.

Mr. Lear stated staff would be able to provide a presentation at an upcoming meeting.

Consensus was requested for staff to prepare a presentation on spraying of aquatic plants and how the aquatic vehicle will cut down spraying.

Discussion continued regarding meetings with staff, \$5 million land acquisition and relation to the budget, support of joint meetings, Natural Resource Department, advisory board education on Unified Land Development Code (ULDC) process, and developing an advisory board education handbook.

Mr. Miles spoke to requests regarding ULDC, management of gopher tortoise and scrub jays, and regulating use of silk fences during construction.

Discussion took place regarding creating an environmental impact fee and a joint meeting with the board.

***There was a consensus to have a joint meeting, including a presentation from staff regarding aquatic spraying.***

Discussion followed regarding timeline to hold a joint meeting.

***There was consensus to direct staff to develop an advisory board handbook.***

***There was consensus to look into whether we can legally develop an environmental impact fee and can it be used for a Natural Resource Department.***

### PUBLIC COMMENT

Chuck English: expressed support of environmental impact fee and Natural Resource Department and suggested educating public regarding character of land.

Sherry Straub: Clean Water Now, Community Bill of Rights, and requested approval to provide a presentation to Commission.

Dawn PINER: expressed support of educating the public and creating Natural Resource Department and expressed concern with use of chemicals.

Discussion ensued regarding gratitude to the Environmental Advisory Board (EAB).

## **5. CONSENT AGENDA:**

Mr. Lear stated Item 7.D. was requested to be pulled by the applicant, and it was requested to pull Items 7.I., 7.J. and 7.S. for discussion.

***A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to approve the Consent Agenda with the exception of Items 7.D., 7.I., 7.J. and 7.S. The motion carried by the following vote:***

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

- A. [19-0794](#) Appoint Jamie Nicastro as a Regular Member of the Art Advisory Board.  
*This item was approved on Consent.*
- B. [19-0795](#) Appoint Jerry Nicastro as a Regular Member of the Planning & Zoning Advisory Board.  
*This item was approved on Consent.*
- C. [19-0810](#) Appoint Jodie Vaughn as the Higher Education/School Board Representative on the Community Economic Development Advisory Board.  
*This item was approved on Consent.*
- D. [19-0834](#) Appoint William Gunnin as the Public Relations Representative on the Community Economic Development Advisory Board.  
*This item was pulled from the agenda at Mr. Gunnin's request.*
- E. [19-0813](#) Appoint Cynthia Vardell as a Regular Member to the Beautification & Tree/Scenic Highway Committee  
*This item was approved on Consent.*
- F. [19-0947](#) Appoint James Bonsky to the Zoning Board of Appeals for a Second Term to be Effective September 13, 2019.  
*This item was approved on Consent.*
- G. [19-0961](#) Approval of Minutes for the July 9, 2019 Commission Regular Meeting, July 11, 2019 Commission Special Meeting, July 16, 2019 Commission Budget Workshop Meeting, July 17, 2019 Commission Budget Workshop Meeting, July 18, 2019 Commission Special Meeting, July 23, 2019 Commission Regular Meeting, July 23, 2019 Commission Regular Meeting.  
*This item was approved on Consent.*
- H. [19-0805](#) Accept the Cash Receipts Summary Report for June 2019  
*This item was approved on Consent.*
- I. [19-0506](#) Approve Grant Application to the Florida Division of Historic Resources in an Amount of \$500,000 for the Rehabilitation of the Warm Mineral Springs Cyclorama  
Mr. Lear introduced the item.

Vice-Mayor McDowell spoke to reason item was pulled.

Ms. Malingowski responded to Commission questions regarding grant matching.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve the grant application for the historic resources in the amount of \$500,000 for Warm Mineral Springs, and for the City Manager to send a memo to the Commission once it has been approved/denied. The motion carried by the following vote:***

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

- J.** [19-0625](#) Approve the Disposition of Surplus Assets and Recommended Method of Disposal dated September 2019, Pursuant to Chapter 2 Administration, Article VIII Procurement, Section 2-419, Disposition of City Assets and Property (d), (1), of the Code of the City of North Port, Florida.

Mr. Lear introduced the item.

Mr. Rappuhn responded to Commission questions regarding disposal of the Kawasaki.

***A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve Consent Agenda Item J. The motion carried by the following vote, with Vice Mayor McDowell dissenting without specific reasons stated:***

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

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

- K.** [19-0760](#) Approve Application and Acceptance of the Award of the Edward Byrne Memorial Justice Assistance Grant (JAG) in the Amount of \$6,978 for the Purchase of Mini-First Aid Trauma Kits for Police Officers

***This item was approved on Consent.***

- L.** [19-0837](#) Approve the 2019 Amended and Restated Utilities Agreement between the City of North Port, West Villages, LLLP and the West Villages Improvement District

***This item was approved on Consent.***

- M.** [19-0845](#) Approve the Award of RFB No. 2019-70, Biosolids Hauling, Disposal and Backup Dewatering, to Synagro South, LLC for Services on an As-Needed Basis, for an Annual Estimated Amount of \$191,250.00.

***This item was approved on Consent.***

- N.** [19-0847](#) Approve the Sole Source Purchase of Neptune AMR Water Meters, Reading Equipment, Software, and Repair and Maintenance Services from Sunstate Meter & Supply, Inc. on an As-Needed Basis for an Annual Estimated Amount of \$824,970.00 for FY 2019-20.

***This item was approved on Consent.***

- O. [19-0848](#) Approve the Utilization of City of Sarasota Agreement for Analytical Laboratory Services with Benchmark Enviroanalytical, Inc. for Services Per Unit Pricing, on an As-Needed Basis, for an Annual Estimated Amount of \$145,080.00 for FY 2019-20.

*This item was approved on Consent.*

- P. [19-0927](#) Approve Utilization of Florida Sheriffs Association Contract FSA18-VEL 26.0, City of Cape Coral Contract CON-PW18-10MM and Existing Visa Approval for the Purchase of One Police Vehicle, Emergency Vehicle Associated Equipment and Graphics, and Painting for a Total of \$42,348.55.

*This item was approved on Consent.*

- Q. [19-0946](#) Approve Project Application Submission for the Southwest Florida Water Management District FY 2021 Cooperative Funding Initiative and Acceptance, if Applicable, of Grant Funding for the North Port Water Distribution System Looping and Direct Potable Reuse Feasibility Study Projects

*This item was approved on Consent.*

- R. [19-0958](#) Approve Renewal of Property and Casualty Insurance and Risk Management Services, and Accidental Death & Dismemberment (AD&D) Insurance with Public Risk Insurance Advisors (PRIA) for FY 2019/2020 in the Budgeted Amount of \$765,842.

*This item was approved on Consent.*

- S. [19-0972](#) Approve Authorized Leave Without Pay for City Clerk Kathryn Wong

Mr. Lear introduced the item.

Discussion took place regarding Charter Officer level, the need for the department to have Clerk present, past Charter Officer requests for extensions, and setting precedent by granting extension.

Mr. Lear spoke to opportunity for first 30-day and second 30-day extensions.

Ms. Slayton responded to Commission questions regarding any legal prohibition requiring granting of extension, clarified the request is for leave without pay, and addressed legalities of Charter Officer versus employee.

Discussion took place regarding contractual employee differences, contract average of hours worked, concern with lack of end date, setting precedent, current progress in the Clerk's office, approving first extension with condition to not approve second, doctor recommendation to not return to work, and lack of additional information being provided.

Mr. Lear responded to Commission questions regarding Family and Medical Leave Act (FMLA) end date and information provided.

Ms. Slayton clarified provisions in contract regarding hours worked and termination of contract.

Mr. Lear responded to additional questions regarding prior behavior not being able to impact FMLA, addressing concern with absences, and clarified the request for leave is until October 4, 2019.

Ms. Slayton responded to additional questions regarding how to prevent future situations and employee approval to amend contract.

Mr. Lear commented on management of Charter Officer time.

Mr. Golen spoke to consideration of additional 30-days separate from FLMA, factors to take into consideration, prior time off not in relation to FMLA, and reasonable accommodations.

Discussion took place regarding ability to manage Charter Officer attendance, definition of good cause, establishing precedent for Charter Officer time off, expectation if not approved, following expectations set for all employees, discussion at time of evaluation, and concern regarding upcoming workshop.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to authorize leave without pay for the City Clerk until October 4, 2019. The motion carried by the following vote:***

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

Consensus was requested for Charter Officers to submit timesheets to the Mayor on bi-weekly basis for approval with copies being provided to Commission.

Discussion took place regarding exempt employees not clocking in or out, informing Commissioners when taking time off, and monthly updates to all Commissioners.

Consensus was requested for all Charter Officers to report monthly time off requested, notification to Commission of time off in excess of 2 hours, and who the Commission is to contact during periods of absence.

Discussion took place regarding summary of use of leave on monthly basis, calendar updates, level of professional courtesy expected of Charter Officers, policy for Charter Officers including discipline, complaints, and Commission oversight of paid leave.

***There was consensus for discussion on October 7, 2019 of overall policy for Charter Officers.***

***There was consensus for the Deputy City Clerk to be the point person for public records at the October 7, 2019 workshop.***

Recess was taken from 12:11 p.m. to 1:04 p.m.

***There was a consensus to move Agenda Items 4.D., 4.E., 4.F. and 6.H. to be heard at this time.***

#### **4. GENERAL BUSINESS - Continued**

- D. [CC](#)  
[SAP-19-141](#) Discussion and Possible Action to Award Funds from the Special Event Assistance Program to Clara's Clubhouse, Inc. to Cover the Costs of City Fees and/or Resources Associated with the September 21, 2019, Special Needs Safety Expo.

Mr. Lear introduced the item.

PUBLIC COMMENT

Amanda French: reviewed the request for event assistance and provided event details.

Discussion took place regarding criteria for event funding.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to award funds from the Special Events Assistance Program to Clara's Clubhouse, Inc. for the Special Needs Safety Expo up to \$500.00. The motion carried by the following vote:***

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

- E. [CC](#)  
[SAP-19-153](#) Discussion and Possible Action to Award Funds from the Special Event Assistance Program to People for Trees, Inc. to Cover the Costs of City fees and/or Resources Associated with the October 20, 2019, 10th Annual Tour de North Port Event.

Mr. Lear introduced the item.

Discussion took place regarding concern with safety and police allocated for the event.

***A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to award funds from the Special Events Assistance Program to People for Trees for the 10th Annual Tour de North Port Event up to \$500.00. The motion carried by the following vote:***

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

- F. [CC](#)  
[SAP-19-164](#) Discussion and Possible Action to Award Funds from the Special Event Assistance Program to Awaken Church to Cover the Costs of City fees and/or Resources Associated with the September 21, 2019, Community Prayer Day.

Mr. Lear introduced the item.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve the funds from the Special Events Assistance Program to Awaken Church up to \$500.00. The motion carried by the following vote:***

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

## **6. PUBLIC HEARINGS:**

### **Resolutions**



- H. [RES. NO. 2019-R-17](#) A Resolution of the City of North Port, Florida, Vacating Utility and Drainage Easements for Lots 18, 19, 20 & 21, Block 736, Twelfth Addition to Port Charlotte Subdivision; Providing for Findings; Providing for Vacation of Easements; Providing for Filing of Approved Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (Quasi-Judicial)

Mayor Hanks stated this is a quasi-judicial hearing.

***A motion was made by Commissioner Carusone, seconded by Vice Mayor McDowell, to have the City Clerk read the resolution by title only. The motion carried by the following vote:***

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

Ms. Taylor read the resolution by title only and swore in those wishing to provide testimony.

Commissioner Luke disclosed agenda briefing with no detail on topic. Vice Mayor McDowell disclosed email about interior lot lines and discussion with Applicant to move up on agenda. Mayor Hanks disclosed agenda briefing with no discussion. Commissioner Carusone stated she had no ex-parte communications. Commissioner Emrich disclosed agenda briefing with no discussion.

Applicant, Kiki Stengel, being duly sworn, provided a presentation regarding request to build home in middle of four combined lots, and Planning and Zoning Advisory Board recommendation.

Ms. Willette, being duly sworn, spoke to vacation area, purpose to combine four lots, notice of intent published, Planning and Zoning Advisory Board recommendation for approval, City Attorney review, utility feedback, and staff recommendation for approval.

There were no rebuttals.

Mayor Hanks stated there was no public comment.

Ms. Stengel responded to Commission questions regarding their decision to not vacate the whole easement and spoke to original request to relocate easement.

Ms. Willette provided further information regarding the original request to relocate easement.

Ms. Bellia, being duly sworn, spoke to vacating the rear easement and drainage responsibility.

Ms. Stengel replied to questions regarding taxing of one property.

Ms. Bellia replied to questions regarding reduction in assessment fee due to easement and responsibility to slope lot for drainage.

Discussion took place regarding vacating the entire easement and review by outside entities.

Ms. Slayton suggested continuing the resolution for survey documentation to be in the

resolution, Exhibit D would have to be redrawn, and checking with outside utilities.

Ms. Stengel stated she would like Commission to move forward on the current resolution.

Discussion continued regarding applicants understanding regarding payment of additional vacation of easement.

Ms. Willette reviewed the timeline for processing application.

There were no closing arguments and the Mayor closed the public hearing.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve Resolution No. 2019-R-17 as presented, vacating a portion of the rear platted ten-foot utility and drainage easement for lots 18, 19, 20 and 21 in Block 736. The motion carried by the following vote:***

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

## Ordinances - Second Reading

- A. [ORD. NO. 2019-18](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Appendix A – City Fee Structure to Change Certain Fire, Parks and Recreation, Facility Rental, and Utilities Fees; Providing for Severability; Providing for Conflicts; Providing for Codification; and Providing an Effective Date

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item and spoke to there being two ordinances attached due to sales tax issue.

Ms. Pfundheller responded to questions regarding Warm Mineral Springs closure admission voucher.

Discussion took place regarding changing language for voucher to include "facility closure", and remittance of included sales tax.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve Ordinance 2019-18 modifying the City-wide fee schedule, using appendix A1 to include sales tax in the total amount, and making a change to the Warm Mineral Springs language to say at the time of the "facility closure". The motion carried by the following vote:***

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

- B. [ORD. NO. 2019-31](#) An Ordinance of the City of North Port, Florida, Amending the Code of The City of North Port, Florida, Chapter 78 – Utilities, Article II – Water and Wastewater Utility, to Adjust Capacity Fees and Provide Requirements Related to Reclaimed Water Charges and Wastewater System Rate Schedules; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item.

Ms. Desrosiers responded to Commission questions regarding notifying customers of rate increases and clarified this is a new flat rate.

***A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to approve Ordinance No. 2019-31 as presented. The motion carried by the following vote:***

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

**No:** 1 - Commissioner Carusone

Commissioner Carusone dissented stating she will not support any more increases.

## Ordinances - First Reading

- C. [ORD. NO. 2019-27](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code, Chapter 1 – General Provisions, Article II. – Administration of Unified Land Development Code, Section 1-22 – Fees; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to have City Clerk read the ordinance by title only. The motion carried by the following vote:***

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

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item.

Ms. Slayton responded to Commission questions regarding the ordinance having enough protection, and language regarding improperly issued building permits.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2019-27 to a future meeting at the City Manager's discretion. The motion carried by the following vote:***

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

- D. [ORD. NO. 2019-38](#) An Ordinance of the City of North Port, Florida, Repealing Section 50-6 of the Code of the City of North Port, Florida, Entitled "Smoking"; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

***A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to have City Clerk read the ordinance by title only. The motion carried by the following vote:***

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

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item and responded to Commission questions regarding City regulations and smoking restrictions.

***A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to continue Ordinance No 2019-38 for second reading on September 24, 2019. The motion carried by the following vote:***

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

## Resolutions - Continued

- E. [Res. No. 2019-R-15](#) A Resolution of the City of North Port, Florida Accepting Ownership of a Donated Parcel of Real Property Located on Mattox Circle and Described as Lot 4, Block 1998, 9th Addition to Port Charlotte Subdivision, Parcel Identification Number 1146199804; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the resolution by title only.

Mr. Lear introduced the item and responded to questions regarding location and recognition to property owner.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve Resolution No. 2019-R-15 accepting ownership of the donated parcel ID No. 1146199804. The motion carried by the following vote:***

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

- F. [Res. No. 2019-R-23](#) A Resolution of the City of North Port, Florida, Accepting Ownership of a Donated Parcel of Real Property Located on Hermosa Circle and Described as Lot 26, Block 612, 14th Addition to Port Charlotte Subdivision, Parcel Identification Number 0970061226; Providing for Filing of Documents, Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the resolution by title only.

Mr. Lear introduced the item.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve Resolution No. 2019-R-23 accepting ownership of the donated parcel, ID No. 0970061226.***

Discussion took place regarding location of property.

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

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

**G. [RES. NO. 2019-R-16](#)**

A Resolution of the City of North Port, Florida, Adopting Utility Rate and Water System Rate Schedules, Including Fire Protection Service Rates, Guaranteed Revenue Charges, Reclaimed Water Rates, Water System Rates and Fees, Wastewater Rates and Fees, and Adoption of Automatic Increases; Providing for Conflicts, Providing for Severability, and Providing an Effective Date.

Ms. Taylor read the resolution by title only.

Mr. Lear introduced the item.

Bryan Mantz, GovRates, Inc. answered questions regarding billing units, rate increases for water and sewer, average residential usage, developer revenue, and fire protection fee rates.

Ms. Desrosiers spoke to fire protection annual fee revenue of hydrants maintained by Utilities, and projecting personnel needs.

***A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve Resolution No. 2019-R-16 as presented.***

***A motion was made by Commissioner Carusone, seconded by Vice Mayor McDowell, to amend for an effective date of October 1, 2020.***

Discussion ensued regarding revenue increases under the fee schedule and deferring the increase of water rates until 2020.

Mr. Lear noted the potential loss of revenue in the upcoming fiscal year.

Discussion continued regarding postponement of rate increases, various fees for Utilities, and historical rate increases.

Ms. Desrosiers answered Commission questions regarding Utilities fund balance and capital improvements.

Mr. Lear responded to Commission questions regarding the use of the Consumer Price Index (CPI).

***The motion to amend failed based on the following vote:***

**Yes:** 1 - Commissioner Carusone

**No:** 4 - Mayor Hanks, Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

***A motion was made by Vice Mayor McDowell, to amend to have staff come back with a conversation in February to discuss CPI versus the analysis recommended by the consultant. The motion failed for lack of second.***

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

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

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

Commissioner McDowell stated she dissented for lack of a compromise for future years.

Commissioner Carusone dissented for reasons previously stated.

I. [RES. NO. 2019-R-19](#)

A Resolution of the City of North Port, Florida, Approving the Expenditure of Forfeiture Funds for Costs Related to the Police Department Forming a Chapter of the Do the Right Thing Program; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the resolution by title only.

Mr. Lear introduced the item.

Mr. Garrison responded to Commission questions regarding transparency between public and private funds.

Mr. Lear answered questions for the Commission regarding various agencies the City has assisted and partnered with.

Mr. Garrison spoke to providing access to the program within North Port, the Kiwanis assistance with sponsors and soliciting funds, and use of forfeiture funds in lieu of budget requests.

Discussion ensued regarding programs implemented by the Kiwanis, positive image for the Police Department, the City partnering with non-profit organizations, and Do the Right Thing being a national organization.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Resolution No. 2019-R-19 as presented. 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 3:09 p.m. to 3:17 p.m.

#### **4. GENERAL BUSINESS - Continued**

G. [19-0914](#)

Discussion and Possible Action Regarding Commission Travel and Education Policy

Mr. Lear introduced the item.

Discussion took place regarding past practice, accountability, what can be reimbursed, sub-account tracking and main account balancing, Commission approval of additional funding if applicable, participation with voluntary and assigned boards, and community activities.

Mr. Lear responded to Commission questions regarding the City Code, creating policy by way of resolution, and the intent to address the cap.

Discussion continued with regard to board approval on travel, budget amount for upcoming fiscal year, and possible changes to the City Code.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to direct staff to add language "individual commissioners will be limited to incurring expenses related to travel in the amount of the two travel and training accounts in any given year, request for additional funding in the year may be approved by a***

**majority of the City Commission, with this becoming effective on October 1, 2019."**

Mr. Lear responded to Commission questions regarding rollover of funds and standard budget practices.

Discussion took place regarding automatic rollover of fund balances, and year end reporting during budget review.

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

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

**H. [19-0915](#) Discussion and Possible Action Regarding a Commission Uniform Policy**

Mr. Lear introduced the item.

Discussion ensued regarding code language for Commission entitlements and updating the Code.

Ms. Slayton spoke to Section 2.24 of the City Code, stated the Code does not specify the City could not purchase shirts, and suggested removing from Code and adopting policy by resolution.

Discussion followed with suggestions of two shirts annually, name tags once a year, and business cards as needed.

Mr. Lear responded to Commission questions regarding uniforms for staff and needs based on department.

Ms. Bellia spoke to union contracts regarding uniforms.

Discussion took place on suggestions for the purchasing of shirts, nametags and business cards.

**A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to approve the uniform policy making two shirts available at election time for incoming Commissioners capping at \$100, at year three Commissioners will be provided another shirt capping at \$50, one nametag furnished yearly, and business cards as needed.**

Discussion continued regarding inflation, minimum shirts per year, clause for replacing nametag throughout year, and removing cap.

Vice Mayor McDowell expressed concern that shirts are provided as a benefit and she will not support the motion without a cap amount.

**A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to amend the motion to remove the financial cap. The motion to amend carried by the following vote:**

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

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

Commissioner Emrich dissented with agreement to the cap, and not the number of shirts purchased if within the budgeted amount.

***The main motion as amended carried by the following vote, with Commissioners Emrich and Carusone dissenting:***

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

**No:** 2 - Commissioner Emrich and Commissioner Carusone

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

- A. [19-1013](#) Proclaim September 8th through 14th, 2019 as National Suicide Awareness Week

Commission presented the Proclamation to Joan and Frank Morgan.

#### **4. GENERAL BUSINESS - Continued**

- I. [19-0922](#) Review, Discussion, and Possible Action on the City Attorney's Performance Evaluation

Ms. Branco replaced Mr. Lear at 4:31 p.m.

Ms. Slayton introduced the item.

***A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve a four-percent increase based on the performance evaluation as presented.***

Discussion ensued regarding unanimous Commission support and appreciation for the City Attorney.

***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 attended the North Port Fire Department flag ceremony for Lt. Hill.

Mr. Hall provided an update to the Commission regarding closed captioning.

Commissioner Luke continued her report regarding meeting attendance at Teen Court, Sarasota County Economic Development Corporation (EDC), and the Florida League of Cities Committee (FLC), noted the Town Hall Meeting in November for the West Villages with possibly a Civics 101 presentation, and spoke to Emanne Beasha in semi-finals of America's Got Talent.

Vice Mayor McDowell attended a Housing Conference, and suggested a consensus to add housing in the Request for a Letter of Interest (RLI) regarding the Dallas White Park.

Ms. Pfundheller expressed concern with housing at Dallas White Park due to current zoning.



Discussion ensued regarding lack of space and current services at Dallas White Park, possibility of tiny homes, the New Paradigm Foundation, and keeping the original intent of the location.

Vice Mayor McDowell continued her report sharing a promotional item from Public Utilities, spoke to the subject of take-home vehicles and suggested a consensus to educate the public.

Discussion continued regarding a Town Hall meeting to include an overview of take-home vehicles, and videotaping information to share on social media.

Vice Mayor McDowell spoke to a Planning and Zoning presentation, and suggested a consensus to conduct a workshop regarding Road and Drainage and Fire assessments for exempt properties.

Ms. Slayton answered Commission questions regarding review of churches and non-profit organization exemptions from special district assessments.

Ms. Bellia spoke to researching exemptions for the Road and Drainage district.

Discussion took place supporting a staff presentation on exemptions, the need for a consensus to expend staff resources, review of legal obligations and options, and presentation being included with future budget discussions.

***There was a consensus for staff to give a presentation at a public meeting regarding special district exemptions.***

Mayor Hanks attended the Legislative Delegation meeting.

Commissioner Carusone reported attending meetings with the Legislative Delegation, Legislative Committee, and the Manasota League of Cities, and spoke to the Metropolitan Planning Organization (MPO) upcoming meeting.

Commissioner Emrich had nothing to report.

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

Ms. Taylor had nothing to report.

Ms. Slayton had nothing to report.

Ms. Branco had nothing to report.

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

Mayor Hanks adjourned the meeting at 5:15 p.m.

City of North Port, Florida

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

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

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