



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
Heather Taylor, Acting City Clerk

Tuesday, September 24, 2019

6:00 PM

CITY COMMISSION CHAMBERS

CALL TO ORDER

Mayor Hanks called the meeting to order at 6:00 p.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 Pete Lear, Assistant City Manager Carrie Branco, City Attorney Amber Slayton, Deputy City Clerk Heather Taylor, Recording Secretary Susan Hale, Police Chief Todd Garrison, Deputy Police Chief Chris Morales, Fire Chief Scott Titus, Planning Division Manager Nicole Galehouse, Public Works Director Julie Bellia.

The Pledge of Allegiance was led by Commissioner Emrich.

1. APPROVAL OF AGENDA

Vice Mayor McDowell requested to move Item 19-1046 after Public Comment.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the agenda as amended, moving Item 19-1046 after Public Comment. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

There was no public comment.

6. GENERAL BUSINESS:**B. [19-1046](#) Discussion and Possible Action Regarding Regulating Tobacco- and Vaping-Related Sales and Advertising**

Ms. Slayton introduced the item.

Mr. Lear spoke to the process for enforcing a new law.

Ms. Slayton spoke to the Commission determining the policy's criteria.

Chief Garrison spoke to responsibility of Police Department to enforce age violations.

Ms. Slayton explained the City's ability to regulate use of vapor-generating devices, and prohibiting components of the device not researched.

Jennifer Sadonis, Tobacco Program Manager Florida Department of Health, speaking on behalf of Students Working Against Tobacco (SWAT), spoke to the negative effects under-age children vaping, black market sales to children, addiction recovery avenues for minors non-existent, and current legislation.

Ms. Slayton spoke to selling to minors, requiring buyers ID, signage, self-service merchandise, fines, and 1st Amendment advertisement rights.

Ms. Sadonis addressed buffer zones where children gather.

Discussion ensued regarding health concerns, minimum purchase age of 21, child-oriented marketing, exempting active military, utilizing Teen Court, and penalties focused on sales.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to have the City Attorney and the Police Department work together with SWAT, as needed, and bring back an Ordinance for first reading similar to the Ft. Lauderdale Ordinance.

A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to amend the motion to include details in the Ordinance of being sure that Teen Court is used as punishment for those users found to purchase within the under 21 limits, that extreme fines are created for sellers, and there is repercussion for sale by another to under age users as well as having active military exempt.

Ms. Slayton addressed a conflict between the motion and the amendment.

Mr. Lear spoke to minors being prohibited from purchasing vaping products

Discussion ensued regarding who goes to teen court, and removing teen court reference.

Chief Garrison spoke to determining contents of a vaping device.

Ms. Slayton clarified the legislation regulating the sale not the purchase.

It was suggested that school authorities work with Teen Court.

The amendment was rescinded.

A motion was made by Commissioner Carusone, seconded by Vice Mayor McDowell, to amend the motion that within the prohibition of sale or distribution of tobacco projects being limited to persons over the age of 21 to include the exemption for active military and the extreme fine for sellers. The motion carried by the following vote:

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

The main motion as amended carried by the following vote:

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

3. ANNOUNCEMENTS

- A. [19-1074](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the Current Vacancies and Upcoming Expirations for Boards and Committees.

4. CONSENT AGENDA:

Mr. Lear requested to pull Item 19-1016 for discussion.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve the Consent Agenda items A through M, O and P. The motion carried by the following vote:

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

- A. [19-1028](#) Appoint Richard Suggs for a Second Term on the Community Economic Development Advisory Board as the North Port Resident Representative.

This item was approved on Consent.

- B. [19-1026](#) Appoint Timothy Martin for a Second Term on the Zoning Board of Appeals.

This item was approved on Consent.

- C. [19-1018](#) Appoint Lora Ross as a Regular Member on the Environmental Advisory Board

This item was approved on Consent.

- D. [19-1075](#) Approve Minutes of the August 29, 2019 Commission Special Emergency Meeting.

This item was approved on Consent.

- E. [19-0743](#) Approve Family Service Center Tenant Lease Agreement with the Florida Department of Health in Sarasota County

This item was approved on Consent.

- F. [19-0808](#) Award Renewal of RFB No. 2018-01 EMS Supplies and Equipment with Bound Tree Medical LLC, Henry Schein, Inc., and Quadmed, Inc at the Attached Unit Prices for an Estimated Annual FY 2019-20 Approved Budget of \$136,100.00

This item was approved on Consent.

- G. [19-0861](#) Approve the Interlocal Agreement between the Sarasota County Schools Police Department and the City of North Port for Facilitating Investigations of Shooting Incidents and In Custody Deaths.

This item was approved on Consent.

- H. [19-0924](#) Approve the City Attorney's Office Procurement of Legal and Professional Services from Multiple Firms for Fiscal Year 2019-2020 in the Estimated Budgeted Amount of \$201,000

This item was approved on Consent.

- I. [19-0940](#) Appoint David Pankiw as the Financial Services Representative on the Community Economic Development Advisory Board.

This item was approved on Consent.

- J. [19-0951](#) Accept the Cash Receipts Summary Report for July 2019

This item was approved on Consent.

- K. [19-0974](#) Approve a Memorandum of Understanding between the Center for Law Enforcement Technology, Training & Research, Inc., and the City of North Port for Access to the Florida Integrated Network for Data Exchange and Retrieval (FINDER) with an Annual Cost of \$2,500

This item was approved on Consent.

- L. [19-0983](#) Approve the Accreditation Agreement between the City of North Port, Florida and The Commission for Florida Law Enforcement Accreditation (CFA), Inc. with an Annual Cost of \$900.

This item was approved on Consent.

- M. [19-0992](#) Approve an Affiliation Agreement with the State College of Florida, Manatee-Sarasota for Internships in the Police Department

This item was approved on Consent.

N. [19-1016](#)

Approve the Transportation Impact Fee Reimbursement Agreement with Sabal Trace Development Partners, LLC Regarding Tuscola Boulevard Bridge (Central Parc)

Mr. Lear introduced the item.

Ms. Galehouse clarified the legal description being Exhibit A, Exhibit B referenced in Whereas clause F, and ULDC lighting requirements.

Peter Van Buskirk and Charlie Bailey, for the Applicant, spoke to details for bridge construction costs and fees.

Mr. Lear spoke to the City performing inspections vs. third party costs reimbursed, and City control of inspections.

Mr. Bailey spoke to the Agreement running with the land including bridge construction, and bridge bridge not being required to serve the project.

Ms. Slayton spoke to remedies protecting the City in the Agreement regarding the bridge.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to approve the Transportation Impact Fee Reimbursement Agreement with Sabal Trace Development Partners, LLC Regarding Tuscola Boulevard Bridge.

Ms. Galehouse confirmed the not to exceed amount can be reduced if the City performs the inspections.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to amend the motion that the not to exceed dollar amount in Item 3.A. should be \$1,819,000 for the bridge costs.

Mr. Bailey clarified how the City performing the CEI reduces the amount in the Agreement.

Ms. Slayton spoke to the Agreement not specifying who pays for the CEI.

The motion was restated by Vice-Mayor McDowell, seconded by Commissioner Carusone, to amend the motion that Item 3.A. in the Agreement, will be corrected to read \$1,819,000 for the bridge costs, and the City is responsible for the Construction and Engineering Inspections (CEI) costs.

Ms. Slayton provided further clarification pertaining to City reimbursement costs to the developer for inspections vs. City doing inspections.

Mr. Bailey suggested working with the City Attorney to update the Agreement.

Ms. Galehouse spoke to developer options under the current Agreement.

Ms. Slayton spoke to inspections taken from impact fees.

Ms. Bellia clarified the City's obligation to inspect bridge.

The motion to amend carried by the following vote:

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

The main motion as amended carried by the following vote:

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

- O. [19-1038](#) Approve Insightly Inc. Agreement for Customer Relationship Management System (CRM) in the Amount of \$5,352.00 for Economic Development Relationship and Project Management tracking.

This item was approved on Consent.

- P. [19-1065](#) Approve the Interlocal Agreement Between the City of North Port and the Sarasota County Sheriff's Office regarding Precision Immobilization Technique Vehicles.

This item was approved on Consent.

5. PUBLIC HEARINGS:

ORDINANCES - Second Reading

- A. [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.

Ms. Taylor read the Ordinance by title only.

Mr. Lear introduced the item.

There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Ordinance No. 2019-27 as presented. The motion carried by the following vote:

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

- B. [ORD. NO. 2019-38](#) 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.

Ms. Taylor read the Ordinance by title only.

Ms. Slayton summarized reasoning for repealing City Code Section 50-6, existing City signage to be removed, and spoke to smoking pre-emptions in State Statute language.

There was no public comment.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2019-38 as presented. The motion carried by the following

vote:

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

- C. [ORD. NO. 2019-11](#) An Ordinance of the City of North Port, Florida, Amending the City of North Port Unified Land Development Code to Allow for Urban Market Gardens by Amending Chapter 25 – Parking and Loading Regulations, Article II – Off-Street Parking, Section 25-17 – Minimum Off-Street Parking Requirements; Amending Chapter 53 – Zoning Regulations, Part 2 – Schedule of District Regulations to Allow Urban Market Gardens as a Permitted Principal Use in the CG Commercial General District, CG-S Commercial General Special District, ILW Light Industrial and Warehousing District, and NC-HI/NC-LI Neighborhood Commercial High/Low Intensity Districts; Amending Part 3 – Special District Regulations, Article XX Special Circumstance Regulations, Section 53-240 Special Structures; Amending Chapter 55 – Activity Center Design Regulations to Allow Urban Market Gardens as a Permitted Principal Use in Panacea (Activity Center #4), Midway (Activity Center #5), The Shire (Activity Center #6), And The Gardens (Activity Center #8); Amending Chapter 61 Definitions, Section 61-3 Definitions and Word Usage; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (TXT-18-208)

Ms. Taylor read the Ordinance by title only.

Mr. Lear introduced the item.

There was no public comment.

Ms. Galehouse spoke to urban market garden size limitations, development costs, Major Site and Development (MAS) requirements, buffer wall requirement exemption suggestions, document consistencies regarding hours and sales, regulations regarding nurseries, combining nursery sales and urban garden sales, amending Activity Center Urban Design Standards Pattern Book allowing outdoor sales, and garden operations relating to bees and fish.

A suggestion was proffered to allow a limit of 25 acres for urban gardens within the City, 10 acre limit in neighborhood commercial high density areas, and plants as buffers.

Ms. Slayton stated she will look into possible legal constraints regarding acreage limitations.

Ms. Galehouse spoke to County Property Appraiser regulations pre-empting local regulations, MAS review plan vs. Infrastructure Review Plan, lighting required over paved areas and parking lots, other municipal Ordinances used as guide, and buffer placement in easements.

A brief discussion ensued regarding a requested consensus and it was suggested to change "enterprise" to "business".

There was a consensus to define an Urban Market Garden (line 248) as "An area of land managed and maintained by an individual, group of individuals, a business or organization, growing and harvesting food crops such as vegetables, fruits, herbs and/or non-food, ornamental crops, such as flowers, for commercial sale." and the rest starting with "Urban market gardens may be divided into separate..." as it is presented.

There was a consensus in line 165 to add the exemption for a buffer wall in Neighborhood Commercial as long as there is some type of buffering between the incompatible land uses.

There was a consensus to change line 116 from three (3) and six (6) acres to ten (10) and limiting urban market gardens to twenty-five (25) total acres within the City.

There was a consensus to change line 152 (iii) adding an exception, if an urban market garden does not have structure, to utilize the Infrastructure Design Plan.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to continue Ordinance No. 2019-11 for another second reading, to be completed before the November 7, 2019 Commission Meeting, incorporating the consensus that were given tonight. The motion carried by the following vote:

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

6. GENERAL BUSINESS continued:

A. [19-0941](#) Discussion and Possible Action Regarding the Family Service Center Rental Charges for the Family Service Center

Mr. Lear introduced the item.

Discussion ensued regarding setting a lower rental fee.

Mr. Lear spoke to rental rates and leases.

Ms. Slayton clarified leases, terms and renewal options.

Mr. Lear spoke to resulting General Fund Balance revenue reductions, negotiating leases individually, current rate based on Commercial norm.

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to lower the rent at the Family Service Center to \$9.50 a square-foot and become effective at their lease renewal this coming year.

Discussion ensued regarding reviewing all contracts.

Mr. Lear clarified rental reduction effects, effective renewal dates, and new agreements with new rates.

A motion was made by Vice Mayor McDowell, seconded by Commissioner Carusone, to amend the motion to make it effective with the lease renewal that happens in Fiscal Year 2020-2021. The motion to amend failed by the following vote:

Yes: 2 - Vice Mayor McDowell and Commissioner Carusone

No: 3 - Mayor Hanks, Commissioner Luke and Commissioner Emrich

Commissioner Luke dissented favoring the change with their renewal.

Mayor Hanks and Commissioner Emrich did not provide reasons for dissenting.

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

Vice Mayor McDowell and Commissioner Carusone opposed taking additional funds out of the Reserve Fund.

Mr. Lear spoke to the rental fee for the Lease Agreement that was approved on Consent.

Recess was taken from 8:27 p.m. -- 8:48 p.m.

It was noted that Sarasota County will approve the Lease Agreement tomorrow for Florida Department of Health in Sarasota County, so their rate will be \$9.50 per square-foot.

C. [19-1014](#)

Discussion and Possible Action Regarding Establishing Policy for Keys to the City

Mr. Lear introduced the item.

Discussion ensued concerning written policy for recognitions.

Mr. Lear spoke to ceremonial items.

Discussion continued regarding key to the City historical discussions, setting parameters, letters requested, importance of Key to City, Commission approval, and types of recognitions.

Mr. Lear spoke to 2002 minutes and 2008 minutes.

Ms. Slayton spoke to voting issues, and modifying Commission past actions.

It was noted that the past Commission wanted fluidity, no policy enacted, but Commission approval needed, and 2017 approval by consensus.

PUBLIC COMMENT:

Stephanie Gibson: Commission should make City decisions as a Board.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to direct Staff to come back with Resolution to include the criteria for the Key to the City noting that it is of great importance and that it should be the largest accolade to the City that can be given to any individual, that it should have a Commission majority for distribution and that it should be given to a person who has done something spectacular, historical or equivalent, for the City and something that is long-lasting.

Discussion ensued to broaden the verbiage and leaving details for Commission discussion.

Thereafter, the motion was restated to withdraw and criteria regarding how the

recognition is given will be removed and replacing with general language and the seconder agreed.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to direct Staff to come back with Resolution to include the criteria for the Key to the City, that it should be considered reverent, important and the largest accolade the City can give, and must be approved by a majority of the Commission. The motion carried by the following vote:

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

It was requested to do a Proclamation in connection with the Key to the City given on August 28, 2019, and to engrave the recipient's name on the board in City Hall.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to direct Staff to prepare a Proclamation, update the wall in City Hall with the individual's name. The motion carried by the following vote:

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

Mr. Lear spoke to providing examples for the Challenge Coin for Commission approval.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to direct Staff to bring back Challenge Coin design ideas with the City Seal on one side and appropriate verbiage on the back, to be handed out at-will without Commission's requested approval.

It was suggested to provide pricing, an example and the purchase to be paid from Commission budget.

Chief Garrison spoke to different dye casts affecting the total cost.

The motion carried by the following vote:

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

Discussion ensued regarding community calendar events vs. City events.

A motion was made by Commissioner Luke, Vice Mayor McDowell, to direct Staff to bring back information or a Resolution giving procedures and policy of requests for a letter from the City, Proclamations, promotional advertising material and the use of the City Seal. The motion carried by the following vote:

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

D. [19-1063](#)

Discussion and Possible Action Regarding the Resignation of City Clerk Kathryn Wong.

Mr. Lear introduced the item and reviewed contractual provisions that require discussion.

Ms. Slayton spoke to lack of barriers in waiving the 30-day notice, and definitions of educational assistance repayment requirements vs. professional development courses.

Mr. Lear added the educational reimbursements are based on letter grade received.

Discussion ensued including accepting resignation date, refunding travel/course

expenses, designating interim City Clerk, deferring soliciting for a City Clerk, Charter amendment affecting new Deputy City Clerk's contract, allowing growth from within, suggesting a six-month interval prior to permanent hiring, and work plan from Deputy City Clerk.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to accept Ms. Wong's resignation, waive the requirement for 30-day notice, the requirement for educational assistance reimbursement and education fees, and to designate Ms. Taylor as the Interim City Clerk, not to exceed six months. 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 allow Ms. Taylor to submit a summary providing a work plan for the department for first year, what she would do at 30, 60, 90, and 180-day benchmarks to reach those goals, a performance development on plan how she would stay sharp and develop her own skill set and for those to be reviewed prior to the six month period, be brought to a meeting to determine whether we appoint Ms. Taylor from within or we do a search state-wide.

It was noted that after six months Ms. Taylor may return to the duties of Deputy City Clerk with no negative repercussions.

It was suggested to provide temporary help in the City Clerk's Office if needed.

The motion carried by the following vote:

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

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

A. [19-1082](#) Commissioner Luke's Communications

Commissioner Luke spoke regarding Emanne Beasha, finalist of America's Got Talent, as Poinsettia Parade Grand Marshall.

Discussion ensued regarding plans to recognize Ms. Beasha.

There was a consensus to give Ms. Beasha a Proclamation and appoint her as the Poinsettia Parade Grand Marshall.

Commissioner Luke spoke to same-day inspections, vacating lot lines, vehicles parked in condemned lots, linking Beautification and Tree/Scenic Highway Committee to Environmental Board, aquatic center pricing for high school swim team, utilizing a log tracking why a business does not chose North Port, handbook for Advisory Boards, using Business Tax for City's EDC membership payment, email regarding fixing a speed sign, ribbon cutting at Ashley Plaza.

Mr. Lear clarified using business tax for Economic Development.

B. [19-1083](#) Vice-Mayor McDowell's Communications

Vice Mayor McDowell reported on aquatic center update and opening.

Mr. Lear spoke to sending a memo with update regarding opening of the aquatic center.

Discussion ensued regarding revising operating hours through October, partnership with Sarasota Technical College obtaining and training lifeguards.

Vice Mayor McDowell reported the Peace River Manasota Regional Water Supply Authority meetings conflict with Community Economic Development Advisory Board, new name for Coastal and Heartland National Estuary Program, and Warm Mineral Springs restoration project handout.

Commissioner Carusone requested information regarding Peace River Manasota Regional Water Supply Authority.

Vice Mayor McDowell spoke to why North Port is not a voting member.

C. [19-1084](#) Mayor Hanks' Communications

Mayor Hanks had nothing to report.

D. [19-1085](#) Commissioner Carusone's Communications

Commissioner Carusone attended the Sarasota/Manasota Metropolitan Planning Organization (MPO) monthly meeting, and a Women in Business Event.

E. [19-1086](#) Commissioner Emrich's Communications

Commissioner Emrich reported on the MPO River Road widening status. and Ms. Beasha in connection with the Poinsettia Parade and festival.

9. ADMINISTRATIVE AND LEGAL REPORTS:**A. [19-1012](#) City Manager Report: Commission Update**

City Manager Lear had nothing to report.

B. [19-1037](#) City Attorney Report: Commission Update

City Attorney Slayton had nothing to report.

C. [19-1061](#) Deputy City Clerk Report: Commission Update

Deputy City Clerk Taylor had nothing to report.

10. ADJOURNMENT:

Mayor Hanks adjourned the meeting at 10:19 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Heather Taylor, Interim City Clerk

Minutes approved at the Commission Regular Meeting this ____ day of _____,
2019.