



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Regular Meeting

### **CITY COMMISSIONERS**

*Linda M. Yates, Mayor*  
*Vanessa Carusone, Vice-Mayor*  
*Christopher B. Hanks, Commissioner*  
*Debbie McDowell, Commissioner*

### **APPOINTED OFFICIALS**

*Jonathan R. Lewis, City Manager*  
*Mark Moriarty, City Attorney*  
*Patsy Adkins, City Clerk*

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Tuesday, January 24, 2017

6:00 PM

CITY COMMISSION CHAMBERS

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### **MINUTES APPROVED AT THE 04-25-2017 MEETING.**

#### **CALL TO ORDER/ROLL CALL**

The City Commission Regular Meeting was called to order at 6:07 p.m. in City Chambers by Mayor Yates.

Present: Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, and Commissioner McDowell; City Manager Lewis; City Attorney Moriarty; City Clerk Adkins; Recording Secretary Hale; Assistant Police Chief Pelfrey.

#### **MOMENT OF SILENCE**

**The Pledge of Allegiance was led by the Commission.**

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

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the Agenda, moving items 6.G., 6.A., 6.F., and 5.B. to after the announcements. The motion and second were withdrawn.*

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, that the Agenda be approved moving items 6.A., 6.G., and 5.B. after announcements and removing 6.F. from the Agenda. The motion carried by the following vote:*

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

*A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to suspend the Commission Procedure Rules for this meeting. The motion carried by the following vote:*

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

## **2. ANNOUNCEMENTS**

**A. [17-0779](#)** Current Vacancies for Boards and Committees.

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

**B. [17-0781](#)** Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expiration Dates for Boards and Committees into the record. It was noted that the City of North Port is looking for a North Port resident to serve on the Sarasota County Bicycle, Pedestrian, and Trails Advisory Committee, if anyone is interested they can contact the City Clerks' office.

## **6. GENERAL BUSINESS:**

**A. [17-0783](#)** Update and direction regarding the potential of the Atlanta Braves Spring training being located in North Port

City Manager Lewis provided an overview of the proposal regarding the Atlanta Braves coming to North Port for spring training. Marty Black was introduced to address any questions.

Questions ensued: (1) following a question, it was confirmed that any negotiations with the Atlanta Braves will be private but nothing can be finalized without Commission approval; (2) following a concern, it was advised that if the Atlanta Braves decided not to renew or modify their original lease agreement, discussions would have to occur about the future of ownership of the facility per the contractual terms; (3) any discussions regarding an opt-out clause would have to be addressed in any future contractual discussions; (4) following a question, it was confirmed that if the Commission agrees for the negotiations to commence it would take 4-6 months for design but the team has agreed to front end the cost of design; (5) it was confirmed that the team is hopeful they can start playing in Spring of 2019; (6) it was confirmed that the project will be completed as a whole and not in phases; (7) it was noted that any individual requests for the use of this facility by Commissioners can be brought up to City Manager Lewis; (8) confirmation was offered about the annualized amount of estimated proceeds the team would bring; (9) following a question, it was confirmed that in order to obtain funding from the State this facility would need to be deemed for public use year round; (10) it was confirmed that the land currently is a cow pasture but there will be vegetation installed in parking areas and around the outside of the stadium. (11) this facility will bring tourist dollars and revenue to the City. (12) it was noted that this facility will bring restaurants, conventions, and hotels to the area. Public comment was held.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to authorize the City Manager to continue discussions with the Atlanta Braves, Sarasota County, West Villages Improvement District, and Master Developer to locate the Braves training facility in North Port, contingent on state funding also giving consideration to city use and access at the capped amounts in the back up material and traffic impacts to River Road. The motion carried by the following vote:***

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

Recess 6:59 p.m. - 7:05 p.m.

**G. [17-0777](#) Plantation and Panacea Blvd within the Woodlands CDD**

Mayor Yates introduced the item and clarified that the intent of this item was to address the current condition of the overgrowth and the impact it is having on safety and infrastructure.

City Manager Lewis provided an overview of the current code enforcement violations. It was also advised that Woodland CDD was appealing that decision. It was also explained what the City's responsibilities are at this point and asked for direction.

Discussion ensued: (1) following a question, it was clarified what areas would be cut if the job was contracted out; (2) it was advised that cutting the grass on both sides of the sidewalk would not significantly increase the quote; (3) there is no immediate concerns about the line of sight for traffic; (4) the actual amount of grass being cut will be determinate on the equipment being used; (5) the contract for mowing is for safety in the area and to keep the infrastructure from being destroyed; (6) the issue of public purpose was explained; (7) it was clarified that because this property was dedicated to the City for public use, it would be appropriate to use public funds to abate the current problem; (8) a new plat would need to be submitted for ownership to change so a more permanent purpose can be dedicated; (9) a different answer was provided previously about the land having to be re-platted; (10) the city would not be able to re-plat the property, the CDD would have to do that; (11) an item will be put on the agenda in the future to discuss an issue about Resolution 2015-R-07; (12) it was noted that for the item that was on the agenda today, all that is needed is to determine public purpose; (13) the long term problem will not be solved today, a new Resolution will be needed; (14) the purpose of today is to solve the issue of overgrowth so it is safe for citizens; (15) it was confirmed that the cost for the one time abatement is \$7,600.00; (16) after a question, City Manager Lewis confirmed that he needed direction to solve this as a one time abatement or to continue to maintain the overgrowth while billing the CDD; (17) there are some concerns about legal action regarding the nonpayment of the abatement process by the CDD; (18) the CDD has been responsible for maintaining the overgrowth starting November 2015; (19) the difference between a deed and a plat was explained. (20) it was noted that neither party in this issue is innocent; (21) this issue should have been resolved in 2015 but there was also money budgeted for the landscaping; (22) following a question, it was confirmed that the reduction of fees for road and drainage is based on several issues; (23) it was noted that a future discussion will have to be held about an increase to the road and drainage. Public comment was held.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, as a matter of public purpose for health, safety, and welfare to direct City Manager to cut back the Woodlands CDD landscaping around infrastructure including curbing, sidewalk, bike path, medians, lighting, and fire hydrant and to invoice the Woodlands CDD. The motion carried by the following vote:***

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

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to bring Resolution #2015-R-07 back for amendment to have the City be responsible for the landscape and maintenance of Panacea Blvd. The motion carried by the following vote:***

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

Recess 9:12 p.m. - 9:25 p.m.

## **5. PUBLIC HEARINGS:**

- B.** [16-0719](#) Ordinance No. 2016-42, second reading, Petition No. TXT-16-221, Amending the City of North Port Unified Land Development Code (ULDC) Chapter 53, permitting of chickens in the Residential Zoning District.

City Clerk Adkins read Ordinance No. 2016-42 into the record by title only and City Manager Lewis introduced Planning Division Manager Norton who provided a brief review of the legislation. Zoning Coordinator Willette-Grondin was present to answer questions. Public comment was held.

Discussion ensued: (1) following a question, it was confirmed that language about HOA was not specified in the previous motion; (2) it was confirmed that there is no need to bring this Ordinance back to the Planning and Zoning Advisory Board; (3) the purpose of the whereas clause was clarified; (4) it was confirmed that the legal rule requires notice of what is being done and the title adequately does that; (5) after review, it was noted that previous discussion about inclusion of HOA being mentioned was omitted intentionally; (6) it was noted that if 53-121(H)(5) is left as is, then you are practically prohibited from having a chicken coop in your back yard; (7) a suggestion was made to change the language to read that chicken coops must be at least 10 feet from any adjacent property lines; (8) it was clarified that the chickens are not required to be in a coop at all times, they can be in a fenced in area; (9) clarification was given about what is determined to be a movable structure; (10) it was confirmed that this Ordinance is exclusive to hens and does not apply to other animals; (11) following a question, it was confirmed that chickens are allowed to be designated as pets; (12) it was noted, this Ordinance is not restricting use so it is not required to go back before the Planning and Zoning Advisory Board.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Ordinance No. 2016-42, revising 53-121 Section H(5), striking "nor with in twenty-five (25) feet of any adjacent residential structure." Adding a #12 to read "nothing in this subsection shall affect any homeowner association, declarations or restrictions." The motion carried by the following vote:***

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

Vice-Mayor Carusone left the meeting 10:06 p.m.

- A.** [17-0764](#) VPA-16-196 West Villages Village "A" Pattern Plan Amendment, west of River Road, north of West Villages Parkway (Quasi-Judicial)

City Clerk Adkins, as a Notary Public, swore in all those wishing to provide testimony.

Mayor Yates confirmed that she had exparte communications with staff regarding the number of units and if they included in the cap that was already established.

Planning Manager Norton provided a brief overview after which, Marty Black, General Manager of West Villages, reviewed the Pattern Plan Amendment. Project Planner McNish, for the record, stated that this plan was heard before the Planning and Zoning Board and approval was recommended. There was no public comment.

***A motion was made by Commissioner McDowell, seconded by Commissioner***

***Hanks, to approve Petition VPA-16-196 West Villages, Village "A" pattern plan, amendment increasing the number of units in neighborhood 8, The Preserve. The motion carried by the following vote with Vice-Mayor Carusone absent:***

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

## **6. GENERAL BUSINESS:**

**C. [16-0740](#) West Villages Improvement District (WVID) Consent to Acquisition of Real Property-Utility Site**

City Manager Lewis introduced Planning Manager Norton who provided an overview of the proposed utility site in West Villages Improvement District. Marty Black, Chairman of West Villages Improvement Special Taxing District was present to answer questions.

Discussion ensued: (1) clarification was provided regarding the fiscal impact this would cause the City; (2) it was noted that an existing utilities agreement has already been approved with all relevant parties; (3) an explanation was given about how the new plant will allow for more capacity; (4) it was confirmed that West Village Improvement Special Taxing District will have the rights to the capacity but as homes and businesses develop they will be given a credit; (5) the system is designed to provide double what the current actual need is for this development allowing for growth; (6) following a question, the ad valorem tax will only be applied to those being serviced by this plant; (7) it is understood that more plants will need to be constructed as the buildup gets to full capacity. There was no public comment.

***A motion was made by Commissioner Hanks, seconded by Commissioner McDowell, to approve 6.C. West Villages Improvement District (WVID) Consent to Acquisition of Real Property Utility Site. The motion carried by the following vote with Vice-Mayor Carusone absent:***

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

## **3. PUBLIC COMMENT:**

Public comment was held from 10:27 p.m. to 10:41 p.m.

Meeting recessed 10:41 p.m. - 11:01 p.m.

## **4. CONSENT AGENDA:**

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve Consent Agenda items, A, B, C, D, E, and H, pulling items F and G for discussion. The motion carried by the following vote with Vice-Mayor Carusone absent:***

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

**A. [17-0778](#) Approval of Minutes for the November 19, 2016 Commission Special Meeting Canvassing of Elections; November 22, 2016 Commission Regular Meeting; December 1, 2016 Commission Recognition Meeting; December 6, 2016 Commission Workshop Meeting.**

**B. [17-0780](#) Appointment of a North Port Resident appointed by the Commission to the Firefighters' Pension Board of Trustees.**

- C. [16-0745](#) Cash Receipts Summary - November 2016
- D. [17-0772](#) Disposition of surplus assets by an appropriate fashion per City Ordinance No. 06-29 Sec. 2-410 set forth in F.S. 274.02(1).
- E. [16-0641](#) BlueAlly Tegile SAN Purchase in the amount of \$131,565.06.
- F. [16-0679](#) Piggyback request to purchase precast restroom/concession building for Butler Park, Project P14BMF, in the amount of \$157,295.

City Manager introduced General Services Director Carmichael to answer any questions.

Discussion ensued: (1) following a question, it was confirmed that the building in the center of the backup material is not being constructed at this time, it is just a place holder on the rendering; (2) it was clarified that the request to purchase the precast building is allowable with savings from the current budget estimate; (3) the additional requests are being phased into this process as the budget allows; (4) the existing building has been taken down and two women's and two men's bathrooms are being added; (5) following a question, it was stated that the baby changing tables will be located in the bathroom but the exact location is not known.

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve Piggyback request to purchase precast restroom/concession building for Butler Park, Project P14BMF, in the amount of \$157,295.00. The motion carried by the following vote with Vice-Mayor Carusone absent:***

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

- G. [16-0709](#) Interagency Agreement Between the Sarasota County Sheriff's Office and the City of North Port.

City Manager Lewis gave a brief overview of the Agreement and introduced Assistant Police Chief Pelfrey to answer any questions.

Discussion ensued: (1) following a concern, the fee indicated was actually changed in October 2005; (2) it was confirmed that the attachment, exhibit 1, that is referenced is from the previous agreement; (3) following a question, it was stated that all parties are comfortable with the contract, includes a waiver of sovereign immunity.

***A motion was made by Commission Hanks, seconded by Commission McDowell, to approve the Interagency Agreement between Sarasota County Sheriff's office and the City of North Port. The motion carried by the following vote with Vice-Mayor absent:***

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

- H. [17-0767](#) Federal Fiscal Year (FFY) 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Florida JAG Direct application.

## **6. GENERAL BUSINESS:**

- B. [17-0751](#) Discussion and possible action regarding the awarding of funds from the Special Event Assistance Program to the United Way South Sarasota

County (UWSSC) in the amount of \$85.00 to cover the cost of renting the Dallas White Park Pavilion.

City Manager Lewis advised that the applicant had to leave and introduced Sherry Willette-Grondin of Neighborhood Development Serviced Planning Division who provided a brief overview of the application and the event details.

***A motion was made by Commissioner Hanks, seconded by Commissioner McDowell, awarding funds from Special Event Assistance Program to United Way South Sarasota County in the amount of \$85.00 to cover the cost of renting the Dallas White Park Pavilion. The motion carried by the following vote with Vice-Mayor Carusone absent:***

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

**D. [16-0616](#)** Termination of Memorandum of Understanding Between Charlotte County Utilities and City of North Port for Utilities Payment Check Processing.

City Manager introduced Interim Utilities Director Jennifer Desrosiers who provided a PowerPoint of the "lockbox" payment program and recommended to move the program back to City Hall. There was no public comment.

Discussion ensued: (1) it was confirmed that this process will require no additional staff to be added to the department; (2) following a question, it was confirmed that previous problems have occurred with the length of time it takes to process payments; (3) following a concern, it was clarified that the annual maintenance fees will provide software updates and technical support, as needed; (4) the only change to residents for payment of their bill will be the mailing address if they choose to pay by check, all other methods of payment remain unchanged.

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, for approval for Mayor Yates to sign a letter notifying the Charlotte County Board of County Commissioners of the termination of Memorandum of Understanding between Charlotte County Utilities and City of North Port for Utilities payment check processing. The motion carried by the following vote with Vice-Mayor Carusone absent:***

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

**E. [17-0787](#)** Update Deputy City Clerk Employment Agreement

City Attorney Moriarty provided an update on the Deputy City Clerk contract. There was no public comment.

Discussion ensued: (1) it was confirmed that the employee manual and personnel policy were sent to Ms. Peto; (2) the proposed start date of February 6, 2017 is acceptable; (3) it was confirmed the contract would need to be signed by Ms. Peto prior to the Commission signing it; (4) the insurance for eligible dependents is the same for all employees at a subsidized rate; (5) following a question, it was confirmed that the contract can be amended; (6) it was noted that the enhanced benefit package is not a change that is agreeable; (7) following a concern, it was confirmed that the City health insurance for dependents is the same for one or more dependents; (8) it is not clear that the subsidized rate was conveyed; (9) there is a concern that the background check may not be completed by February 6, 2017; (10) following a concern, it was suggested that the contract be amended to "on or about February 6, 2017" for a start date.



*A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to accept the offer to start on February 6, 2017 and deny request to pay health insurance for eligible dependents. This motion was withdrawn.*

*A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to accept offer to start on February 6, 2017, pending all background checks and deny request to pay for medical insurance for dependent. The motion carried by the following vote with Vice-Mayor Carusone absent:*

**Yes:** 3 - Mayor Yates, Commissioner Hanks and Commissioner McDowell

- F. [17-0775](#) North Port Area Chamber of Commerce request to use Commission Chambers for two Candidate Forums

THIS ITEM WAS REMOVED FROM THE AGENDA.

- H. [17-0782](#) Repeal of the Streetlight Moratorium. ADDED TO THE AGENDA FOR THE ROAD AND DRAINAGE DISTRICT MEETING AND REMOVED FROM THE COMMISSION REGULAR MEETING BEING HELD AT 6:00 P.M. ON JANUARY 24, 2017.

#### **7. PUBLIC COMMENT:**

There was no public comment.

#### **8. SCHEDULING OF WORKSHOPS:**

There were no workshops scheduled.

#### **9. COMMISSION REPORTS:**

Commissioner Hanks reported: (1) he attended the CHAT Meeting and there was discussion about Sarasota and Charlotte County routes; (2) he also attended the Metropolitan Planning Organization (MPO) Meeting and was pleased that everyone agreed as to the importance of River Road and are making it a top priority in TRIP funding.

Commissioner McDowell reported: (1) she attended the Southwest Florida Regional Planning Council Meeting where it was confirmed that Sarasota County will be withdrawing and she will be meeting with the Executive Director in the next couple weeks; (2) she also attended the Babcock Webb 75th Anniversary of the Wildlife Management; (3) following a request, the City set up a table at Newcomers' Day and she thanked the staff for following through on that; (4) she would like to discuss the Commissioners getting paid on bi-weekly basis at a later date.

Mayor Yates reported attending: (1) the Manasota League of Cities Meeting; (2) Council Of Governments; (3) the Sarasota Delegation Meeting; (4) Metropolitan Planning Organization Meeting and Metropolitan Planning Organization Joint Meeting; (5) the first Leadership North Port meeting; (6) Chamber of Commerce State of the City Address; (7) she wanted to address the recent Bills being filed by the Legislature in Tallahassee regarding vacation rentals and local business tax; (8) concerns were addressed about City Attorney Moriarty's application to the Constitution Review Committee;

***There was a consensus to direct City Manager Lewis to draft letters as bills are coming out to respond regarding our legislative priorities.***



*There was a consensus to continue the discussion regarding City Attorney Moriarty's Constitutional Review Committee Application to the February 2, 2017 special meeting at 12:00n.*

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

City Attorney Moriarty: nothing to report.

City Manager Lewis reported: (1)the issues of overgrowth is being scheduled currently and will be on the Agenda before the end of February; (2) the upcoming Public Works Road-E-O will be held rain or shine; (3) the Art Advisory Board Belle Soiree on January 26, 2017; (4) the North Port Police Department Coffee with a Cop at Starbucks; (5) an update was provided about the fracking ordinance that will be discussed at the Planning and Zoning Advisory Board meeting and then will come before the Commission in March; (6) an update on the pool was provided; the cost to update was \$15,000.00, substantially less than anticipated.

City Clerk Adkins: nothing to report.

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

Mayor Yates adjourned the North Port Commission Regular Meeting at 12:13 a.m.

City of North Port, Florida

By: \_\_\_\_\_  
Linda M. Yates, Mayor

Attest: \_\_\_\_\_  
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2017.