



# 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*  
*Kathryn Peto, Deputy City Clerk*

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Tuesday, March 7, 2017

1:00 PM

CITY COMMISSION CHAMBERS

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### **MINUTES APPROVED AT THE 05-10-2017 MEETING.**

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

The North Port City Commission Regular Meeting was called to order at 1:00 p.m. in City Chambers by Mayor Yates.

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

**A moment of silence was followed by the Pledge of Allegiance led by the Commission.**

#### **APPROVAL OF AGENDA – COMMISSION**

Staff requested to move Item 5.D. before 5.C. Commissioner Hanks requested to move Item 5.C. and 6.D., to the Commission Special Meeting on March 30, 2017 where Warm Mineral Springs will be discussed. Vice-Mayor Carusone requested to move Item 5.E., and 6.E. after the Consent Agenda.

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

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to move Item 5.C. and 6.D., to the Commission Special Meeting on March 30, 2017, where Warm Mineral Springs will be discussed. Also, to move Item 5.E., and 6.E., immediately after the Consent Agenda. The motion carried by the following vote:***

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

## **1. ANNOUNCEMENTS**

**A. [17-0879](#)** Current Vacancies for Boards and Committees.

City Clerk Adkins read the Current Vacancies for Boards and Committees and noted that there was a vacancy on the Sarasota County Pedestrian/Bicycle Board.

**B. [17-0880](#)** Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expirations for Boards and Committees into the record.

## **2. PUBLIC COMMENT:**

PUBLIC COMMENT 1:09 p.m. - 1:14 p.m.

Buddy Hughes and Thomas Nicholson: City Manager Lewis.

Pete Pedersen: Price Boulevard.

## **3. CONSENT AGENDA:**

*A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to approve Consent Agenda Items 3.A., 3.B., 3.E., 3.G., 3.H., 3.I., and 3.J., pulling Items 3.C., 3.D., and 3.F., for discussion and to move them after General Business. The motion carried by the following vote:*

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

**A. [17-0881](#)** Approval of Minutes for the January 5, 2017 Commission Special Meeting; February 2, 2017 Commission Recognition Meeting.

**B. [17-0883](#)** Cash Receipts Summary - January 2017

**E. [17-0762](#)** Utilize City of Tallahassee Florida Contract with Dana Safety Supply to purchase and install emergency vehicle associated equipment in twenty-two (22) replacement and three (3) additional Police vehicles for the Police Department in the amount of \$307,683.98 and vehicle graphics in the amount of \$8,025.00 equaling \$315,708.98 with an additional \$10,000.00 in contingency for a total of \$325,708.98.

**G. [17-0889](#)** First Amendment to the Interlocal Agreement between Sarasota County Government and the City of North Port for backup Dispatch Services and Related Communications Services.

**H. [17-0807](#)** Memorandum of Understanding between Area Agency on Aging for Southwest Florida (AAASWFL) and the City of North Port to complete and submit applications for the Emergency Home Energy Assistance for the Elderly Program (EHEAP)

**I. [17-0808](#)** Memorandum of Agreement between the Salvation Army and the City of

North Port for the City to coordinate services for households applying for Low Income Home Energy Assistance Program (LIHEAP) assistance.

- J. [17-0824](#) Work Assignment No. 2017-04 under Continuing Services Agreement No. 2016-23 for TKW Consulting Engineers for the Southwest Wastewater Treatment Facility Design Review in the amount of \$99,980.00 plus a contingency amount of \$10,000 for a total of \$109,980.00.

## **5. RESOLUTIONS**

- E. [17-0884](#) Resolution No. 2017-R-05, Panacea Boulevard Landscape Maintenance Acceptance

City Clerk Adkins read Resolution No. 2017-R-05 into the record by title only. City Manager Lewis provided a brief overview of the Resolution.

Discussion ensued: (1) following a question, City Attorney Moriarty stated that the City cannot mandate that the Panacea Community Development District (CDD) submit another plat; that it is up to the CDD; (2) concern was expressed that this action will set a precedent allowing other CDDs to request the same service and City Attorney Moriarty stated the Commission's actions do not set a legal precedent and cannot be used in the future to force the City's hand; (3) following questions, City Manager Lewis stated: [a] the Level of Service that the Commission adopts for next fiscal year will determine the landscaping costs as it relates to Panacea Boulevard; [b] quotes based on boundaries of Panacea Boulevard within the CDD averaged \$2,000 a month; [c] the non-ad valorem assessment collected by the Road & Drainage District will not change because none of the properties face Panacea Boulevard; [d] the mowing for Plantation/Panacea was completed last Friday and the invoice will be mailed shortly; [e] specific Commission direction was requested regarding the Level of Service for the remainder of this Fiscal Year; (4) after a question, City Attorney Moriarty stated: [a] that the Code Enforcement Hearing appeals are being handled in-house and have incurred no additional fees and the filing fees would be the responsibility of the CDD; [b] the amount of time spent on the Code Enforcement appeal is not readily known but the minimum would be approximately 10 hours; (5) following a brief discussion it was stated that the words right-of-way and easement could be used interchangeably 99.9% of the time. Thereafter the difference between easements and rights-of-way was explained; (6) following a concern, it was stated that problems may arise if the header were changed, but not if the body in Section 1.04 were changed; (7) City Attorney Moriarty confirmed: [a] that in the title the Resolution talks about easement and the verbiage in the title is consistent with what is stated in Section 1.04; [b] the Resolution is an acceptance of something that has been dedicated to the City and the plat is not required to be re-done; (8) subsequent to a discussion, the analogy was reached that, with the exception of Toledo Blade and Sumter Boulevards, the City performs maintenance on other right-of-way areas that are not City-owned but are dedicated to the City; (9) clarification was provided that the Level of Service in the Resolution consists of one clean-cut a month until the end of this fiscal year, including approximately 125 feet into the woods; (10) following a question, City Attorney Moriarty stated that if substantive changes are made in the legislation, the Resolution must be re-posted and re-noticed.

Public comment was held.

Vivek Babbar: Attorney Landscaping.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Resolution No. 2017-R-05 accepting landscape maintenance of***

***Panacea Boulevard and maintaining the schedule to mirror all the City's arterial roads.***

Further discussion ensued: (1) it was reported that the original Development Order provided that landscaping along Panacea Boulevard was supposed to be taken over by the City and Plantation was not open; (2) for the record, Vice-Mayor Carusone stated that the work will be performed to the standard requirements of the City and if the CDD wants a higher Level of Service, the two entities must work out an understanding so that the CDD is responsible for the higher Level of Service; (3) subsequent to a concern, City Attorney Moriarty stated that the City's hearing officer found the CDD liable for the Code Enforcement violation but State Statutes prevents levying a fine on the property; (4) Commissioner Hanks voiced concern that the City is attempting to collect on something that was already the City's intent to perform.

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to amend the motion, to make the effective date contingent on the City's receipt of payment by the CDD for the bill for the recent abatement mowing by the City. The motion carried by the following vote with Commissioner Hanks dissenting for reasons previously stated:***

**Yes:** 3 - Mayor Yates, Vice-Mayor Carusone and Commissioner McDowell

**No:** 1 - Commissioner Hanks

***A vote was taken on the main motion, as amended, to approve Resolution No. 2017-R-05 accepting landscape maintenance of Panacea Boulevard and maintaining the schedule to mirror all the City's arterial roads; and to make the effective date contingent on the City's receipt of payment by the CDD for the bill for the recent abatement mowing by the City. The motion carried by the following vote:***

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

Recess 2:09 p.m. - 2:15 p.m.

**6. GENERAL BUSINESS:****E. [17-0903](#)****Spring Training Facility**

City Manager Lewis recognized Mr. Maultsby from Sarasota County Economic Development, Mr. Black, representing the West Villages Improvement District, and Mr. Gunnin from the North Port Area Chamber of Commerce and provided a brief overview of the agenda item including: (1) clarification that the Letter of Intent is a short form of an agreement with longer forms of agreements that are forthcoming (2) all parties have participated in the terms of negotiations; (3) Sarasota County approved the Agreement and West Villages will formally approve the Agreement this Thursday; (4) a PowerPoint and map were provided of the details; (5) the project is contingent on receiving \$20 million from the State's Spring Training Retention Fund; (6) ultimately the structure will be the property of Sarasota County; (7) if approved, the stadium will be open for spring training in 2019. He recommended to approve the Letter of Intent and authorize continued negotiations for implementing Agreements so the project can move forward.

Questions and discussion ensued: (1) clarification was provided that when the seven provisions come forward, they will constitute, at a minimum, the Final Agreements; (2) the interactive media rights agreement is the agreement with Major League Baseball; (3) in #30, concern was expressed that North Port should be named every time that the project is marketed and that should be included in writing in Sarasota County's approval legislation; (4) in #15, it was suggested to remove the "not to exceed" clause; (5)

following a traffic concern, Mr. Black stated that West Villages offered to widen the first section of River Road extending just beyond the intersection of West Villages Parkway Road and U.S. 41. Although the remainder of River Road is a priority of Charlotte County Metropolitan Planning Organization (MPO) and the Sarasota-Manatee MPO, it will not be completed by 2019; (6) confirmation was provided that State Statutes dictate that county buildings do not pay taxes--ad valorem and non-ad valorem; (7) impact fee credits are established under a North Port Ordinance. The entity must pay it and then request it based on certain criteria; (8) the Agreement was thoroughly reviewed by the City Attorney; who recommended moving forward; (9) there is a default provision in the Agreement and any legal recourse will be addressed at that time; (10) after a concern, Mr. Marty Black clarified that the Definitive Documents will address the financial responsibilities of the entities. If there are concerns, the Commission could direct staff and the City Attorney to bring them back in those documents, and it was requested to add that in the motion; (11) following a question, Mr. Black stated that the building identified as the "Academy" and a "mixed use" site (possibly a hotel or multi-family facility) will be located overlooking third base. These will be subject to property taxes because they are not open to the public and not funded by public dollars. The goal is to create year-round use around the stadium with additional economic development opportunities; (12) the plaza and multi-purpose fields and stadium will be made available for city/public use six times during the year, and the Braves are amenable to host more if needed; (13) after a concern, Mr. Maultsby recommended that marketing concerns should be expressed to Virginia Haley of Visit Sarasota County, to feature North Port prominently on the destination marketing package; (14) subsequent to a concern, City Manager Lewis explained the "most favored nation" clause in the Spring Training Letter of Intent; (15) following a concern, clarification was provided that an economic impact analysis cannot be done at this point in time; (16) confirmation was provided that the bond will be issued in 2018 and the first payment will be subsequent to that and will be defined in the final documents; (17) North Port's annual contribution could come from one source or a combination of several sources at the discretion of the Commission; (18) after a question, it was stated that after the 30-year option ends, if the County continues to use the facility for spring training baseball, the developer and the County would re-negotiate. If the County changes the site's use at the end of the 30 years, the developer wants the ability to negotiate with the County to return the land so the developer can use it for other purposes at the conclusion of its use; (19) subsequent to a concern in Exhibit D, regarding the City's contribution of \$9 million instead of \$5 million, clarification was provided that the additional \$4 million is accrued due to the bond's debt service and interest over 30 years. City Manager Lewis explained that the \$5 million can be paid up front; (20) clarification was provided regarding marketing of the location and rights to naming the stadium--which is site specific and only refers to the facility. Following a discussion, it was stated that when referencing the facility, the dimension of West Villages, North Port will be added. Section 30 and Section 2 need a binding detail for when it is referenced; (21) concern was expressed regarding what is asked of North Port taxpayers for the next 30 years and what they are receiving in return for their taxes being raised; (22) in answer to a concern, Mr. Maultsby clarified that the four fields that will be used for over-flow parking, can also be re-programmed for multi-purpose fields for soccer, lacrosse, etc.; and use of the public plaza is subject to further agreements; (23) following a request, confirmation was provided that local preference will be given to contractors for the construction work; (24) subsequent to a concern, City Manager Lewis explained: [a] that Section 30 addresses the tourist/marketing aspect through the Visit Sarasota County arm of the Sarasota County Economic Development Corporation, and Section 2 defines the spring training facility and West Villages will be referenced at the discretion of the Atlanta Braves; [b] North Port's \$300,000 portion, if paid over time, and must be bonded which adds finance costs.

Public comment was held.

Buddy Hughes: North Port should be referenced.

Bill Gunnin: In support.  
Connie Brunni: Termination rights, location of hotels, etc.  
Joan San Luin: In support.  
Pete Pedersen: Increase Impact fees.  
Bill Welk: In support.

Discussion continued: (1) it was suggested to charge \$1 extra for parking which will go to North Port to help recoup costs due to the loss of tax base; (2) following a question, City Attorney Moriarty stated that the verbiage in the motion gets the job done; (3) after a concern, City Manager Lewis stated that the time to air additional issues is during subsequent agreements (4) clarification was provided that the motion does not intend that the Letter of Intent come back for discussion; (5) Mr. Black expressed appreciation for Commission support and stated that this gives a framework and requires cooperation from all entities involved.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the Letter of Intent/Term Sheet with the West Villages Improvement District, the Developer, the Atlanta Braves, and Sarasota County with the clarifications to terms as follows: 1. Technical language that releases the City's liability of any kind; 2. Notation of local preference; 3. Removal of all "not to exceed" language in reference to stadium use; 4. Specify the additional use of the overflow fields and plaza; 5. Must refer to North Port for all marketing and promotions of the facilities and activities. The motion carried by the following vote:***

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

Recess 5:00 p.m. - 5:10 p.m.

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone to move Agenda item 5.B. as the next agenda item and then the Public Hearing items. The motion carried by the following vote:***

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

## **5. RESOLUTIONS**

### **B. [17-0846](#)**

Resolution No. 2017-R-06, Petition No. VAC-17-004, the request of Clifton R. Davis and Anna L. Davis to vacate a portion of the platted 20-foot rear maintenance easement to allow for a newly constructed in-ground swimming pool and deck to remain. The site contains ± 208 square feet and is located at 4230 Wall Lane, North Port, Florida (Lot 45, Block 267, First Addition to Port Charlotte Subdivision) (PID # 0990026745) (Section 27, Township 39S, Range 21 East) (Quasi-Judicial)

City Clerk Adkins read Resolution No. 2017-R-06 into the record by title only and as a Notary Public for the State of Florida, as a Quasi-judicial hearing, swore in all those wishing to speak on the Public Hearing Agenda item.

Ex parte communication was disclosed: (1) Commissioner McDowell, who stated that she attended the Zoning Board of Appeals meeting where the issue was discussed; and (2) Commissioner Hanks spoke with staff.

Neighborhood Development Services Director Williams and the Applicant, Mr. Davis,

provided a brief overview of the request for a Vacation of Easement. There was no public comment.

Following a question, Planning Division Zoning Coordinator Willette-Grondin stated that the pool company paid the application fee for both the Vacation of Easement and for the Variance, for a total of \$1,350. The only financial out-of-pocket fees required from Mr. Davis were those incurred relative to the required legal ad in a newspaper for the Request of Vacation of Easement, as mandated by Florida Statutes.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Resolution No. 2017-R-06, Petition No. VAC 17-004. The motion carried by the following vote:***

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

#### **4. PUBLIC HEARINGS:**

**A. [17-0825](#)** The Renaissance (Village B at the West Villages) Phase 1 Final Plat (Quasi-Judicial)

City Clerk Adkins as a Notary Public for the State of Florida, as a Quasi-judicial hearing, swore in all those wishing to speak on the Public Hearing Agenda item.

There were no ex parte communications by the Commissioners.

Ms. McKenny, from StanTec Consulting, representing Thomas Ranch Land Partners and The West Villages Parkway East Associates, provided an overview of the petition. Thereafter, Neighborhood Development Services Director Williams introduced City Planner McAllister, who presented a staff report. There was no public comment.

Discussion ensued: (1) following a question, Ms. McKenny stated: [a] in May, 2015, the Commission approved a rezoning of the area to Village; [b] there is a commercial area located on Main Street that proposes different uses in their Village Pattern Plan which is currently in review by staff; (2) Planner McAllister stated that there is a potential commercial area planned across U.S. 41 near the college and the development in The Renaissance (Phase I) consists of 178 lots; (3) it was stated southbound traffic will be able to turn left into the subdivision but the egress is a right-turn only; (4) the temporary emergency entrance is on West Villages Parkway between a pond that services West Villages Parkway and the intersection; (5) clarification was provided that the map as shown, is a boundary survey, not the final construction plans; (6) after a question, it was stated that West Villages will pay for construction of the secondary entrance into the college.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve The Renaissance (Village B at the West Villages) Phase 1 Final Plat. The motion carried by the following vote:***

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

**B. [17-0851](#)** The Preserve at West Villages Phase 1 Final Plat (Quasi-Judicial)

City Clerk Adkins as a Notary Public for the State of Florida, as a Quasi-judicial hearing, swore in all those wishing to speak on the Public Hearing Agenda item.

There were no ex parte communications by the Commissioners.

Mr. Soul, representing West Villages Parkway Associates West, LLP, presented the



Final Plat for The Preserve in Village B and requested Commission approval. Thereafter, Neighborhood Development Services Director Williams and City Planner McAllister, provided an overhead view of the plat and stated that staff recommended approval.

Questions ensued: (1) clarification was provided that a second entrance cannot be planned due to a negative impact on wetlands; (2) a gated temporary emergency access is located on River Road; (3) the number of homes planned for this area is 110 for Village B; (3) following a concern, it was stated that: [a] the landscaping is part of the infrastructure plan which was approved previously; [b] the plat is only a survey and referencing landscaping maintenance is discretionary; [c] nothing in these two plats dedicates anything to the public for public maintenance; (4) all the references to landscaping is within the private property of West Villages; (5) clarification was provided that the area between Gran Paradiso and The Preserve at West Villages is wetlands and there is no connectivity between the two developments.

Public comment was held.  
Marty Black: Final plat.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve The Preserve at West Villages Phase 1 Final Plat. The motion carried by the following vote:***

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

Recess 6:04 p.m. - 6:37 p.m.

**C. [17-0848](#)**

Ordinance No. 2017-05, First Reading, Petition No. TXT-17-009, Amending the City of North Port Unified Land Development Code to prohibit oil or natural gas exploration or production that uses well stimulation within the boundaries of the City of North Port.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to read Ordinance No. 2017-05 by title only. The motion carried by the following vote:***

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

City Clerk Adkins read Ordinance No. 2017-05 into the record by title only and City Manager Lewis, Neighborhood Development Services Director Williams, and City Planner Galehouse provided a brief overview of the Ordinance. There was no public comment.

Questions and discussion ensued: (1) concern was expressed that the legislation refers to City Code 14-5 General Provisions, which was revised in September, 2016 and contained substantial changes. It was suggested to update the language, change the title, re-advertise and bring the Ordinance back for another first reading. Thereafter, City Attorney Moriarty stated that updating and re-advertising is one alternative. Another is to direct staff to analyze the Ordinance compared to the old Ordinance and return with a recommendation at a subsequent meeting regarding; (2) a third option was proffered to make the changes and bring the Ordinance back for second reading; (3) it was suggested to add a section of applicable definitions to that Chapter.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to continue Ordinance No. 2017-05 to the March 28, 2017 Commission Regular Meeting for first reading. The motion carried by the following vote:***



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

- D.** [17-0773](#) Ordinance No. 2017-04, first reading, amending the Code of the City of North Port, adding to Chapter 38, Natural Resources, new Article III, Efficient Use of Reclaimed Water, Sections 38-27 to 38-30.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to Read Ordinance No. 2017-04 by title only. The motion carried by the following vote:***

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

City Clerk Adkins read Ordinance No. 2017-04 into the record by title only and Public Utilities Business Manager Desrosiers provided an overview of the Ordinance. There was no public comment.

Questions and discussion ensued: (1) following a question, City Manager Lewis stated that adding the penalty to the Ordinance would be a substantive change and the legislation would have to be re-advertised for first reading, but from a policy perspective, there are other ways to do it as well; (2) confirmation was provided that the Ordinance meets the requirements for the City to receive funding and may be amended in the future; (3) following a concern, City Attorney Moriarty stated that the statement "nor may development commence before it has become effective," may be removed for clarification.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to continue Ordinance No. 2017-04, to the March 28, 2017 Commission Regular Meeting for second reading with the deletion in Section 7, "nor may development commence before it has become effective." The motion carried by the following vote:***

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

- E.** [17-0838](#) Ordinance No. 2017-07, first reading, amending the Fiscal Year 2016-2017 Non-District Budget.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to read Ordinance No. 2017-07 by title only. The motion carried by the following vote:***

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

City Clerk Adkins read Ordinance No. 2017-07 into the record by title only, and Finance Director Lear provided a brief overview of the Ordinance. There was no public comment.

Following a question, City Manager Lewis stated that the Public Information Officer (PIO) is the Community Outreach Coordinator.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to continue Ordinance No. 2017-07 to the March 28, 2017 Commission Regular Meeting for second reading. The motion carried by the following vote:***

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

- F. [17-0900](#) Ordinance No. 2017-09, first reading, amending Part II, Chapter 42, Article II of the City Code, repealing Article II Lot Clearing in its entirety, enacting a new Article II Lot Clearing.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to read Ordinance No. 2017-09 by title only. The motion carried by the following vote:***

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

City Clerk Adkins read Ordinance No. 2017-09 into the record by title only, and Mayor Yates provided a brief overview of the agenda item which updates language and it was noted that Neighborhood Development Services has not reviewed the legislation. It was stated that funds were budgeted for impinging and excessive growth in the Fiscal Year 2016-17 in the Property Standards Account, which has a current balance of \$173,750.

Following a question, Mayor Yates verified with City Manager Lewis that the Planning & Zoning Advisory Board does not have to review this Ordinance.

Public comment was held.

Greg Hewlett: Long meetings, and vacant lots.

Questions and discussion ensued: (1) concerns were expressed regarding defining "nuisance" and "excessive growth"; (2) City Attorney Moriarty reminded the Commission that Property Standards citations are based on the City's burden of competent, substantial evidence which is presented to the hearing officer, who determines whether or not there is a violation; (3) concern was expressed regarding the Constitutional rights of property owners; (4) citing the affidavit provision [2] on the bottom of page 4 of 14, clarification was provided that the item offers two adjacent owners a way to mutually agree that there is no violation regarding impinging growth; (5) citing the hazardous tree provision [d] on page 5 of 14, it was stated that Sections 42-26, 42-27 applies to that recommendation; (6) citing the provision [e] regarding destroying existing habitats of federally endangered species on page 5 of 14, it was stated to clarify that the City has no intent to trump the State regulatory rules; (7) it was stated that provision [a] involving a real estate agent or broker on page 6 of 14, was recommended due to the lien aspect when the property is sold and it was requested that staff check the necessity of that provision and if unnecessary, to remove it; (8) following a question, City Attorney Moriarty stated that a property owner, owns all of his/her lot but part of that shall be "unencumbered" is the easement area 15-feet from the edge of the road; (9) it was suggested that staff review Section 42-26 (a) on page 13 of 14, and clarify if needed, the phrase "reasonable time" that violations must be corrected; (10) it was suggested that staff review Section 42-26 (b)(2) and (3) that appear to be redundant.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to continue Ordinance No. 2017-09 to the April 25, 2017 Commission Regular Meeting for second reading with staff's review. The motion carried by the following vote:***

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

## **5. RESOLUTIONS**

- A. [17-0826](#) Resolution No. 2017 R-08, providing for dedicating a permanent Ten-Foot Wide Utility Easement to the Florida Power and Light Company on the Site of Fire Station 85.

City Clerk Adkins read Resolution No. 2017-R-08 into the record by title only, and Fire Chief Taaffe provided a brief overview. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Resolution No. 2017-R-08 for dedicating a permanent Ten-Foot Wide Utility Easement. The motion carried by the following vote:***

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

- C. [17-0849](#) Resolution No. 2017-R-07, Petition No. GEN 17-029, Nomination and Inclusion of Warm Mineral Springs Spa and Cyclorama Structures to the City of North Port Local Register of Historic Sites and Structures.

***MOVED TO THE MARCH 30, 2017 COMMISSION SPECIAL MEETING.***

- D. [17-0847](#) Resolution No. 2017-R-04, Petition No. GEN 17-028, Creation of a Local Register of Historic Sites and Structures for the City of North Port.

City Clerk Adkins read Resolution No. 2017-R-04 into the record by title only. Neighborhood Development Services Director Williams and City Planner Whitaker provided a PowerPoint presentation.

Discussion ensued: (1) following a question, City Manager Lewis clarified that the Ordinance language creates a Local Register using the National Registry guidelines and the previous Commission's direction was to have a local registry due to a City Code provision that addresses the process for that to occur. This creates the framework to the process; (2) it was stated that the goal was to create a historical board and ultimately get these sites and structures on the National Registry.

Public comment was held.

Bill Goetz: National Registry, historical/cultural archive, and an advisory committee.

Discussion continued: (1) clarification was provided that having a Local Registry would have more weight for receiving grants than a designation by the National Registry; (2) it was reported that the Ordinance establishes a Local Registry and creating an advisory board would come later.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution No. 2017-R-04, creating a Local Register of Historic Sites and Structures for the City of North Port. The motion carried by the following vote:***

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

A brief discussion ensued concerning: (1) the creation of a Historical Advisory Board: (1) the legislation listing the powers and duties; (3) a possible time frame to get the Board moving; (4) samples of how other areas have used similar Historical Boards; (5) the inclusion, at some point for the Board to have a bigger part in Warm Mineral Springs programs/needs; (6) for staff to bring examples of structures of Historical Advisory Boards.

***There was a consensus to have staff bring recommendations for the establishment of a Historical and Cultural Advisory Board by July, including the required legislation with recommendations as to their tasks, etc.,***

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

- F. [17-0860](#) Resolution No. 2017-R-09, in support of the Florida League of Cities "Safe Cities, Safe Florida" initiative.

City Clerk Adkins read Resolution No. 2017-R-09 into the record by title only. Mayor Yates provided an overview of the Resolution. There was no public comment and there were no questions or comments from the Commission.

***A motion was made by Mayor Yates, seconded by Commissioner McDowell, to approve Resolution No. 2017-R-09 in support of the Florida League of Cities "Safe Cities, Safe Florida" initiative. The motion carried by the following vote:***

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

Recess 8:36 p.m. - 8:48 p.m.

***There was a consensus to call Public Comment at this time, for any subject or issue.***

## **7. PUBLIC COMMENT:**

PUBLIC COMMENT 8:50 p.m. - 8:55 p.m.

Vivek Babbar: Landscape on Plantation Boulevard.

Connie Brunni: Use of Force-hiring a consultant. City Manager negotiation process.

## **6. GENERAL BUSINESS:**

- A. [17-0836](#) Request for a joint meeting between the North Port City Commission and the Art Advisory Board

City Manager Lewis requested a joint meeting between the Art Advisory Board and the Commission.

A brief discussion ensued pertaining to the Ordinance that outlines the City's Advisory Boards' requirements to petition for an annual joint meeting with the Commission. City Manager Lewis will send the memo to the Commission concerning that process. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve scheduling a joint meeting between the North Port City Commission and the Art Advisory Board. The motion carried by the following vote:***

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

- B. [17-0834](#) Recommendation for Parks and Recreation Advisory Board Member to serve as representative on the Sarasota County Parks Advisory and Recreation Council

City Manager Lewis reported that Mr. Boyd could no longer serve as the North Port Representative on the Sarasota County Parks and Recreation Council and Mr. Sias requested to be considered to serve after being nominated by the City's Parks & Recreation Advisory Board. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Parks & Recreation Advisory Board Member Andrew Sias, as a representative on the Sarasota County Parks and Recreation Council. The motion carried by the following vote:***

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

- C. [17-0898](#) Discussion and possible action regarding the appointment of one member to the Art Advisory Board.

City Clerk Adkins provided an overview of the vacancy on the Art Advisory Board. There was no public comment.

Questions ensued: (1) it was reported that Ms. Dawkins served one two-year term and requested to serve an additional two-year term; (2) clarification was provided that the Ordinance limits service to two consecutive two-year terms to allow a rotation of other individuals who wish to serve.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the appointment of Carol Dawkins as a Member of the Art Advisory Board. The motion carried by the following vote:***

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

- D. [17-0830](#) Warm Mineral Springs Buildings

***MOVED TO THE MARCH 30, 2017 COMMISSION SPECIAL MEETING.***

- F. [17-0837](#) Discussion and possible action authorizing the City Attorney to file suit to foreclose on liens for 1733 Kadashow Avenue and 4446 Bayano Street

City Attorney Moriarty provided a brief overview of the agenda item requesting authority to file suit to foreclose on two liens. There was no public comment.

Discussion ensued: (1) following questions, City Attorney Moriarty explained: [a] the strategies open to the Commission when Code violations have not been resolved by the owner; [b] if the bank takes the mortgage, the Utility liens must be paid but others like daily fines may be forgiven; [c] taxes must also be paid; [d] the foreclosure process provides opportunity for discussions with the bank's attorney to release the lien and then the City will take possession of the property; [e] if the City pursues title, any liens that survive or any taxes ought to be paid because then the City could give fair market title to a subsequent buyer; [f] both structures have been deemed unsafe and care must be taken when consideration is given to abate because the exposure is that the owner can argue that there has been an unlawful taking of the structure; [g] ad valorem taxes cannot be waived but the Federal lien might be negotiated; [h] the process of lot escheatment was explained; (2) subsequent to a concern, City Manager Lewis stated that previously, the City did not have the Abandon Property portion of the Code in the same way as it currently states and the City Attorney is bringing forth those foreclosures to trigger that point in the process, and more foreclosures are forthcoming; (3) Mayor Yates: [a] disagreed with the process that was implemented; [b] concerned with unsafe structures and the City's liability and accountability in not taking action to get this rectified; [c] the liens far exceed the value of the property; [d] the City is not taking immediate action to get the situation abated.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to authorize the City Attorney to file suit to foreclose on liens for 1733 Kadashow Avenue and 4446 Bayano Street. The motion carried by the following vote with Mayor Yates dissenting for reasons previously stated:***

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

No: 1 - Mayor Yates

- G. [17-0861](#) Discussion and possible action on having a joint meeting with the Sarasota County Commission and a joint meeting with Charlotte County Commission

Mayor Yates introduced the item and invited Commission discussion. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to direct staff to schedule a Joint Meeting with the Sarasota County Commission and a Joint Meeting with Charlotte County Commission in two separate meetings, with topics from the legislative text and the location to be in North Port. The motion carried by the following vote:***

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

- H. [17-0886](#) 2017 Federal Priorities

City Manager Lewis provided an overview of the suggested Federal Priorities from last year. There was no public comment.

Discussion ensued: (1) following a question, River Road improvements was placed as a priority because it was deemed important and it is also a Sarasota County Priority at the Federal level as well; (2) concern was expressed that the City no longer has a Federal lobbyist; (3) it was suggested to add Protection of Clean Water; (4) it was suggested to add "The City of North Port supports legislation that provides funding for municipal transportation infrastructure projects, including Price Boulevard"; (5) City Manager will provide a handout to the Commissioners prior to their trip to Washington, D.C.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to adopt the 2017 Federal Priorities as listed and in addition, adding Water Quality and the notation about Price Boulevard at the end of Infrastructure Projects. The motion carried by the following vote:***

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

- I. [17-0904](#) Discussion and possible action regarding the recruitment of a new City Manager.

City Manager Lewis reported that planning is needed regarding a City Manager search and reviewed the process used last time. There was no public comment.

Discussion ensued: (1) a suggestion was proffered to recruit Ms. Sherry Borgsdorf as the Interim City Manager; (2) after it was affirmed that the Human Resource Department could handle this, it was explained that a search firm specializes in these things and the process is expedited; (3) the pros and cons of an in-house search vs. outsourcing with a search firm; (4) Commissioner McDowell only supports an in-house process using the City's Human Resources Department.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, direct City Manager Lewis to issue a Request for Proposal (RFP) for a Search Firm for a recruitment of a City Manager. The motion carried by the following vote with Commissioner McDowell dissenting for reasons previously stated:***

Yes: 3 - Mayor Yates, Vice-Mayor Carusone and Commissioner Hanks

**No:** 1 - Commissioner McDowell

Further discussion ensued: (1) subsequent to being asked, Assistant City Manager Schult explained that he was not interested in the Interim position; (2) a suggestion was proffered that the firm SGR provides an Interim City Manager service and other entities were mentioned; (3) after being asked, Finance Director Lear responded that he would serve as the Interim City Manager.

***After passing the gavel, a motion was made by Mayor Yates, seconded by Commissioner Hanks, to designate Finance Director Peter Lear as the Interim City Manager. 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 postpone Consent Agenda Items 3.C., 3.D., and 3.F., to tomorrow's Special Meeting, and the item to be discussed after 10:00 a.m. The motion carried by the following vote:***

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

### **3. CONSENT AGENDA:**

- C.** [16-0743](#) Contract No, 2017-07 between the City of North Port and Marquee Development, Inc. to construct sidewalks along Haberland Boulevard, San Mateo Drive and Purdue Street, in the amount of \$250,055.00 plus \$12,500.00 for contingencies for a total of \$262,555.00.

***THIS ITEM WAS POSTPONED TO THE MARCH 8, 2017 COMMISSION SPECIAL MEETING AT 9:30 A.M.***

- D.** [17-0754](#) Utilize the Florida Sheriff's Association & Florida Association of Counties Cooperative Bid to purchase two (2) replacement Dump Trucks for the Department of Public Works Operations and Maintenance Division from Rush Truck Center in the amount of \$246,668.00.

***THIS ITEM WAS POSTPONED TO THE MARCH 8, 2017 COMMISSION SPECIAL MEETING AT 9:30 A.M.***

- F.** [17-0798](#) Use of Force and Defense Tactics Consulting Agreement between the City of North Port and RRB Systems International.

***THIS ITEM WAS POSTPONED TO THE MARCH 8, 2017 COMMISSION SPECIAL MEETING AT 9:30 A.M.***

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

There was no public comment.

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

No workshops were scheduled.

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



Commissioner McDowell attended: (1) the Southwest Regional Planning Commission; (2) the Tourist Development Committee Meeting; (3) the Second Economic Summit Meeting; (4) Little League Opening Day; (5) the Community Yard Sale; (6) the Serbian Fest; (7) the Homeless to Home Luncheon; (8) the Life Saving Award Ceremony, recognizing Deputy Clerk Peto; (8) read to the students at Lamarque Elementary School; (9) the Luncheon at the Argus Foundation; (10) the Welcoming Gala Open House at the Sarasota Opera House; (11) the City's Appreciation Luncheon; (12) the Chamber of Commerce Expo as a participant and as a Commissioner.

Mayor Yates: (1) attended many of the same events as Commissioner McDowell; (2) met with Congressman Rooney; (3) announced that the Florida League of Cities holds a call-in meeting each meeting during Session at 9:00 a.m. and they can send summaries of the last meeting by email upon request. Mayor Yates will forward the last meeting to the City Clerk for distribution to Commissioners; (4) attended the Argus Foundation meeting; (5) announced the City is sponsoring a Hazardous Waste Collection Event on March 18, 2017 and confirmation was provided by Public Works Director Bellia they will receive tires for disposal; (6) after it was requested to provide update regarding the Community Economic Development Advisory Board's recommendation pertaining to the Medical Hospital Task Force, City Manager Lewis stated he make every effort to have an agenda item for the March 28, 2017 Commission Regular Meeting.

Vice-Mayor Carusone: Nothing to report.

Commissioner Hanks: Nothing to report.

City Attorney Moriarty requested confirmation that if the Commission continues the three items to tomorrow's Commission Special Meeting, that there will also be a continuation to waive the Rules of Procedure.

***There was a consensus to direct City Manager Lewis to bring an agenda item as soon as possible regarding a hospital.***

***There was a consensus to continue the Commission's action to waive the Rules of Procedure regarding the three items that will be moved from today's agenda to tomorrow's Commission Special Meeting.***

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

City Manager Lewis: Nothing to report.

City Attorney Moriarty: Nothing to report.

City Clerk Adkins: Nothing to report.

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

Mayor Yates adjourned the North Port City Commission Regular Meeting at 10:48 p.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.