



# 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 28, 2017

6:00 PM

CITY COMMISSION CHAMBERS

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### **MINUTES APPROVED AT THE 07-25-2017 MEETING.**

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

The North Port City Commission Regular Meeting was called to order at 6:00 p.m. in City Chambers by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks; City Manager Lewis; City Attorney Moriarty; City Clerk Adkins, Deputy City Clerk Peto and Police Chief Vespia.

Absent: Commissioner McDowell.

**The invocation was provided by Pastor Marc Knoedler of Bethel Baptist Church.**

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

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

City Manager Lewis requested to pull Agenda Item 5.D. and Mayor Yates requested to remove Item 7.B., from the agenda and move it to the April 4, 2017 Commission Meeting to allow Commissioner McDowell to attend and participate. Additionally, to move Item 7.A., after Public Comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the Agenda, removing 5.D., from the agenda; moving 7.A., after Public Comment; and continue 7.B. to the April 4, 2017 Special Meeting. The motion carried by the following vote with Commission McDowell absent:***

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

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to suspend the rules for the Commission Procedures for this meeting. The motion carried by the following vote with Commissioner McDowell absent:***

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

## **2. ANNOUNCEMENTS**

Mayor Yates presented City Manager Lewis with a plaque recognizing his dedication and loyal service to the City of North Port. Thereafter, the Commissioners, City Attorney, City Clerk and Deputy City Clerk expressed gratitude and appreciation for his leadership and friendship.

### **A. [17-0950](#) Current Vacancies for Boards and Committees.**

City Clerk Adkins read the Current Vacancies for Boards and Committees into the record. Thereafter, Mayor Yates encouraged residents to volunteer for the Citizens' Tax Oversight Committee, which is currently in need of members to review the expenditures from the 1% Local Government Infrastructure Sales Tax.

### **B. [17-0951](#) Upcoming Expiration Dates for Boards and Committees.**

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

## **3. PUBLIC COMMENT:**

PUBLIC COMMENT WAS HELD 6:18 p.m. - 6:49 p.m.

Alice White, Richard Lindner, Thomas Logie, Edie Driest, Maryanne Bulwich, Bud Bulwich: Clear-cutting trees and North Port's tree canopy.

Buddy Hughes: Get an Animal Control Officer; West Villages newspaper.

Cheri Lee: Trees at the firehouse at Biscayne Boulevard and Ponce deLeon.

Pete Pedersen: The Tree Ordinance from years ago and the City Charter changes.

Connie Brunni: The City Charter review.

## **7. GENERAL BUSINESS:**

### **A. [17-0915](#) Report from the Community and Economic Development Advisory Board on the Medical Hospital Task Force**

Economic Development Program Manager Buchanan introduced Nicholas Worden, Chair of the Community Economic Development Advisory Board, who presented a PowerPoint overview of the item. There was no public comment.

Discussion ensued: (1) following a suggestion, it was reported that staff is still working on coordinating a presentation by United Health Services; (2) it was recommended that the Medical Hospital Task Force also include an outside representative of the Certificate of Need process.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to direct appropriate staff to review the Medical Hospital Task Force Resolution No. 2016-R-21 and review the Community Economic Development Advisory Board Report for consistency and incorporate any additions, and bring back the Resolution with any necessary amendments, and the Applications for Appointment to the Medical Hospital Task Force Advisory Board at the same time. The motion carried by the following vote with Commissioner McDowell absent:***

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

#### **4. CONSENT AGENDA:**

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the Consent Agenda, Items 4. A., 4.B., 4.C., 4.E., 4.P., and 4.Q., pulling Items 4. D., 4.F., through 4.O. for discussion. The motion carried by the following vote with Commissioner McDowell absent:*

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

- A. [17-0949](#) Approval of Minutes for the January 5, 2017 Commission Special Recognition Meeting Minutes.
- B. [17-0933](#) Appointment of Samuel P. Cohen as a member to the Citizens Tax Oversight Committee.
- C. [17-0771](#) A seven-year preventive maintenance and repair service agreement with Stryker Medical, a division of Stryker Corporation, for North Port Fire Rescue's new stretcher lifting systems and stretchers at a total cost of \$18,600.
- D. [17-0795](#) Acceptance of FY 2016/2017 technical assistance grant through the Department of Economic Opportunity

Neighborhood Development Services Director Williams and Planning Division Manager Norton provided a brief overview of the item. There was no public comment.

Questions ensued: (1) the grant will provide funds to revitalize seven North Port neighborhoods and because of the short submission deadline, the Department of Economic Opportunity (DEO) granted some latitude regarding the scope of work and other required information. The deadlines are firm and hiring a consultant ensures that they are met; (2) this is only a planning grant to identify strategies, grants, and funding sources of how to revitalize North Port's older core neighborhoods. Once the strategies are in place, they will be reviewed with additional input from the Planning & Zoning Advisory Board and Commission to modify, discard, or keep as they relate to those neighborhoods; (3) the scope of work is presented to the DEO and the City then must prove the tasks were completed in order to be repaid; (4) other different future opportunities will turn up if the Commission decides to decline this one; (5) the grant is only one piece in the Commission's Strategic Plan for revitalization (6) the Planning Department views this as a supplement to a bigger discussion of how to implement the strategies; (7) the only part of this grant opportunity that requires Commission approval is acceptance of the funds; (8) this step is the start of a conversation with the community to discover needs and strategies, and the dynamics of the grant allows options to be presented to the Commission for approval, amendments, or disapproval of those options; (9) Mayor Yates voiced concerns that: [a] due to the penalties and time constraints this may not be the right time to move forward; [b] this is putting the cart before the horse and the process should be a Commission and community-driven project, not a staff and consultant-driven project; [c] the amount of details that the Department of Economic Opportunities requires and the level of details that the DEO reviews and must approve.

*A motion was made by Commissioner Hanks, seconded by Vice-Mayor Carusone, to move forward in the acceptance of Fiscal Year 2016/2017 Technical Assistance Grant award of \$33,000. The motion carried by the following vote with Mayor*

***Yates dissenting for reasons previously stated and with Commissioner McDowell absent:***

**Yes:** 2 - Vice-Mayor Carusone and Commissioner Hanks

**No:** 1 - Mayor Yates

Following a concern pertaining to the validity of the vote due to the nature of the government entity involved, this item was tabled so City Attorney Moriarty could research the validity of the vote.

- E.** [17-0911](#) Contract No. 2017-29 with U.S. Water Services Corp. for Lift Station Rehabilitation Project Phase 1 for \$175,594.07 plus contingency of \$17,559, for a total amount of \$193,153.07.
- F.** [17-0870](#) Family Service Center Amended and Restated Tenant Lease Agreement with Big Brothers Big Sisters of the Sun Coast, Inc. in the amount of \$1,680.

Mayor Yates stated that items 4.F., through 4.N., are all lease agreements and will be consolidated in one discussion. There was no public comment.

Discussion ensued: (1) the following concerns were expressed: [a] the agreements do not include terms; [b] ten years is too long and it should be reevaluated every five years; [c] the terms should start on 10/1/17 through 9/30/22 as opposed to 9/30/27; [d] future increases should require Commission approval not just a renewal letter; [e] following a concern, clarification was provided that the intent pertaining to the increases was that they required Commission approval, and Section 18.6 states that changes can only be made in writing and executed by both parties; [f] the weekly 32-hour stipulation for minimum use of the premises should be included in all of the Agreements; (2) when the terms change from 10 years to 5 years, these leases need to be amended to include the language pertaining to the renewal and the language should be similar to what was used in the Agreement with Sarasota County; (3) the first paragraph "effective date" should be October 1, 2017; (4) in two of the leases, the amounts were wrong. Agenda Item G, should be \$1,122.33 per month and Agenda Item I, should be \$617.52 per month; (4) Agenda Item M, Section 4.3 is blank and should be removed and renumbered; (5) all 4.1 Sections should change the first sentence to read "Rental amount shall be calculated..."

***A Motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Family Service Center Amended and Restated Tenant Lease Agreement with Big Brother Big Sisters of Suncoast, Inc. in the amount of \$1,680.00, changing the dates in the first paragraph to October 1, 2017; in Section 3.1 inserting the dates October 1, 2017 through September 30, 2018; changing 10 years to 5 years; and changing Section 4.1 to read "Rental Amount. Rent shall be calculated. . .". The Motion carried by the following vote with Commissioner McDowell absent:***

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

- G.** [17-0871](#) Family Service Center Amended and Restated Tenant Lease Agreement with Catholic Charities Housing, Diocese of Venice, Inc. in the amount of \$13,468

***A Motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Family Service Center Amended and Restated Tenant Lease Agreement with Catholic Charity Housing, Diocese of Venice, Inc. in the amount***

*of \$13,468.00, changing the dates in the first paragraph to the date of October 1, 2017; changing Section 3.1 to commencing on October 1, 2017 and terminating on September 30, 2018; and changing the term years to a 5-year term; and changing Section 4.1 to read "Rental Amount. Rent shall be calculated. . . " and in the same Section, it should read "\$1,122.33 a month." The Motion carried by the following vote with Commissioner McDowell absent:*

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

- H. [17-0872](#) Family Service Center Amended and Restated Tenant Lease Agreement with School Readiness Coalition of Sarasota County, Inc. dba Early Learning Coalition of Sarasota County in the amount of \$1,862.

*A Motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Family Service Center Amended and Restated Tenant Lease Agreement with School Readiness Coalition of Sarasota County, Inc./dba Early Learning Coalition of Sarasota County in the amount of \$1,862.00; changing the dates in the first paragraph to be effective October 1, 2017; changing Section 3.1 to commencing on October 1, 2017 and terminating on September 30, 2018; and "lease extends for more than a 5-year term" at the end of the sentence; and changing Section 4.1 to read "Rental Amount. Rent shall be calculated. . . " The Motion carried by the following vote with Commissioner McDowell absent:*

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

- I. [17-0873](#) Family Service Center Amended and Restated Tenant Lease Agreement with Jewish Family and Children's Service of the Suncoast, Inc. in the amount of \$7,826

*A Motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Family Service Center Amended and Restated Tenant Lease Agreement with Jewish Family and Children's Service of the Suncoast, Inc. in the amount of \$7,826.00, changing the first paragraph to read: "effective as of October 1, 2017"; changing Section 3.1 to "commencing on October 1, 2017 and terminating on September 30, 2018; changing the last sentence term to a 5-year term; and changing Section 4.1 to read "Rental Amount. Rent shall be calculated . . . "; and changing the amount to "\$652.17 monthly." The Motion carried by the following vote with Commissioner McDowell absent:*

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

- J. [17-0874](#) Family Service Center Amended and Restated Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc. in the amount of \$2,016.

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Family Service Center Amended and Restated Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc. in the amount of \$2,016.00, changing the dates in the first paragraph to read effective October 1, 2017; amending Section 3.1 to read "commencing on October 1, 2017 and terminating on September 30, 2018"; amending the last statement to read "extend for more than a 5-year term; amending Section 4.1 to read "Rental Amount. Rent shall be calculated. . . " The Motion carried by the following vote with Commissioner McDowell absent:*

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

- K. [17-0875](#) Family Service Center Amended and Restated Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc. in the amount of \$1,708.

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Family Service Center Amended and Restated Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc. in the amount of \$1,708.00, amending the first paragraph to read: "effective as of October 1, 2017"; amending Section 3.1 to read "commencing on October 1, 2017 and terminating on September 30, 2018"; amending the last sentence to read "extend for more than a 5-year term"; amending Section 4.1 to read "Rental Amount. Rent shall be calculated . . ." The Motion carried by the following vote with Commissioner McDowell absent:*

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

- L. [17-0876](#) North Port Educational Center Amended and Restated Tenant Lease Agreement with the Senior Friendship Center, Inc. in the amount of \$2,400.

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve North Port Education Center Amended and Restated Tenant Lease Agreement with Senior Friendship Center, Inc. in the amount of \$2,400.00, amending the first paragraph to read "effective as of October 1, 2017"; amending Section 2, Business Use adding "Tenant shall use the premises for a minimum of 32 hours per week to carry on its business"; amending Section 3.1 to read "commencing on October 1, 2017 and terminating on September 30, 2018; amending the last statement in same Section to read "extending for more than a 5-year term." The Motion carried by the following vote with Commissioner McDowell absent:*

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

- M. [17-0877](#) North Port Educational Center Amended and Restated Tenant Lease with North Port Senior Center, Inc. in the amount of \$2,400.

*A Motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve North Port Education Center Amended and Restated Tenant Lease Agreement with North Port Senior Center, Inc. in the amount of \$2,400.00, amending the first paragraph to read "effective as of October 1, 2017 by and between the City of North Port"; amending Section 2.1 to read "tenant shall use the premises for a minimum of 32 hours per week to carry on its business"; amending Section 3.1 to read "commencing on October 1, 2017 and terminating on September 30, 2018"; and amending last sentence of that same Section, to read "more than a 5-year term"; and removing Section 4.3 and correcting the numbering. The Motion carried by the following vote with Commissioner McDowell absent:*

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

- N. [17-0878](#) North Port Educational Center Amended and Restated Tenant Lease Agreement with Salvation Army in the amount of \$2,400.



PUBLIC COMMENT WAS HELD:

Buddy Hughes: Senior Center transportation, rent and summer rates.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve North Port Education Center Amended and Restated Tenant Lease Agreement with Salvation Army in the amount of \$2,400.00, amending the first paragraph to read "is made and entered into and effective as of October 1, 2017"; amending Section 2.1 to read "tenant shall use the premises for a minimum of 32 hours per week to carry on its business"; amending Section 3.1 to read "one year, commencing on October 1, 2017 and terminating on September 30, 2018"; and in the same Section, amending last phrase to "more than a 5-year term." The Motion carried by the following vote with Commissioner McDowell absent:***

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

Recess 8:24 p.m. - 8:42 p.m.

- O. [17-0843](#) SunGard Public Sector, Inc. ERP Hosting Five-Year Service Agreement for FY17 \$24,436.02 (includes one-time startup cost); FY18 \$203,881.50; FY19 \$220,871.50; FY20 \$220,871.50; and FY21 \$220,871.50.

City Manager Lewis, General Services Director Carmichael, and IT Manager Kasson provided a brief PowerPoint overview.

Questions and discussion ensued: (1) clarification was provided that the hosting will move from in-house to SunGard program hosting the program at a pro-rated cost of \$14,436.02; plus the one time start-up fee of \$10,000; (2) SunGard already provides annual maintenance which is already in the Contract; (3) the term of the Contract changed from an annual agreement to a 5-year agreement because of SunGard's capital investment but there is a termination clause if the City's strategy changes; (4) if the City decides to terminate the contract with SunGard, it is likely that another hosting environment would be chosen to avoid having to build storage data on site; (5) the amounts quoted in the Contract are fixed for the next five years unless there are components, modules or additional functionalities that the City requires; (6) the City owns and retains full access to the data and upon termination of the Contract, the data would be provided in a format we could utilize to extract the needed information; (7) the after-hours premium service provides more concise technical solutions for problems City departments may encounter; (8) the SunGard Contract will provide an anticipated cost savings of \$8,000 over five years.

PUBLIC COMMENT WAS HELD.

Connie Brunni: Public records requests.

Questions continued: (1) anticipated improvements include application support and less downtime currently experienced as the system updates on a nightly basis; (2) the City has done a good job in maximizing SunGard's advances in technology and training is available through the Information Technology (IT) Department; (3) the change from what the City is currently doing to what the IT Department is proposing was explained; (4) following a question, it was noted that City Clerk Adkins did not foresee any issues with the conversion; (5) verification was provided that there is no urgency to approve the Contract now; (6) due to the City Charter provision in Section 6.04 stating that contract need three votes to pass, it was suggested to continue this agenda item to the next Commission Meeting.

Mayor Yates passed the gavel to Vice-Mayor Carusone.

***A motion was made by Mayor Yates, seconded by Commissioner Hanks, to***

*continue the SunGard Public Sector, Inc. ERP Hosting Five-Year Service Agreement to the April 11, 2017 Commission Regular Meeting. The motion carried by the following vote with Commissioner McDowell absent:*

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

- P.** [17-0899](#) Annual PC Replacement Purchase in the estimated amount of \$116,749.27
- Q.** [17-0901](#) Approve utilization of the Manatee County School District Contract 16-0025-MR3 for the purchase of the Field Equipment for Butler Park project P14BMF in the estimated amount of \$107,587.85.
- D.** [17-0795](#) Acceptance of FY 2016/2017 technical assistance grant through the Department of Economic Opportunity

Vice-Mayor Carusone passed the gavel back to Mayor Yates.

After researching the validity of the vote, City Attorney Moriarty stated: [a] the Grant Award did not receive sufficient votes to pass but didn't necessarily fail; [b] someone on the prevailing side of the vote may move to reconsider; [c] the item could be added to the March 29th or the March 30th Commission Meeting for additional discussion.

Mayor Yates voiced concern that because of the time constraint, the Commission is taken out of the section of the Code that is relevant to this grant approval process and is not able to utilize the benefits of having a grant consultant help the Commission determine the areas of the community to propose for revitalization projects.

PUBLIC COMMENT WAS HELD.

Jill Luke and Justin Willis: The Grant.

Discussion continued: (1) prior to a motion being placed on the floor by the Mayor, and citing Section 6.04 of the City Charter, City Attorney Moriarty clarified that the Grant Agreement stipulates obligations conditioned upon receipt of the funds that a conservative approach would be to view them as a commitment of the City, and to comply with Section 6.04, three affirmative votes are needed; (2) thereafter, it was opined that with that understanding in mind, every purchase order the City enters into, is a contractual commitment that must go before the Commission; (3) it was stated that Mayor Yates was willing to rescind her original vote, with the understanding that when the Public Meeting is held on March 30, 2017, Commissioners may attend to make the opinions and comments: (4) after a question, it was stated that the meeting would be public noticed and brief handwritten minutes would be taken.

Mayor Yates passed the gavel to Vice-Mayor Carusone.

***A motion was made by Mayor Yates, seconded by Vice-Mayor Carusone, to rescind the action taken on the 2016-17 Technical Assistance Grant. The motion carried by the following vote with Commissioner McDowell absent:***

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

***A motion was made by Mayor Yates, seconded by Commissioner Hanks, to accept the FY 2016/2017 Technical Assistance Grant. The motion carried by the following vote with Commissioner McDowell absent:***

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



***A motion was made by Mayor Yates, seconded by Commissioner Hanks, to direct the City Clerk to publicly post a notice stating that Commissioners will be attending the Neighborhood Conversation on Thursday, March 30, 2017, from 6:00 p.m. to 8:00 p.m. at the Boys and Girls Club. The motion carried by the following vote with Commissioner McDowell absent:***

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

Vice-Mayor Carusone passed the gavel back to Mayor Yates.

## **5. PUBLIC HEARINGS:**

- A. [17-0784](#)** Ordinance No. 2017-04, second 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.

City Clerk Adkins read Ordinance No. 2017-04 into the record by title only and Utilities Business Manager Desrosiers provided a PowerPoint review, explaining the changes and requested approval of the Ordinance. There was no public comment and no questions or comments from the Commission.

***A motion was made by Commissioner Hanks, seconded by Vice-Mayor Carusone, to approve Ordinance No. 2017-04. The motion carried by the following vote with Commissioner McDowell absent:***

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

- B. [17-0885](#)** Ordinance No. 2017-07, second reading, amending the Fiscal Year 2016-2017 Non-District Budget.

City Clerk Adkins read Ordinance No. 2017-07 into the record by title only and City Manager Lewis provided a brief overview. There was no public comment. Appreciation was expressed for the development of the Communications Manager position.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Ordinance No. 2017-07. The motion carried by the following vote with Commissioner McDowell absent:***

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

- C. [17-0840](#)** Ordinance No. 2017-06, second reading, amending the City Administrative Code Chapter 4, Article VI, Community Economic Development Advisory Board Section 4-151 Membership; adding a provision providing for a Sarasota County Commissioner to serve as an Ex Officio Non-Voting Member.

City Clerk Adkins read Ordinance No. 2017-06 into the record by title only and Mayor Yates provided a brief overview. There was no public comment and it was stated that this has been long anticipated.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks to approve Ordinance No. 2017-06. The motion carried by the following vote with Commissioner McDowell absent:***

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

- D. [17-0924](#)** 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.

**THIS ITEM WAS REMOVED FROM THE AGENDA.**

## **6. RESOLUTIONS**

- A. [17-0927](#) Resolution No. 2017-R-10, supporting the initiatives by local Municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment.

City Clerk Adkins read Resolution No. 2017-R-10 into the record by title only. This was Commissioner McDowell's item and she could not be present at the meeting.

**PUBLIC COMMENT:**

Cat Dillard, Andy Mele, Cheri Lee: Single-use plastic bags.

Discussion ensued: (1) after a question, it was stated that a Resolution may be amended while on the floor; (2) it was noted that although this is a home rule issue, the State preempts municipalities from regulating plastic bags; (3) concern was expressed regarding: [a] the last "Whereas" clause creating a regulation prohibiting single-use plastic bag use; [b] there are other means to educate the public; and [c] the Commission can support and encourage the use of recycled bags; (4) it was suggested to postpone a decision the item until Commissioner McDowell can participate.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to postpone Resolution No. 2017-R-10 to the April 3, 2017 Commission Special Meeting. The motion carried by the following vote with Commissioner McDowell absent:***

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

- B. [17-0944](#) Resolution No. 2017-R-12, opposing certain proposed legislation concerning CRA's

City Clerk Adkins read Resolution No. 2017-R-12 into the record by title only and noted a scrivener's error in the title requires correction. Mayor Yates provided a review. There was no public comment and no questions or comments from the Commission.

***A motion was made by Commissioner Hanks, seconded by Vice-Mayor Carusone, to approve Resolution No. 2017-R-12, and correcting the scrivener's error. The motion carried by the following vote with Commissioner McDowell absent:***

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

Recess 10:32 p.m. - 10:43 p.m.

## **7. GENERAL BUSINESS:**

- B. [17-0758](#) Siting and buffer requirements of medical cannabis dispensing facilities

**THIS ITEM WAS CONTINUED TO THE APRIL 4, 2017 SPECIAL MEETING.**

- C. [17-0935](#) Discussion and possible action regarding appointment of a Member to the Charter Review Advisory Board.

City Clerk Adkins provided an overview regarding the current openings on the Charter Review Advisory Board. Thereafter, Applicant Justin Willis provided a brief explanation of his interest in serving on the Board. There was no public comment.

Discussion ensued: (1) the benefits of attendance and participation of applicants at meetings where they are considered for a Board position was noted; (2) the Charter Review Advisory Board is a core Board in the City; (3) it was stated that from previous Commission direction, when applicants are not selected to serve on a particular Board, the City Clerk's Department contacts them to assess their interest for openings on other Boards and encourages them to apply; (4) Mayor Yates supported the stance of being consistent in giving prime consideration to applicants who submitted an Application first, above individuals who submitted at a later date.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to appoint Justin Willis to the Charter Review Advisory Board. The motion carried by the following vote with Mayor Yates dissented for reasons previously stated and with Commissioner McDowell absent:***

**Yes:** 2 - Vice-Mayor Carusone and Commissioner Hanks

**No:** 1 - Mayor Yates

**D. [17-0947](#)**

Request Attorney-Client Session In Re: City of North Port v. Crystal Neuman, et. al. Case No. 2015 CA 001167 NC in the Circuit Court of the Twelfth Judicial Circuit in and for Sarasota County, Florida

City Attorney Moriarty reported that the City received an offer of settlement pertaining to the City of North Port vs. Crystal Neuman, et. al., and requested to schedule an Executive Session to discuss the offer of the settlement. It was noted that a court reporter will be required at the meeting. There was no public comment.

Discussion ensued: (1) it was stated that the injunction regarding the Application for a Special Exception will continue to move forward and the Executive Session will only discuss the offer of settlement and has nothing to do with the injunction litigation; (2) it was stated that the litigation regarding the Application for a Special Exception is not being handled by City Attorney Moriarty but he is representing the City regarding the injunction; (3) it was explained that the email from the City Attorney on March 15, 2017 pertained to a disgruntled customer of Sunshine State Pups and the potential consequences in regard to the injunction. Since the offer of settlement was received a day later, the injunction is no longer paused; (4) after it was noted that the court decision concerning the Special Exception and the writ for due process has nothing to do with the City's ability to enforce its Code on any violation, Mayor Yates objected to pausing anything if it pertains to the filing of a Special Exception; (5) if the Code is being violated, the City is obligated to pursue it legally.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to request an Attorney-Client Session in regarding the City of North Port vs. Crystal Neuman, et., al., Case No. 2015 CA 001167 NC in the Circuit Court of the Twelfth Judicial Circuit and for Sarasota County at a time set by the City Clerk at a later date. The motion carried by the following vote with Commissioner McDowell absent:***

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

**E. [17-0928](#)**

Appointment of Interim City Manager

City Manager Lewis and Finance Director Lear provided a review of the item. There was no public comment.

Discussion ensued: (1) regarding when the out of class assignment would become effective; (2) following a question, it was stated that most of the City's pool vehicles are assigned to various departments; (3) it was stated that Charter positions do not have salary ranges; (4) as the Interim City Manager, Mr. Lear may apply for the permanent position of City Manager; (5) clarification was provided that pending a return as Finance Director, his current salary will be reinstated; (6) although Mr. Lear's annual review as Finance Director is in July, and any increase would not be in addition to the Interim management salary.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Peter Lear as Interim City Manager at the minimum salary range proposed in the March 11, 2011 Special Meeting for the City Manager, along with a \$600 monthly vehicle allowance, starting April 4, 2017 for the duration of his service as Interim City Manager. The motion carried by the following vote with Commissioner McDowell absent:***

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

## **8. PUBLIC COMMENT:**

PUBLIC COMMENT WAS HELD: 11:30 p.m. - 11:33 p.m.

Pete Pedersen: The Charter Review Advisory Board.

## **9. SCHEDULING OF WORKSHOPS:**

No workshops were requested.

## **10. COMMISSION REPORTS:**

Commissioner Hanks: (1) reported that there will be a Holly Morgan Fisher 5K Memorial Run and a consensus was requested to place the flyer information on the City's website; (2) attended the Tourism Development Council.

Vice-Mayor Carusone: (1) reported on her recent trip to Washington D.C., and the National League of Cities Conference; (2) will contact Representative Miller, the sponsor of the Bill in Tallahassee, regarding the Certificate of Need and creating a new Health Advisory Board; (3) congratulated winners of the Primary Election for the North Port Commission Seat 4; (4) attended the Shining Stars 2017 12th Annual Recognition and Awards Luncheon on March 23, 2017 in Sarasota highlighting the Sarasota Coalition on Substance Abuse (SCoSA).

Mayor Yates: (1) submitted information to the City Clerk regarding the National League of Cities; (2) met with Senator Nelson and will send letters with information on upcoming Bills regarding North Port priorities; (3) attended the Manasota League of Cities Meeting; (4) met with Sarasota County Sheriff Knight regarding Animal Services; (5) attended the Manasota/Sarasota Metropolitan Planning Organization on March 27, 2017; (6) requested to work with Jacqueline Moore regarding the Community of Kindness initiative.

***There was a consensus to direct the City Manager to place a flyer on the City's website concerning the Holly Morgan Fisher Memorial 5K Run on Sunday, May 14, 2017 at 7:00 a.m.***

***There was a consensus to allow Mayor Yates to work with Jacqueline Moore regarding a presentation, Proclamation and Resolution for the Community of Kindness initiative.***

**11. ADMINISTRATIVE AND LEGAL REPORTS:**

City Manager Lewis thanked the City staff and residents for the opportunity to serve the community.

City Attorney Moriarty: Nothing to report.

City Clerk Adkins: Nothing to report.

**12. ADJOURNMENT:**

Mayor Yates adjourned the North Port City Commission Regular Meeting at 12:05 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.