



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

Peter Lear, Interim City Manager
Mark Moriarty, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Tuesday, April 25, 2017

6:00 PM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 07-25-2017 MEETING.

CALL TO ORDER/ROLL CALL

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

Present: Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner McDowell, Interim City Manager Lear, City Attorney Moriarty, City Clerk Adkins, Deputy City Clerk Peto, and Police Chief Vespia.

A moment of silence was observed.

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 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 McDowell, to approve the Agenda, moving Item 6.B. Resolution for the Community of Kindness after Public Comment. The motion carried by the following vote:

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

2. ANNOUNCEMENTS

A. [17-1015](#) Current Vacancies for Boards and Committees

City Clerk Adkins read the current vacancies for Boards and Committees into the record, including a vacancy on the Art Advisory Board, the Audit Committee, the Beautification and Tree Scenic Highway Committee, Charter Review Advisory Board, Citizen Tax Oversight Committee, Medical Hospital Task Force, Municipal Police Officer Pension Board of Trustees, and Public Utility Advisory Board. It was stated that several more citizens are needed for the Citizen Tax Oversight Committee for them to have a meeting. It was noted that Richard Linder was invited to the meeting and his application for the Beautification and Tree Scenic Highway Committee is on the Consent Agenda.

B. [17-1016](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the upcoming expiration dates into the records including Art Advisory Board, Audit Committee, Beautification and Tree Scenic Highway Committee, Community Economic Development Advisory Board, Parks and Recreation Advisory Board, and Police Pension Board of Trustees.

3. PUBLIC COMMENT:

PUBLIC COMMENT WAS HELD 6:06 p.m. - 6:27 p.m.

Bill Welk: Public records request.

Vincent Giacinto: Parking Ordinance.

Alice White: Tree Ordinance.

Brenda Fitzgerald, Cherie Lee - Trees.

Joan Morgan: Upcoming events.

Buddy Hughes: Suspension of the Commission Procedure rules, Parking Ordinance.

Discussion and questions ensued: (1) it was noted that the trees on Salford and Sumter are an upcoming issue with the Beautification and Tree Scenic Highway Committee for their next meeting.

There was a consensus to direct Interim City Manager Lear to make sure that the Commission gets a recommendation or report from the Beautification and Tree Scenic Highway Committee regarding the discussed tree situation and the viability of the S Salford area having street trees.

Discussion continued: (1) subsequent to a question, Interim City Manager Lear stated that he will get an answer about the corner of Sumter Blvd and Price Blvd and email a response to all of the Commission.

6. RESOLUTIONS**B. [17-1010](#) Resolution No. 2017-R-15, in support of the "Kindness Community" focus.**

City Clerk Adkins read the Resolution into the record by title only.

Former Commissioner Jacqueline Moore gave a presentation about "Kindness Community" and passed out Kindness stones.

Discussion and questions ensued: (1) it was suggested that a copy of the Power Point

Presentation be added as backup material to the agenda; (2) thanks were offered because this initiative is exciting and much needed; (3) it was noted that a "Kindness is..." Proclamation will be presented at the May 4, 2017 Special Recognition Meeting. There was no public comment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution No. 2017-R-15 in support of Kindness Community Focus. The motion carried by the following vote:

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

4. CONSENT AGENDA:

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

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

A. [17-1019](#) Approval of Minutes for the January 10, 2017 Commission Regular Meeting; January 24, 2017 Commission Regular Meeting; January 31, 2017 Commission Joint Meeting with Charter Review Advisory Board; February 2, 2017 Commission Special Meeting; February 14, 2017 Commission Regular Meeting; February 21, 2017 Commission Special Meeting.

E. [17-0988](#) Change Order No. 2 to Work Assignment No. 2017-03 under Continuing Services Agreement No. 2016-23 for CDM Smith, Inc. for the Wastewater Hydraulic Model in the amount of \$25,522.00, for the total amount of \$125,516.00.

G. [17-0996](#) Interlocal Agreements with Sarasota County for the Local Option Fuel Tax Revenue Distribution

H. [17-1033](#) Florida Municipal Achievement Award

B. [17-1008](#) Appointment of Richard Lindner to the Beautification & Tree/Scenic Highway Committee.

City Clerk Adkins introduced the item and Richard Linder introduced himself to the Commission.

Discussion ensued: (1) thanks were offered for submitting an application and coming to meeting. There was no public comment.

A motion was made by Vice-Mayor, seconded by Commissioner Hanks, to appoint Mr. Linder to the Beautification and Tree Scenic Highway Committee. The motion carried by the following vote:

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

C. [17-0970](#) Amendment No. 1 to Contract No. 2016-47 with, XGD Systems, LLC dba TDI USA in the amount of \$132,276.63 to provide additional

electrical equipment including all underground conduits for the Butler Park Multi-Use Field project, P14BMF.

Interim City Manager Lear, General Services Director Carmichael, and Project Manager Spurduto introduced the item.

Discussion and questions ensued: (1) it was explained that the duplicate \$1,200.00 charge is for the hand digging the contractor will have to do to avoid impacting the existing conduit; (2) it was noted that the existing trench digging is for the conduit, the irrigation lines are installed and functional; (3) it was explained that irrigation tracking and location line item was to pass on to other contractors to avoid damage to the irrigation; (4) it was stated that none of the "as built" drawing have been created because the project is not complete; (5) the irrigation contractor and electrical contractor are different; (6) it was stated that the amendment for the fence is the difference between the initial cost estimate and the current increased fence size cost; (7) it was noted that this project is being phased but the reason for doing this amendment now is to lay the conduit for future lighting as the budget allows for upgrades; (8) subsequent to a question, it was confirmed this conduit will supply the fields, scoreboards, concessions, and restrooms; (9) the concrete poles outlined in the contract are to support the equipment not poles for lights; (10) it clarified that the conduit is being installed for all the fields but it will have \$250,000.00 each year for the next three years to obtain the lighting; (11) it was also clarified that no work will have to be re-done when the lighting is installed, just the electrical wire will need to be run inside the already installed conduit; (12) the contract amount clarified to be \$132,119.66 not as previously stated at \$132,276.63. There was no public comment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve amendment No. 1 to Contract No. 2016-47 with, XGD Systems, LLC dba TDI USA in the amount of \$132,119.66. The motion carried by the following vote:

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

D. [17-0993](#)

SunGard Public Sector, Inc. ERP Hosting Five-Year Service Agreement for FY17 \$22,030.02 (includes one-time startup cost); FY18 \$203,881.50; FY19 \$220,871.50; FY20 \$220,871.50; and FY21 \$220,871.50.

Interim City Manager Lear, General Services Director Carmichael and IT Manager Kasson introduced the item for a five year service agreement with SunGuard.

Discussion and questions ensued: (1) subsequent to a question, it was explained that the cost is \$10,000.00 for a one time set up fee and \$12,030.00 is the maintenance cost for year one; (2) the need for the start up fee was explained as the cost for setting the City up at SunGuard's hosting facility; (3) it was noted that the City currently hosts on site and this contract is to move that hosting to an off-site facility; (4) it was noted that SunGuard does not support CJIS and that is why the Police Department is not moving to off-site hosting; (5) the move to off-site hosting will not help with the buffering problem; (6) it was stated that the equipment that we will no longer need will go through the surplus process; (7) Subsequent to a question, Interim City Manager Lear explained that the Finance Department handles all disposal of fixed assets and these servers will be brought back before the Commission with a suggested method of disposal; (8) it was explained that the Commission can direct for any surplus item to be donated; (9) in the past surplus items were offered to 501(c)(3) groups but that since stopped; (10) subsequent to a question, it was stated that Commission would have to give direction for staff to start suggesting donations; (11) it was stated that 501(c)(3) will be notified of any items available and they could take what they wanted and anything left would be

surpluses; (12) it was confirmed this is a five year agreement and the price is locked until the contract needs to be renewed; (13) it was noted that SunGuard was recently purchased by another company and the contract does not reflect their new legal name; (14) it was noted this is a five year commitment and there is termination language to protect the City.

PUBLIC COMMENT

7:33 p.m. - 7:34 p.m. Connie Brunni. Total cost.

Discussion continued: (1) it was confirmed this contract is the total cost for all the items were are hosting and the associated maintenance fees; (2) SunGuard will not have access to the City's records, they are just housing the information; (3) it was noted that the City's information is still secure and SunGuard is responsible for safeguarding that information.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve SunGard Public Sector, Inc. and to verify the legal name for the hosting Five-Year Service Agreement for FY17 \$22,030.02; FY18 \$203,881.50; FY19 \$220,871.50; FY20 \$220,871.50; and FY21 \$220,871.50. The motion carried by the following vote:

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

Discussion continued: (1) it was suggested that once the new legal name for SunGuard is established that the information be sent to the Commission; (2) it was stated the new legal name will be Superior but as of today that name is not registered with the State of Florida; (3) subsequent to a question, it was noted that Interim City Manager Lear can work with City Attorney to draft an agreement about the resale of any donations to 501(c)(3); (4) this information can be brought back up at another Commission Regular Meeting.

PUBLIC COMMENT

7:48 p.m. - 7:48 p.m. Jill Luke: Donations.

F. [17-0983](#)

Utilization of Lake County Contract 16-0615EE with Ten-8 Fire Equipment, Inc. for the repair of emergency vehicles and equipment in the additional estimated amount of \$75,000 in FY 2017

Interim City Manager Lear, Public Works Director Bellia and Assistant Public Works Director Bramble provided an overview of the item.

Discussion and questions ensued: (1) subsequent to a question, it was confirmed that the total cost for FY 2017 is \$165,000.00; (2) it was noted that Fleet Maintenance oversees repairs on vehicles both in house and out sourced and the various departments get billed for their services as they are being used; (3) it was stated that Fleet Maintenance lost two mechanics earlier in the year, leaving them short staffed; (4) Fleet was already outsourcing some work because of the expertise needed but once a EVT technician can be hired that will happen less; (5) it was also noted that some work will always need to be outsourced for certification reasons; (6) Fire Rescue needs to have their equipment back on the road quickly so it is best decision to outsource the work; (7) it was stated that interviews have taken place 3-4 times and it is hard to find a qualified candidate; (8) it was stated that we do still have certified mechanics to work on the emergency vehicles, the volume of work is the need for more outsourcing; (9) the contract amount includes all parts and labor; (10) Ten-8 is doing preventative maintenance and any repair work needed; (11) it was clarified that the need for more outsourcing is not just the loss in employees it is because of the specialized equipment needed; (12) it was stated that this additional amount for outsourcing would still come

before Commission because it is in excess of \$100,000.00; (13) the reason for vehicles going from Fire to Fleet to the vendor is an accounting function; (14) Ten-8 does not service ambulances, there is a different vendor being used. There was no public comment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Utilization of Lake County Contract 16-0615EE with Ten-8 Fire Equipment, Inc. for the repair of emergency vehicles and equipment in the additional estimated amount of \$75,000 in FY 2017. The motion carried by the following vote:

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

5. PUBLIC HEARINGS:

A. [17-0991](#)

PLF-16-239 Final Plat for Gran Paradiso Phase 4D (Quasi-Judicial)

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

Commissioner McDowell disclosed that she had exparte communication with staff and an agend briefing. Mayor Yates disclosed that she had exparte communication with City Attorney Moriarty regarding dedication of the plat. Commissioner Hanks disclosed that he did not have any exparte communication. Vice-Mayor Carusone disclosed she did not have any exparte communication.

Ty Gremaux of Kimley Horn and Associates on behalf of Lennar Homes provided a brief overview of the Final Plat for Gran Paradiso Phase 4D. Planner McCalister explained that this Final Plat is in compliance will all necessary requirements. It was also stated that this Plat was heard before the Planning and Zoning Advisory Board and was recommended for approval.

Discussion and questions ensued: (1) it was stated that the dedication indicates that West Villages Improvment District has the right to maintain the property but the obligation lies with the property owners association; (2) it was suggested to strike that language from the mylar; (3) Mr. Gremaux spoke for Lennar Homes that they would not object to removong the langauge but would not want to start the process all over for approval; (4) it was confirmed that staff has no objection to the removal of the language; (5) it was clarified Chapter 177 of Florida State Statutes does not break down what should be on the cover page of a Final Plat; (6) it was noted that a Resolution is not needed to approve the Final Plat; (7) if the plat does have any dedications to the City, it would require acceptance by the City; (8) the side and rear easements are not specified for clarity on the map. There was no public comment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve PLF-16-239 Final Plat for Gran Paradiso Phase 4D with amendments to Page 1 of the Plat removing in the second paragraph the words "shall have the right but not the obligation to maintain such facilities" as well as the same portion of sentence in the next paragraph referring to Gran Paradiso. The motion carried by the following vote:

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

B. [17-0992](#)

PLF-16-240 Final Plat for Gran Paradiso Phase 7 (Quasi-Judicial)

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

Commissioner McDowell disclosed that she had exparte communication with staff and an agend briefing. Mayor Yates disclosed that she had exparte communication with City Attorney Moriarty regarding dedication of the plat. Commissioner Hanks disclosed that he did not have any exparte communication. Vice-Mayor Carusone disclosed she did not have any exparte communication.

Ty Gremaux of Kimley Horn and Associates on behalf of Lennar Homes provided a brief overview of the Final Plat for Gran Paradiso Phase 7. Planner McCalister explained that this Final Plat is in compliance will all necessary requirements. It was also stated that this Plat was heard before the Planning and Zoning Advisory Board and was recommended for approval.

Discussion and questions ensued: (1) subsequent to a question, it was noted that track 754 is a common area track and is on page 8. There was no public comment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve PLF-16-240 Final Plat for Gran Paradiso Phase 7. The motion carried by the following vote:

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

Recess 8:32 p.m. - 8:49 p.m.

C. [17-0914](#)

Ordinance No. 2017-09, second 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.

City Clerk Adkins read Ordinance 2017-09 into the record by title only.

Discussion and questions ensued: (1) it was suggested to change Section 40-20 to Section 42-20 as this Ordinance is pertaining to Chapter 42; (2) Subsequent to a question, Neighborhood Development Services Director Williams stated that Section 42-20 applies to all lots within the City, including HOA and CDD; (3) it was noted that the City's code is the base for HOA and CDD's, they can make more strict rules; (4) it was stated that HOA and CDD's do not need to be exempted from this Section; (5) it was stated that the City can go into a CDD or HOA and cite for noncompliance of the code; (6) subsequent to a question about citing a CDD or HOA for code compliance, City Attorney Moriarty stated that issue is currently being appealed; (7) it was suggested to remove the phrase "not in" from the first sentence of Section 42-21 (a); (8) Section 42-21 (b) Abate, is just a definition not outlining the lien process.

There was a consensus on page 2, to change Section 40-20 to read Section 42-20.

There was a consensus on page 2, Section 42-21 (a) to remove "when not in consistent with the context" change to "when consistent with the context."

Discussion and questions continued: (1) following a concern, it was suggested in Section 42-21 (b) Accumulation of debris, to change "equipment which have no further value..." to "equipment which immediate use cannot be established...."

There was a consensus on page 2, Section Section 42-21 (b) accumulation of debris, to remove "equipment for which have no further value" and change to "equipment for which immediate use cannot be established."

Discussion continued: (1) it was noted that Section 42-19 (a) needed to be amended also because it mentions "no further value".

There was a consensus on page 2, Section 42-19 (a) accumulation of debris, to remove "equipment which have no further value" and change to "equipment for

which immediate use cannot be established."

Discussion continued: (1) following a concern about undeveloped lots, it was stated that definitions in this Section only pertain to this Section; (2) it was stated that putting a structure on a lot makes the lot developed; (3) it was noted the previous definition for "excessive growth" could be interpreted that every lot in North Port was in violation; (4) it was noted that the definition of "hazardous tree" is very descriptive and not in need of any change; (5) the intention of a lot improvement is discussed because the interpretation of improved is subjective.

There was a consensus on page 3, Section 42-21 the definition Improved; adding "and maintained," at the end of the the sentence, to read: "Land that its natural state has been altered and maintained."

Discussion continued: (1) there was some concerns about the phrase "useless and unintended" in the definition of Nuisance Weeds; (2) it was noted that Section 42-22 (b) is recognizing what is already allowed for.

There was a consensus on page 4, to remove Section 42-22 (c)(2) in its entirety.

Discussion continued: (1) it was noted that all complaints are funneled to Code Enforcement; (2) it was stated that reimbursement from a property owner is covered in a later Section of this Chapter; (3) the last sentence in Section 42-22 (d) is being left in because it allows the City to abate any life safety issues; (4) it was stated that the homeowner should be given an opportunity to correct the issue before the City is involved unless it is an emergency; (5) subsequent to a question, it was stated that staff will make a decision about the condition of a tree and get adequate documentation.

There was a consensus on page 4, Section 42-22 (d) to remove "Upon notice" and leave the rest of the sentence.

Discussion continued: (1) it was noted that the species addressed in Section 42-22 (e) are addressed in state statutes; (2) there were concerns this Section will allow lot owners to stop maintaining their property.

There was a consensus on page 4, to remove Section 42-22 (e) in its entirety.

Discussion continued: (1) it was noted that the City should only abate the necessary areas not the entire property; (2) the City will bill for the abatement and has the right to force reimbursement; (3) it was noted that the City is protected against being sued for any damaged caused during abatement.

There was a consensus on page 13, Section 42-27 (a) to change the fourth line, adding the words, "in whole or part" to the sentence, to read: ". . . the property standards division is authorized to cause the condition to be abated in whole or in part, at the expense of the lot owner." Then at the end of the paragraph to add the sentence: "The City shall not be responsible for any damage to other vegetation that is in the vicinity of such abatement activity."

There was a consensus on page 4, to remove Section 42-22 (f) in its entirety.

There was an agreement to take general Public Comment.

8. PUBLIC COMMENT:

PUBLIC COMMENT.

10:27 p.m. - 10:30 p.m. Connie Brunni. (a) 7.B. Conflict Waiver, (b) Next Charter Review Meeting, (c) Lou Sperduto's retirement, (d) independent audit review for Police Department.

5. PUBLIC HEARINGS (Continued item 5.C.):**C. [17-0914](#)**

Ordinance No. 2017-09, second 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.

There was a consensus on page 5, Section 42-23 to remove "equipment which have no further value" and change to "equipment for which immediately use cannot be established."

Discussion continued: (1) there was some concerns about why the City would be responsible for notifying a broker or real estate agent; (2) it was noted that it is not common for the City to notify brokers or real estate agents.

There was a consensus on page 5, to remove Section 42-24 in its entirety.

There was a consensus on page 5, to change Section 42-25 to Section 42-24, Maintenance of stormwater drainage area.

Discussion continued: (1) it was noted that Section 42-24 (1) a.) seems out of place and does not make sense; (2) it was suggested by staff to leave Section 42-24 as is for a future discussion with the Public Works Department.

There was a consensus on page 6, (new) Section 42-24(1)(a) to end the first sentence with swale. Remove "Provided, however, that the cost of" The next (and last) sentence shall read: "If culvert replacement is a result of drainage improvement or modification initiated by the city, or damaged by public's use of right-of-way, the remedy shall be at the city's expense."

There was a consensus on page 6, (new) Section 42-24(2)(a) to end the first sentence with swale. Remove "Provided, however, that the cost of" The next (and last) sentence shall read: "If culvert replacement is a result of drainage improvement or modification initiated by the city, or damaged by public's use of right-of-way, the remedy shall be at the city's expense."

There was a consensus on page 7, (new) Section 42-24(3) Curb and gutter, to modify the second sentence to read: "If there is an existing sidewalk, the same requirements shall apply as in subsection (2) Open swale drainage (with sidewalk) above."

There was a consensus on page 7, (new) Section 42-24(4) Fully piped swale-- To revise the paragraph to read: "If there is an existing sidewalk, the same requirements shall apply as in subsection (2) Open swale drainage (with sidewalk) above. It shall be the lot owner's responsibility to maintain, repair and replace, when necessary, any structure which they have installed in the city's right-of-way for their special benefit."

Discussion continued: (1) it was noted that the labels on page 8-11 will remain as is.

There was a consensus on page 12, to rename Section 24-26 to Section 24-25.

Discussion continued: (1) it was suggested that language be added to have notice of violations be posted on the property not just a letter to the home owner; (2) there are legal standards for delivery of a Notice of Hearing; (3) it was noted that staff should use their judgment about when to mail a notice of violation to a physical dwelling; for example, if the registered homeowner lives out of state; (4) it was noted that this language change will have to be carried over into other Chapters.

There was a consensus on page 12, (new) Section 42-25(a) to modify the second sentence to read: "Property standards inspectors are responsible for providing

notices of public nuisance to lot owners and the physical property found to be in violation . . ."

Discussion continued: (1) subsequent to a question, it was confirmed that the City has the home rule ability to increase the age in Section 42-25 (b)(3).

There was a consensus on page 12, (new) Section 42-25(b)(3) to change "15 years of age" to 18 years of age."

Discussion continued: (1) following a question, it was stated staff will need to research what the environmental standards code entails; (2) a suggestion was made to change the language to North Port Lot Clearing Code to follow the title of the Article; (3) subsequent a question, it was stated that staff incorporated all the notice requirements when the Code Enforcement forms were created.

There was a consensus on page 13, (new) Section 42-25(c)(5) to delete the words "environmental standards" from the sentence.

Discussion continued: (1) it was noted the lot owner is able to request a re-inspection to show a violation no longer exist; (2) a lot owner is allowed to request a hearing regarding their violation.

There was a consensus on page 13, to rename Section 42-27 to 42-26.

Discussion continued: (1) it was noted that a Code Enforcement Board does not exist and that language should be corrected.

There was a consensus on page 13, (new) Section 42-26(b) the first sentence the "the decision of the code enforcement board" shall be changed to "the decision of the special magistrate and/or hearing officer when applicable."

Discussion continue: (1) it was suggested to remove any language that indicates where money should be deposited.

There was a consensus on page 13, (new) Section 42-26(b) the second to last sentence shall delete "deposit the monies in the general fund line item and" and change to read: "Upon such payment, the city shall prepare a satisfaction and release of lien, . . ."

There was a consensus to renumber Section 42-28 through 42-55 Reserved, to Section 42-27 through 42-55 Reserved.

There was a consensus on page 2, Section 42-19(a) the first sentence, third line, shall add "impinging growth" to read: ". . . to enhance the properties and premises within this municipality by eliminating impinging growth, excessive growth of grass and nuisance weeds. . ."

Discussion continued: (1) it was suggested that Ordinance 2017-09 be brought for a final reading; (2) subsequent to a question, City Attorney Moriarty confirmed that bringing the Ordinance back for another reading is the conservative route due to the title changes.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to continue Ordinance No. 2017-09 as amended, to the May 10, 2017 Commission Regular Meeting for second reading.

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

Discussion continued: (1) it was noted that there are codes in the ULDC and the Zoning Code that don't belong there; (2) it was suggested that these issues are addressed during the ULDC re-write; (3) it was noted that an update regarding the ULDC will be provided to the Commission in an email.

recess 11:57 p.m.- 12:09 a.m.

8. PUBLIC COMMENT:

PUBLIC COMMENT

12:10 a.m. - 12:12 a.m. Buddy Hughes. (a) Lot cleared at Price Blvd and Sumter Blvd, (b) free bus rides for Seniors.

5. PUBLIC HEARINGS:

D. [17-1002](#) Ordinance 2017-10 Second Reading, Amending Commission Procedures

City Clerk Adkins read Ordinance 2017-10 into the record by title only.

City Attorney Moriarty explained Ordinance 2017-10 was here for second reading.

Discussion and questions ensued: (1) it was noted that any typographical and/or scrivners errors can be corrected in the motion; (2) in Section 2-59 (d) it was suggested to remove the references to 2-54 to preclude items from being heard at certain meetings.

There was a consensus in 2.04 Section 2-59 (d) to remove (b) and (e) from the last sentence.

Discussion continued: (1) it was noted that there should not be a limit on the number of Proclamations heard at each meeting; (2) it was also noted that by limiting the number of Proclamations to ten will create a hardship for the public to submit any.

There was a consensus in 2.01 Section 2-54 (b) 1. Proclamation procedures. to remove the first sentence and in hte second sentence to change "one month" to "the month".

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Ordinance 2017-10 as amended with corrections, typos, and scribners errors fixed. The motion carried by the following vote:

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

Discussion continued: (1) subsequent to a question, it was stated that Ordinances from other jurisdictions are being collected regarding quasi-judicial proceedings. There was no public comment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, that Items 7.A. and 7.B. be continued to the May 4, 2017 meeting. The motion carried by the following vote:

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

6. RESOLUTIONS

A. [17-1000](#) Resolution 2017-R-14 Opposing Reduction or Removal of Federal Tax Exemption on Municipal Bond Interest.

City Clerk Adkins read Resolution 2017-R-14 into the record by title only and Interim City Manager Lear provided a brief overview.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution 2017-R-14. The motion carried by the following vote:

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

7. GENERAL BUSINESS:

- A. [17-0998](#) Sponsorship of Recruits for Fire and Police

THIS ITEM WAS CONTINUED TO THE MAY 4, 2017 MEETING.

- B. [17-1006](#) Conflict waiver for Bryant Miller Olive, the City's bond disclosure counsel.

THIS ITEM WAS CONTINUED TO THE MAY 4, 2017 MEETING.

- C. [17-1005](#) Florida League of Cities Legislative Policy Committee Appointments

Interim City Manager Lear provided a brief overview of the item.

Discussion and questions ensued: (1) Mayor Yates would like to continue to serve on the transportation and governmental relations committee; (2) Vice-Mayor Carusone would like to serve on the urban administration; (3) Commissioner McDowell indicated that she would like to concentrate on city issues and would like to re-visit it next year; (4) Commissioner Hanks indicated that he was fully extended right now; (5) it was noted that the finance tax and urban administration committees are very important to the issues of the City; (6) Interim City Manager Lear will serve on the finance tax committee; (7) it was noted that the budget workshop on June 16, 2017 will have to be rescheduled; (8) it was suggested to see if the strategic planning for June 15, 2017 can be rescheduled to another day; (9) it was suggested that another strategic planning process should be looked at, possibly during budget time. There was no public comment.

There was a consensus for City Clerk Adkins to see if there are any dates in July to reschedule the June 15, 2017 strategic planning session and for Interim City Manager Lear to look at dates to reschedule the June 16, 2017 budget workshop.

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

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, for Mayor Yates to serve on the transportation and intergovernmental relations FLC policy committee and Vice-Mayor Carusone to serve on the urban administration FLC policy committee. The motion carried by the following vote:

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

8. PUBLIC COMMENT:

There was no public comment.

9. SCHEDULING OF WORKSHOPS:

There were no workshops scheduled.

10. COMMISSION REPORTS:

Commissioner Hanks reported that he likes the way Interim City Manager Lear sends the entire Commission response to questions that are asked prior to Commission meetings.

There was a consensus that the responses to the questions provided by Interim City Manager Lear will be submitted to City Clerk Adkins for addition to the agenda as additional information.

Commissioner Hanks continued: (1) he spoke with Sam George and ex-Commissioner Blucher with a firm about the hospital; (2) subsequent to a question, it was stated that the City Manager can draft a letter and Resolution to send to the Senate about supporting the elimination of the certificate of need process.

There was a consensus for Interim City Manager Lear to craft a letter in regards to the support of the CON bill for elimination of the CON and for that to be sent to Senator Steube along with the other Senate Committee members and also to prepare a Resolution and present it at the May 10, 2017 Commission meeting.

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

Commissioner McDowell reported: (1) she likes the questions and answers segment the Interim City Manager is doing; (2) it was noted that UHS is coming to do a presentation at the May 4, 2017 meeting; (3) Southwest Florida Planning Counsel meeting and workshop at the Punta Gorda Convention Center; (4) Literacy volunteer annual luncheon; (5) received a letter from Charlotte County Commissioners about scheduling a joint meeting with suggested topics.

There was a consensus to add an agenda item to the May 4, 2017 meeting about suggested topics for the joint meeting with Charlotte County Commissioners.

Commissioner Yates reported: (1) attended the Great American Clean-up; (2) attended the park and ride area; (3) subsequent to a question, Assistant City Manager Schultz stated that the property at the Park and Ride is owned by the hospital.

There was a consensus for Interim City Manager Lear to follow up with Sarasota Memorial Hospital about a garbage can being placed at the Park and Ride area.

Mayor Yates continued: (1) Council of Governments; (2) MPO ad-hoc committee; (3) stated there is a lot of bills being passed by the legislators that need to be watched because of the potential impact to the City.

Vice-Mayor Carusone reported: (1) attended the Alice report asset limited income constrained employed; (2) advised that she was appointed to the finance committee for Sarasota County School Board; (3) attended the Homeless to Home luncheon; (4) Action Committee with Joan Morgan on 4/27/17 and 5/2/17 at 6:30 pm in Room 244 will have meetings about depression; (5) Relay for Life; (6) advised that Sarasota County called a stakeholder meeting for Sarasota County Trails Master Plan update and said

municipalities were invited by no one showed up, the next scheduled meeting is 5/12/17 at 11:00 am at the North Port Library.

There was a consensus for Mayor Yates to write a letter to Sarasota County Commissioners and Administration to advise that North Port wants to be included with the Trails Master Plan and asking them to reconsider the 5/12/17 meeting date and time.

11. ADMINISTRATIVE AND LEGAL REPORTS:

City Attorney Moriarty had nothing to report.

Interim City Manager Lear reported: (1) the car donation to North Port High School has been arranged; (2) advised that Imagine School does not participate in Project Graduation but will reach out to the City if they should join in the future; (3) met with Elaine Emerich about internship project and have a meeting set up with Sarasota County School Board.

City Clerk Adkins reported: (1) sample ballots were mailed out for election; (2) received an email from Sarasota County discussed joint meeting and 6/6/17 will work for all parties.

There was a consensus to confirm the joint meeting with Sarasota County Commission for 6/6/17.

12. ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Regular Meeting at 1:32 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.