



# 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*  
*Jill Luke, Commissioner*  
*Debbie McDowell, Commissioner*

### **APPOINTED OFFICIALS**

*Peter Lear, City Manager*  
*Amber L. Slayton, City Attorney*  
*Patsy Adkins, City Clerk*  
*Kathryn Peto, Deputy City Clerk*

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Tuesday, October 10, 2017

1:00 PM

CITY COMMISSION CHAMBERS

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### **MINUTES APPROVED AT THE 03-27-2018 MEETING.**

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

The North Port City Commission Regular Meeting was called to order at 1:01 p.m. in City Chambers by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks, Luke and McDowell; City Manager Lear; City Attorney Slayton; City Clerk Adkins; Deputy City Clerk Peto and Police Chief Vespia.

**The invocation was provided by Reverend Andrea Hayden of St. Nathaniel's Episcopal Church followed by the Pledge of Allegiance led by Commissioner Luke.**

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

After a request by City Manager Lear and Mayor Yates, the Commission determined that they would like to pull Consent Agenda item 4.C., and move item 4.D. after 4.E. for discussion so the appropriate Staff can be kept available to answer questions.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the Agenda, pulling Item 4.C., and moving Item 4.E., to come after 4.C. The motion carried by the following vote:***

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

#### **2. ANNOUNCEMENTS**

**A. [17-1377](#)** Current Vacancies for Boards and Committees.

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

**B. [17-1378](#)** 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 1:07 p.m. - 1:10 p.m.

Victor Dobrin: introduced himself as the candidate for the Public Utility Advisory Board.

Jodi Fraser: introduced herself as a candidate for the Public Utility Advisory Board.

**4. PUBLIC HEARINGS:**

**A. [17-1366](#)** Ordinance No. 2017-11, Second Reading, Petition No. TXT-17-062, Amending the City of North Port Unified Land Development Code and the Administrative Code of the City of North Port to update code language related to cannabis dispensing facilities and medical marijuana treatment centers to be consistent with Florida Constitution Article X, Section 29 and 2017 Senate Bill 8-A.

City Clerk Adkins read Ordinance No. 2017-11 into the record by title only, after which City Manager Lear provided an overview of the Ordinance.

Discussion ensued: (1) it was stated that the 500-foot buffer from schools is enforced by the State Department of Health; (2) changes made after first reading of the Ordinance pertained to referencing the Florida Statutes and the Florida Constitution for definitions in Chapter 34 of the City's Administrative Code and adding the dispensing definition to Chapter 61 in the Unified Land Development Code (ULDC); (3) after a concern was expressed, clarification was provided that pursuant to State Law a prescription cannot be given out at the same location it is filled; (4) it was stated that: [a] the North Port Property Standards Division will regulate the advertisement signage of the facilities, [b] the City cannot regulate content, just compliance of the physical placement and dimensions, [c] the State Department of Health will be responsible for enforcement of the verbiage, [d] the City Manager will provide contact information for citizens; (5) clarification was provided that a current City Ordinance allows dispensing facilities and this Ordinance reflects the most recent changes by the State Legislature. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve Ordinance No. 2017-11. The motion carried by the following vote:***

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

**B. [17-1361](#)** Ordinance No. 2017-13, second reading, Petition No. GEN-17-048, Amendments to Chapter 46, Article II, Division 2, Noise, Section 46-40 and Section 46-42 of the Code of the City of North Port, Florida to exempt planned developments from the noise regulations as it pertains to pumps, air conditioning or air handling equipment.

City Clerk Adkins read Ordinance No. 2017-13 into the record by title only, and City Manager Lear provided an overview.

It was stated that this Ordinance is not required to go through the Planning and Zoning

Advisory Board. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Ordinance 2017-13. The motion carried by the following vote:***

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

- C. [17-1360](#) Ordinance No. 2017-14, first reading TXT-16-217 Complete Streets Transportation Policy

***ITEM 4.C., WAS REMOVED FROM THE AGENDA.***

PUBLIC COMMENT:

Kevin Rouse: the Medical Marijuana Ordinance and presented a flag to the Commission.

***There was a Consensus to combine discussion of Agenda Items D and E.***

- E. [17-1352](#) Ordinance No. 2017-30, first reading, Amendments to the administrative Code of the City, Chapter 4 - Boards and Committees, Article I - Boards Generally, Sections 4-2 and 4-3, to provide for the addition and appointment of alternate members to the City's advisory boards

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to read Ordinance 2017-30 by title only. The motion carried by the following vote:***

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

City Clerk Adkins read Ordinance No. 2017-30 into the record by title only, and City Attorney Slayton provided an overview.

Mayor Yates clarified that agenda items 4D, Ordinance 2017-29 and 4E, Ordinance 2017-30 both relate to filling Board vacancies and will be combined for discussion purposes.

Discussion ensued: (1) it was noted that each Ordinance provides for filling a Board vacancy with an Alternate Member; (2) following a request, City Attorney Slayton stated if governing language is added in the General Ordinance it may also be required in the Unified Land Development Code (ULDC); (3) subsequent to concerns, City Attorney Slayton stated that member absences are addressed in both Ordinance 2017-30 and the ULDC and suggested qualifying language for filling a vacancy be consistent for all Advisory Boards; (4) following requests to change verbiage in the Ordinance, City Attorney Slayton stated modifying the residency requirement from six months to one year for all Boards, requiring each Board to have its own Application and providing that a youth member vacancy be filled with another youth, would cause the Ordinance to be readvertised and brought back for first and second readings; (5) it was suggested that the General Ordinance state that an Alternate, upon filling a vacancy, would commence their regular term when appointed; (6) it was suggested that the last sentence of Ordinance 2017-30, page 2, Sec 4-2(d) be deleted as it allows Alternates to directly participate when a full board is seated; (7) it was suggested that all Boards have Alternates in the 2017-30 Ordinance; (8) it was suggested that 2017-29 page 3(b) state a one year residency requirement; (9) it was noted that the suggested language specifies Advisory Boards whereas it was previously stated as Board or Committee which is more inclusive. There was no public comment.

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to continue Ordinance No. 2017-30 to the November 28, 2017 Commission Regular Meeting for second reading with the following edits and clarifications: all Boards to allow for Alternates consistently without conflict to State Statute; that an Alternate does not begin their term until appointed as an actual Member; that there is an automatic fulfillment by the Alternate of most time served upon acceptance, if denied then a request by the next in line; clarify that an Alternate doesn't automatically replace a second term of an existing Member; clarify that an Alternate can only participate when replacing an absent Member.*

*A motion was made by Mayor Yates, and seconded by Commissioner Luke, to Amend the motion to also include that the Alternates would fill vacancies created by a vacancy prior to the end of a term, and when a Regular Member's two consecutive terms have termed out. The motion carried by the following vote:*

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

*A vote was taken on the main motion, as amended, to continue Ordinance No. 2017-30 to the November 28, 2017 Commission Regular Meeting for second reading with the following edits and clarifications: all Boards to allow for Alternates consistently without conflict to State Statute; that an Alternate does not begin their term until appointed as an actual Member; that there is an automatic fulfillment by the Alternate of most time served upon acceptance, if denied then a request by the next in line; clarify that an Alternate doesn't automatically replace a second term of an existing Member; clarify that an Alternate can only participate when replacing an absent Member, and that the Alternates would fill vacancies created by a vacancy prior to the end of a term, and when a Regular Member's two consecutive terms have termed out. The motion carried by the following vote:*

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

Discussion ensued: (1) it was suggested to schedule a Workshop to review the Unified Land and Development Code and Chapter 4 of the Administrative Code regarding, but not limited to: [a] suggested qualifications of an Applicant for Board specific service, [b] Board specific application process, [c] clarification of language in Chapter 4 for consistency, [d] add 1 year residency and consistent residency while a Member, [e] adding dedicated Youth Members to Boards and an Alternate for such, [f] review of Alternate term limits, [g] discuss quorum requirements

*There was a consensus to schedule a workshop to discuss Boards and Committees within the Administrative Code and the Unified Land Development Code.*

**D. [17-1332](#)**

Ordinance No. 2017-29, first reading, TXT-17-140, Amendments to the Unified Land Development Code (ULDC) Chapter 1- General Provisions, Article III-Boards and Duties, Sections 1-28 and 1-29, to provide for the addition and appointment of alternate members to the City's Zoning Board of Appeals and Planning and Zoning Advisory Board.

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to read Ordinance No. 2017-29 by title only. The motion carried by the following vote:*

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

City Clerk Adkins read Ordinance No. 2017-29 into the record by title only, and City Attorney Slayton provided an overview.

Discussion ensued regarding clarification of a Member's term when an Alternate fills a vacancy. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to continue Ordinance 2017-29 to the November 28, 2017 Regular Meeting for second reading with the following clarification and edits: that there is an automatic fulfillment by senior Alternate upon acceptance, but if denied, then the next Alternate in line will fill position and that is in the case of a vacancy prior to a term expiration and a vacancy created by a term limit; clarifying that the Alternate does not automatically replace an existing Member's ability for a second term and to clarify that an Alternate can only participate when replacing an absent Member. The motion carried by the following vote:***

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

Recess 3:46 p.m. to 4:04 p.m.

**F. [17-1254](#)**

Ordinance No. 2017-31, first reading, Repealing City of North Port Administrative Code, Chapter 54 - Solicitation.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to read Ordinance No. 2017-31 by title only. The motion carried by the following vote:***

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

City Clerk Adkins read Ordinance No. 2017-31 into the record by title only, and City Manager Lear provided an overview.

Questions ensued: (1) following a concern, it was stated that removal of Section 54 in the Administrative Code would repeal the City's requirement to obtain a permit for soliciting; (2) it was stated that Florida State Statute defines a solicitor and requires a county-issued permit for soliciting; (3) it was noted that the Business Tax Receipt would still be required. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to continue Ordinance No. 2017-31 to the October 24, 2017 Commission Regular meeting for second reading. The motion carried by the following vote:***

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

**5. GENERAL BUSINESS:**

**A. [17-1369](#)**

Discussion and possible action regarding appointment of one (1) Member to the Public Utility Advisory Board.

City Clerk Adkins provided an overview. There was no public comment.

***A motion was made by Vice-Mayor Carusone to appoint Jodi Fraiser to the Public Utility Advisory Board. There was no second to the motion, the motion failed.***

Vice-Mayor Carusone voiced concern that Mr. Dobrin did not have sufficient residency

time to qualify for the position.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to appoint Victor Dobrin to the Public Utility Advisory Board as a Regular Member. The motion carried by the following vote with Vice-Mayor Carusone dissenting for reasons stated:***

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

**No:** 1 - Vice-Mayor Carusone

**B. [17-1371](#)**

**Medical Hospital Task Force Direction**

City Manager Lear provided an update that United Healthcare Systems (UHS) applied for a Certificate of Need on August 7, 2017 and subsequently, Sarasota Memorial applied on August 23, 2017. Both letters submitted referenced the same district which is Sarasota County. The Medical Hospital Task Force has met with both groups but as yet has not completed the evaluation process.

Discussion ensued: (1) it was noted that Sarasota Memorial Hospital wanted to continue looking along the I-75 corridor as a precautionary measure because a Certificate of Need for both hospitals are being challenged in Venice; (2) it was stated that the Task Force was to provide an analysis of the proposals to the Commission but based on the hospitals submission of Certificate of Need, this has changed the scope of the Task Force and it was suggested that both hospitals' Letter of Intent be evaluated to see which one meets the needs of the City; (3) following a concern it was stated presenters from the hospitals were to meet with the Commissioners and instead met with the Task Force where the Certificate of Need was discussed; (4) it was noted that the Certificate of Need has now changed the scope of the Task Force; (5) it was suggested that the Commissioners reiterate what the scope of the task is to the Task Force; (6) the City Manager stated residents and companies have written in support of a hospital in the City; (7) it was suggested that the Task Force complete their presentation and bring it before the Commissioners; (8) it was suggested that direction to the Task Force be addressed after their presentation; (9) City Manager Lear stated the hospitals submitted their Letter of Intent and the full application is due October 11, 2017; (10) after a request for clarification it was suggested that the Task Force be invited to the November 2, 2017 Special Meeting for additional discussion. There was no public comment.

***There was a consensus to direct City Manager Lear to communicate that the Medical Hospital Task Force present their findings to the Commissioners and provide input how the Task Force could assist in moving forward.***

**C. [17-1351](#)**

**Agreement between the School Board of Sarasota County, Florida and City of North Port for the School Resource Officer (SRO) Program for FY 2017-2018.**

City Manager Lear provided a brief overview of the Agreement.

Following a concern, City Manager Lear stated the effective date of the contract is July 1, 2017 and the School Board would be responsible for payment commencing with that date. There was no public comment.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the Agreement between the School Board of Sarasota County, Florida in the City of North Port for the School Resource Officer Program for the 2017-2018 school year. The motion carried by the following vote:***

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

**D. [17-1373](#) Letter of Support for Protecting the State and Local Tax Deduction**

City Manager Lear provided an overview regarding a letter of support. There were no questions from the Commission, and there was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve a letter being sent to Congressman Rooney, Sentaor Rubio and Senator Nelson to urge preservation of state and local tax deduction. The motion carried by the following vote:***

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

**E. [17-1372](#) Commission Meeting Date for December**

City Manager Lear provided a brief overview and requested direction.

Discussion ensued: (1) it was noted there would be a lack of quorum for the Commission Meeting on December 7, 2017; (2) it was suggested that the Proclamation should be rescheduled when a full Commission is seated; (3) it was suggested to reschedule the Special Meeting date to December 5, 2017. There was no public comment.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to reschedule the Special Meeting for the first week in December, moving it from Thursday, December 7, 2017 to Tuesday, December 5, 2017 at the regular scheduled times. The motion carried by the following vote:***

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

**6. CONSENT AGENDA:**

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve Consent Agenda items B, C, D, E and pull item A for discussion.***

***A Motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to amend the motion to pull item E from the Consent Agenda. The motion was carried by the following vote:***

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

***A vote was was taken on the main motion, as amended to approve Consent Agenda items B, C, D, and pulling items A and E for discussion. The motion was carried by the following vote:***

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

**A. [17-1376](#) Approval of Minutes for the May 23, 2017 Regular Commission Meeting, May 25, 2017 Commission Workshop Meeting, June 19, 2017**

### Commission Budget Workshop Meeting.

City Clerk Adkins provided an overview of the item.

Following a concern it was noted that a motion in the minutes for the May 23, 2017 Commission Regular Meeting was clarified, and that the minutes may be approved or they could be brought back for approval at the next meeting. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Consent Agenda Item A. The motion carried by the following vote:***

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

- B.** [17-1339](#) Cash Receipts Summary - August 2017
- C.** [17-1313](#) Approve use of sole brand and source standardization of Data Flow Systems, Inc. for Supervisory Control and Data Acquisition Telemetry equipment, components, software, labor, parts, and materials for repair and maintenance for City lift station SCADA systems in an estimated budgeted amount of \$105,000.
- D.** [17-1374](#) County-Wide Justice Assistance Grant (JAG) for Behavioral/Mental Health Court Support Letter.
- E.** [17-1308](#) Strategic Plan 2017-2022-2032.

Discussion ensued: (1) it was noted that the Plan presented is not reflective of what was discussed and that some items in the Plan did not reflect the direction of the Commission; (2) following a concern, it was stated that the City must have a Strategic Plan and not simply use the Plan as a guide; (3) it was suggested to add 2017-18 on the cover of the Plan; (4) concerns were expressed that some target dates are not practical and if adopted, the Commission should be flexible with priorities and time lines; (5) it was suggested that the Plan should be labeled as a Report to the City Commission and remove reference to the Mayor; (6) concern was expressed to make sure the Mission Statement is correct. There was no public comment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve the Strategic Plan of 2017 - 2022 - 2032, amending it to state the Strategic Plan for the City of 2017-2018 and with the understanding that both the priorities and the target dates are flexible. The motion carried by the following vote:***

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

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

There was no public comment.

### **8. COMMISSION COMMUNICATIONS:**

Commissioner McDowell: attended the Civility Meeting this morning hosted by the Gulf Coast Community Foundation.

Mayor Yates: (1) National Night Out at City Hall, (2) Chamber of Commerce Government Relations and Chamber of Champions meetings, (3) the Student Art Show (4) the Job Fair, (5) the City hosted a joint meeting with Manasota League of Cities and Southwest Florida League of Cities at the Morgan Center, (6) reported that the Council of Governments is coming up this week and will be at Longboat Key, (7) requested a consensus to invite Chris Sterner to share a Power Point presentation regarding the history of North Port at a Commission Workshop, after a brief discussion it was decided Mr. Sterner would be the only invitee.

***There was a consensus to invite Chris Sterner to share a Power Point presentation at a Commission Workshop.***

Vice-Mayor Carusone: (1) the YMCA Board Meeting, (2) National Night Out, (3) announced Holly's Hope meeting is tomorrow, October 11, 2017 at the Morgan Center.

Commissioner Luke: nothing to report.

Commissioner Hanks: nothing to report.

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

City Clerk Adkins: stated that the Commission is not available November 21, 2017 for a Joint Meeting with Charlotte County, and is working with Charlotte County to schedule a meeting in January.

City Attorney Slayton: nothing to report.

City Manager Lear: announced that this is School Lunch Week, and that he and some of the Commissioners will be serving lunch to students.

#### **10. ADJOURNMENT:**

Mayor Yates adjourned the North Port City Commission Regular Meeting at 5:44 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Vanessa Carusone, Mayor

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

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2018.