



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Special Meeting

### **CITY COMMISSIONERS**

*Vanessa Carusone, Mayor*  
*Linda M. Yates, 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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Thursday, March 8, 2018

4:00 PM

CITY COMMISSION CHAMBERS

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**Item 5.B. removed and moved to the 03-08-2018 3:00 p.m. Road and Drainage District  
Special Meeting.**

### **MINUTES APPROVED AT THE 05-08-2018 MEETING.**

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

The North Port City Commission Special Meeting was called to order at 4:04 p.m. in City Chambers by Vice-Mayor Yates.

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

**The Pledge of Allegiance was led by Commissioner McDowell.**

*A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Agenda, moving Agenda Item 5.A. after 3.C. The motion carried by the following vote with Mayor Carusone absent.*

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

#### **1. PUBLIC COMMENT:**

There was no public comment.

#### **2. WELCOME OF NEW EMPLOYEES:**

**A. [18-097](#)** Acknowledgement of New Employees

Human Resources Director McDade introduced the City's newest employees in the City

Clerk's Department, Public Works Department, and Public Utilities Department.

### **3. PROCLAMATIONS AND RECOGNITIONS:**

- A. [18-062](#) Proclamation for the American Cancer Society Paint the Town Purple for North Port, FL 2018
- Commissioner Luke read the Proclamation into the record and Wendy Rivera from the American Cancer Society accepted the Proclamation.
- B. [18-091](#) Proclamation, March 2018 Social Work Month
- Commissioner McDowell read the Proclamation into the record and Social Services Manager Carillo accepted the Proclamation on behalf of the Division.
- C. [18-094](#) Certificate of Completion to Vice-Mayor Yates for completion of the Inaugural Institute for Elected Municipal Officials IV I Municipal Leadership
- City Manager Lear read the letter into the record from the Florida League of Cities and presented Vice-Mayor Yates with the Certificate of Completion for IEMO IV.

### **GENERAL BUSINESS:**

- A. [18-098](#) Public Utility Advisory Board Annual Report to the Commission
- Public Utilities Advisory Board Staff Liaison Duffy and Chair Trolly presented the Board's Annual Report to the Commission.
- Following a question, it was stated that the Great American Cleanup will be held on March 24, 2018. There was no public comment.

### **4. PRESENTATIONS**

- A. [17-1571](#) Mobility Fee Presentation - Sarasota County
- City Manager Lear and Planning Division Manager Miles provided a brief overview and thereafter, Sarasota County Impact Fee Administrator Polk and Sarasota County Public Works Department Special Projects Planner Paul, presented a PowerPoint presentation regarding mobility fees.
- Discussion ensued: (1) it was stated that Capital Improvement Program funds for mobility projects would belong to Sarasota County however, they would defer to the City's respective improvement choices and the intent is that the funds will be spent within the City; (2) it was noted that: [a] Sarasota County has the ability to enter into Mobility Fee Credit Agreements with developers' projects outside of the Urban Infill areas and Mixed Use areas but the project must be in the County's CIP; [b] similar mobility credits have also been granted for Road Impact Fees and may even include trails, sidewalks, and other types of systems; [c] mobility fees cannot be spent on transit service, maintenance, payroll or operations, and if a new route is created, the mobility fee would only pay for the bus, the bus shelters, and the sidewalks to the shelters; [e] any type of fee system, such as the mobility fee, has to meet the dual rational nexus test and there has to be an impact related to new development.
- Mayor Carusone arrived at 4:58 p.m. and Vice-Mayor Yates passed the gavel to Mayor

Carusone.

Discussion continued: (1) clarification was provided that, through an Interlocal Agreement, the City collects the Road Impact Fees for a new developer in North Port and then remits them to Sarasota County so a new Interlocal Agreement would be needed to do the same for Mobility Fees; (2) the Mobility Fee is based on a plan consisting of a list of improvements that are approved by the Sarasota County Board of County Commissioners and includes some trails because it was determined that trails are considered opportunities to move people; (3) a project seeking Mobility Fees would be placed in the City's Capital Improvement Projects (CIP) and the Commission would direct Staff to work with Sarasota County regarding the priorities needing funding; (4) it was confirmed that the City collects Impact Fees separate from the amount that is collected and sent to the County; (5) if the Mobility Fees are enacted, all fees collected would go to the County however, through the CIP process, the City directs staff to determine and generate the projects that will be funded through the Mobility Fund; (6) it was explained that transitioning to the Mobility Fees through an Interlocal Agreement with Sarasota County, Impact Fees would terminate when all the funds collected from the City are spent; (7) it was stated that: [a] Sarasota County is the controlling authority to determine the Fee rates and they would work cooperatively with the City to target priority projects where revenues are expended; [b] the Program's Mobility Fee, Mixed-use Mobility Fee, and Urban Infill Mobility Fee categories are designed to fit North Port City development standards; [c] if the City adopts its own Mobility Fee, it would have to hire a consultant and perform a Rational Nexus test; (8) Sarasota County has an implementing Ordinance regarding Mobility Fees, which took effect January 1, 2016; (9) there is an amendment scheduled next week with respect to adding additional rates tied to Housing Affordability; (10) it was anticipated that if North Port opted in to Sarasota County's Mobility Fee Rate Schedule, the County would give proper notification to all municipalities that changes are under consideration and cities would have opportunity to speak with respect to the rate changes but ultimately the rates will be determined by the County Commissioners; (11) clarification was provided that: [a] Sarasota County is introducing new rates in its Mobility Fee Structure but the current rates will not change; [b] the County's rates have not changed since the 2016 implementation and they are reviewed every five years. There was no public comment.

## **B. [18-140](#)**

### **Mobility Fee Presentation - City of North Port**

Neighborhood Development Services Contract Planner Cookingham provided a PowerPoint overview of the Mobility Fee Program.

Discussion ensued: (1) the City's Impact Fee Study was adopted in 2011; fees were adopted at 50% of the consultant's recommendation and at that time there were moratoriums placed on Transportation Impact Fee for two years, and the Solid Waste Impact Fee for one year; (2) Staff will provide information to the Commission regarding the last update and how often the City is required to update its Impact Fee Ordinance; (3) the process of road rehabilitation was explained; (4) it was stated that fees are anticipated to double from what the Impact Fees were; (5) it was stated that the City's Ordinance verbiage can address who will be affected by the change and when the changes will become effective for all; (6) if the Commission is interested in creating its own Mobility Fee Ordinance, a consultant will need to be contracted to do an evaluation who would be out sourced, because the City does not have the expertise to establish the rates and ensure they are legally justifiable; (7) it was noted that the project is not as large as the Unified Land Development Code (ULDC) but both are complex in nature; (8) in Sarasota County, all Impact Fees including Mobility Fees are assessed at the Building Permit stage and are collected at the Certificate of Occupancy stage; (9) the State requires that a 90-day notice be given to developers prior to the implementation of new rates; (10) Staff

may want to consider exploring whether the City has the ability to increase a Mobility Fee rate within the West Villages Improvement District (WVID) due to its status as a "district" and due to the prior agreements made with them; (11) County Mobility Fees must be expended within ten years and other Impact Fees have a seven-year period with a three-year option to extend; (12) Staff will research City time constraints to use Mobility Fees and report back to the Commission; (13) it was noted that the U.S. 41/River Road intersection improvement was solely funded by Impact Fees; (14) clarification was provided that proportional contributions are utilized when major infrastructure projects are done, and normally a developer pays 100% and then is reimbursed his proportionate share from the jurisdiction; (15) it was noted that Impact Fees can only be used for the roadway portion of a development's cost and other funding sources are needed to complete a project, whereas, Mobility Fees may fund a broader spectrum of a development's design pieces; (16) the Mobility Fee Schedule in the PowerPoint is the Sarasota County's, would constitute the fees that the City would adopt if they opt-in to the County's Plan and the difference would be how the City defines its geographic areas (17) it was clarified that Sarasota County recognizes that different patterns of development in different areas have different impacts and the County's fee reflects good planning from a fiscal standpoint and from a layout standpoint; (18) it was noted that being a pre-platted community, North Port has unique land constraints that other municipalities in Sarasota County do not have which makes the Mobility Fee document challenging to fit North Port and where the City needs to be; (19) it was suggested to consider the size and weight of vehicles when designating a mobility fee rate for the warehouse/manufacturing/industrial tier; (20) it was stated that the recommendations found in the Technical Report are guidelines and do not bind a municipality to up-zone properties to achieve the increased density nor mandate changes in a city's Comprehensive Plan; (21) clarification was provided regarding the differences between Road Impact Fees and Mobility Fees and the factors each use to calculate their rates; (22) the City may establish the details to which a Mobility Fee is constructed but it should be based on the consultant's recommendations and what he finds legally defensible.

Recess 6:57 p.m. - 7:17 p.m.

Discussion continued: (1) it was explained that: [a] not all of the current Impact Fee funding is required to be spent on new development but may be utilized on infrastructure improvements for which there is need; [b] all fee revenue is deposited in a "pot" and thereafter, may be allocated for other City-wide projects; [c] fees are determined by what the City wants to do, the cost, what and how development unfolds, assigning a fee, and then deciding what percentage of that fee to adopt; all of which would be included in the City's Mobility Study; [d] the fee is not double-dipping because the fee is meant to benefit everyone; [e] the courts have determined that adequate site access must be provided at a development and site-related improvements are considered and treated differently as an access to the project; [f] off-site improvements near a project cannot be credited to the developer under the Road Impact Fees but can be credited under Mobility Fees; (2) concerns were expressed that: [a] Sarasota County has not released its most current plan; [b] adopting Sarasota County's Mobility Fee may not make the most sense for North Port; [c] the City may decide to adopt the County's Mobility Fee Plan or do its own study specific to North Port; (3) it was suggested to contract a firm to perform a comparison study of Mobility Fees vs. an update on the Impact Fees for North Port that includes the rates and the pros and cons for each; (4) it was stated that a new Mobility Study could cost up to \$365,000 and it was reported that in 2011 the City paid \$155,000 for an Impact Fee Study; (5) concern was expressed that; by using Mobility Fee rates the costs to build will increase exponentially in some areas and Sarasota County would dictate the rates; (6) if the current Impact Fee rates are updated it is anticipated they will double because they were initially adopted at 50%; (7) it was stated that in the past the

Commission ensured that the tax Ad Valorem Assessment Fees were not used for Impact Fee projects; (8) the Commission used the 50% rate for Impact Fees as an economic development tool in order to be competitive during the economic downturn; (9) it was explained that there are no deadlines when the City must opt-in with the County's Mobility Fee Plan, and provisions may be included in the Interlocal Agreement wherein a partner may withdraw, thus there is no binding of any length or duration. There was no public comment.

***A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct the City Manager to provide and bring to the Commission at a future meeting, the analysis of the current City Impact Fees compared to the chart of the Sarasota County Fees; and the updated Plan from the County's Mobility Fee Plan and Rates; and that the City's Impact Fee Analysis to include the current rates at the 50% level, and another column for the 100% level for a comparison. The motion carried by the following vote:***

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

A brief discussion ensued concerning categories of Impact Fees and their totals.

***There was a consensus to direct the City Manager to provide the Commission at a future meeting, as part of the backup, the collected Impact Fees broken down by category for the last two years.***

## **5. GENERAL BUSINESS:**

***B. ITEM 18-136 Agreement No. 2018-08 with Rightmire's Land Services, Inc. for finished mowing and landscaping services based on unit pricing in an estimated annual amount of \$782,873.30 budgeted in Fiscal Year 2018.***

***REMOVED FROM THE AGENDA AND PLACED ON THE 03-08-2018 3:00 P.M. ROAD AND DRAINAGE DISTRICT SPECIAL MEETING AGENDA.***

## **6. PUBLIC COMMENT:**

There was no public comment.

## **7. COMMISSION COMMUNICATIONS:**

Vice-Mayor Yates: (1) attended a Manasota League of Cities (MLC) meeting; (2) from a public comment concern at the MLC meeting, clarification was provided that the City Charter is being reorganized and residents will have many opportunities for input and ultimately will vote on the changes; (3) it was noted that the residents of Longboat Key will vote on adopting a new Charter at the next election and recently Lakeland proposed a major Charter change that was rejected by its voters.

Commissioner McDowell: (1) reminded listeners that there is a Commission Town Hall Meeting with West Villages on Thursday, March 15, 2018 at 6:00 p.m. at the Morgan Family Community Center; (2) states she will be attending a Sarasota County Community Advisory Board Committee meeting at 4:30 p.m. on March 15, 2018 but will leave to attend the Town Hall Meeting in North Port.

Commissioner Luke: visited Woodland Middle School.

Mayor Carusone: (1) visited Woodland Middle School; (2) attended the Sarasota County

School Convocation of Governments Meeting.

Commissioner Hanks: Nothing to report.

**8. ADMINISTRATIVE AND LEGAL REPORTS:**

There were no Administrative or Legal Reports.

**9. ADJOURNMENT:**

Mayor Carusone adjourned the North Port City Commission Special Meeting at 8:20 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.