



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Regular 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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Tuesday, February 13, 2018

1:00 PM

CITY COMMISSION CHAMBERS

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### **MINUTES APPROVED AT THE 04-24-2018 MEETING.**

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

The North Port City Commission Regular Meeting was called to order at 1:09 p.m. in City Chambers by Mayor Carusone.

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 Chief Pelfrey.

**The invocation was provided by Commissioner Hanks followed by the Pledge of Allegiance led by the Commission.**

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

After a request by the Mayor, the Commission determined that they would like to pull Consent Agenda Item 6.D. for discussion and move it before General Business so the appropriate Staff can be kept available to answer questions.

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the Agenda, moving Item 6.D. to before General Business. The motion carried by the following vote:***

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

#### **2. ANNOUNCEMENTS**

##### **A. [18-087](#)**

Current Vacancies for Boards and Committees.

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

**B. [18-088](#) 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 1:18 p.m. - 1:21 p.m.

Stanley Kalinowski: loss of transportation services to North Port.

Discussion ensued: (1) it was suggested to invite Sarasota County Area Transit (SCAT) to North Port for a current report; (2) it was explained that limited transit is due to a reduction in ridership across the Nation; (3) it was noted that shutting down the routes at 6:00 p.m. - 7:00 p.m. does not promote ridership in North Port.

***There was a consensus for the City Manager to reach out to Sarasota County Area Transit for a presentation and discussion on their plans for the future of North Port transportation.***

Discussion continued: (1) it was noted that SCAT tickets are not available at City Hall but can be purchased at County Facilities in North Port including the Health Center; (2) it was suggested to ask Sarasota County how much tax money is collected from the City of North Port for public transportation; (3) a suggestion was made to share on social media where SCAT tickets can be purchased.

Public Comment was held 1:26 p.m. - 1:45 p.m.

Juliette Jones and Joan San Lwin: Warm Mineral Springs.

Dori Mills: Police administer Narcan.

Buddy Hughes: West Villages in North Port and public transportation.

Nancy Fisher: Price Boulevard widening project.

Bill Goetz: develop Cultural and Historical Advisory Board.

Kevin Rouse: Warm Mineral Springs and Citizen's Advisory Board for Metropolitan Planning Organization.

Discussion ensued: (1) it was clarified that Mr. Rouse sent a letter withdrawing his resignation from the Planning and Zoning Advisory Board.

Public Comment was held 1:47 p.m. - 1:50 p.m.

Alice Olejnik: safety issues in parking lots.

Discussion ensued: (1) following an inquiry, it was stated that liability to provide security is with the property owner or the tenant depending on the lease agreement; (2) it was noted that Staff has responded to the safety concern and provided information from the Police Department; (3) it was suggested Staff follow up and contact Ms. Olejnik to ensure her concerns are addressed; (4) residents are encouraged to contact their Legislators about House Bill (HB) 773 and Senate Bill (SB) 1400 regarding single family homes and the transient population.

**4. PUBLIC HEARINGS:****A. [18-051](#) Ordinance No. 2018-04, second reading, amending the Fiscal Year**

## 2017-2018 Non-District Budget.

City Clerk Adkins read Ordinance No. 2018-04 into the record by title only.

Discussion ensued: (1) it was explained that the Braves Stadium will start Full Spring training in 2020 but still plan to have a game and Summer Minor League in 2019; (2) it was noted the target date has been delayed by six - eight weeks from the original schedule; (3) it was clarified that \$222,450 is the actual budget amendment amount. There was no public comment.

***A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to approve Ordinance No. 2018-04 Amending the Fiscal Year 2017-2018 Non-District Project. The motion carried by the following vote:***

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

### B. [18-040](#)

Ordinance 2017-43, CPA 17-121, first reading, Annual Revision and Update to Capital Improvement Element of the City of North Port Comprehensive Plan

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to read Ordinance No. 2017-43 by title only. The motion carried by the following vote:***

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

City Clerk Adkins read Ordinance 2017-43 into the record by title only. City Manager Lear and Planning Division Manager Miles provided an overview about the item.

Discussion ensued: (1) a traffic signal warrant analysis will be conducted by Staff at the North Port High School and Heron Creek Middle School on Price Boulevard; (2) a brief explanation of criteria for the study was noted; (3) monitoring traffic patterns throughout the day is part of the criteria process; (4) it was noted that the study area will also include Spring Haven Drive; (5) a report of the Study will be available in a week and Staff will set the Agenda Item for Commission to discuss. There was no public comment.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2017-43, to the February 27, 2018 Commission Meeting for second reading. The motion carried by the following vote:***

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

### C. [18-041](#)

Resolution No. 2018-R-03, Petition No. VAC-17-223, 3345 Stockton Avenue (McDowell-Tate) Partial Vacation of the platted 20-foot rear maintenance easement located on Lot 2, Block 851, Nineteenth Addition to Port Charlotte Subdivision. The site contains ± .506 acres and is located in the Residential Single-Family District (RSF-2), 3345 Stockton Avenue, North Port, FL 34286 (PID # 0964085102, Lots 1 & 2, Block 851, Nineteenth Addition to Port Charlotte Subdivision) Section 14, Township 39S, Range 21 East. (Quasi-Judicial)

City Clerk Adkins read Resolution No. 2018-R-03 into the record.

City Clerk Adkins swore in those wishing to provide testimony.

Ex parte communications were disclosed: (1) Commissioner McDowell, stated that she met with Staff yesterday and that she is not related to the Applicant. Commissioner Luke, Vice-Mayor Yates, Commissioner Hanks and Mayor Carusone: stated they had no ex parte communications.

Jason Ester Agent for the Applicant provided a presentation of the item. Planning and Zoning Division Manager Miles provided an overview of the item and stated that Staff recommends approval of vacation of easement.

Discussion ensued: (1) it was explained that a Certificate of Occupancy or permit cannot undo the City's property rights and that an easement is a property right; (2) Staff will research refunding the Applicant for remedy of the situation; (3) the law provides that a Property Owner is responsible to be on notice of all local laws and property issues; (4) it was stated that in 1999 the City didn't have the Geographic Information System (GIS) or mapping capabilities that are available now; (5) it was explained that the 20-foot maintenance easement is in place to maintain the 50-foot drainage right of way; (6) it was clarified that a well is a utility; (7) it was explained that a well near the Applicant's property was granted occupation of easement to notify public works of its location during maintenance; (8) it was noted that without approval to vacate the easement, the pool, which is a structure, would have to be removed to meet set back requirements as well as the encroachment; (9) Vice-Mayor Yates stated she recalled having an ex parte communication with Staff during the Agenda Briefing; (10) it was noted that the Zoning Board of Appeals does not have the authority to vacate an easement and that the Commission makes that determination; (11) it was explained that it is best to err on the side of caution when it comes to disclosure and communication with anyone, including Staff, information discovered intentionally or unintentionally, any communication with another person even if it is a one-way communication, and any observations made should go on the record with respect to ex parte disclosures pursuant to the Code, and that failure to do so, then any ex parte communications, observations or information under Law would be deemed to be prejudicial to the Applicant; (12) Commissioner Luke noted she had an ex parte communication without response from Staff; (13) it was clarified that the City-Wide Fee Ordinance does not provide for an allowance of the fee and that the Commission has the authority to direct the fee to be refunded.

***A motion was made by Commissioner McDowell, Seconded by Commissioner Luke, to approve Resolution No. 2018-R-03, Petition No VAC-17-223, for Debbie McDowell-Tate, for vacation of the platted 20-foot rear maintenance easement. The motion carried by the following vote:***

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

Discussion continued: (1) it was clarified that the Applicant's expenses to vacate the easement is \$1,695 and that the breakdown of the costs are: [a] \$300 for the legal ad; [b] \$525 for the Variance Application; [c] \$825 for the Notice of Intent to Vacate Application; [d] \$45 for the Notice of Intent to Vacate ad; (2) it was noted this was no fault of the Applicant and the burden to bear the costs is grossly unequitable; (3) it was noted that though the house was built in 1999, it was sold in 2005 and several permits were issued and that the City should have caught this earlier; (4) it was noted that previous Applicants were not given an opportunity to get a refund; (5) it was suggested to updated the Code so that these circumstances don't happen; (6) Vice-Mayor Yates stated she could not support the motion because even though it is unfortunate to go through this process, the process should be vetted and the Code updated, and in fairness to others who came before this Applicant the same application of the Code should be maintained; (7) Commissioner Luke stated she agreed with Vice-Mayor Yates. There was no public

comment.

***A motion was made by Commissioner McDowell, seconded by Mayor Carusone, to refund Debbie McDowell-Tate in the amount of \$1,695 which includes the application for vacation of easement, the variance request and the two public notices. The motion carried by the following vote, with Vice-Mayor Yates and Commissioner Luke dissenting for reasons stated:***

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

**No:** 2 - Vice-Mayor Yates and Commissioner Luke

**D. [18-042](#)**

PLF-17-175, Cypress Falls Phase 2A and 2B, Final Plat. Strickland T. Smith, P.E., HEIDT Design, on behalf of Michael Woolery, Centex Homes, requests review of an application to plat 127 single-family lots, their associated road right-of-way, drainage, and utility easements. The site contains 53.89± acres and is located in Section 17, Township 39S, Range 22E. The subject Property is situated east of Toledo Blade Boulevard and east of and adjacent to Plantation Boulevard, and south of Panacea Boulevard. (Quasi-Judicial)

City Clerk Adkins swore in those wishing to provide testimony.

It was clarified that reporting of ex parte communications should include the substance of the communication in the disclosure and the identification of who you spoke with.

Ex parte communications were disclosed: (1) Commissioner Luke, stated that she had an Agenda Briefing regarding a standard overview and asked if there was anything unusual and that was with City Manager Lear and City Attorney Slayton; (2) Vice-Mayor Yates, stated that she had an Agenda Briefing regarding an overview of the item and asked if anything was out of the ordinary from the standard Code and that was with City Manager Lear; (3) Commissioner McDowell, stated that she had an Agenda Briefing with City Manager Lear, and a separate meeting yesterday with Planning and Zoning Division Manager Miles and Zoning Coordinator Willett-Grondin regarding platting; (4) Commissioner Hanks, stated that he had an Agenda Briefing with City Manager Lear. Mayor Carusone stated she had no ex parte communications.

Strickland T. Smith, P.E., HEIDT Design, on behalf of Michael Woolery, Centex Homes, provided a presentation of the Cypress Falls Phase 2A and 2B, Final Plat. Planning and Zoning Division Manager Miles provided an overview of the item and stated that Staff is recommending approval of the Final Plat.

Discussion ensued: (1) it was explained that the conservation easement is located on Sheet Five of the Plat, Tract B7 preservation areas; (2) the table on Sheet Two lists each parcel and designates the uses; (3) all common areas, streets and preservation areas are going to be private and the maintenance will be the Homeowner's Association's responsibility; (4) it was explained that the area outside the platted lots and within the dotted lines as shown on the design are the preservation areas for Phase 1 and 2; (5) the common area tract will be used as a passive open space and that the developer may use screen but there are no plans for a wall.

**PUBLIC COMMENT:**

Nancy Fisher: lots are being clear cut and wildlife is being displaced.

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to approve PLF-17-175 Cypress Falls Phase 2A and 2B, Final Plat. The motion carried by the following vote:***

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

**E. [18-048](#)**

PLF-17-176, Cypress Falls Phase 2C, Final Plat. Strickland T. Smith, P.E., HEIDT Design, on behalf of Michael Woolery, Centex Homes, requests review of an application to plat 52 single-family lots, their associated road right-of-way, drainage, and utility easements. The site contains 36.98± acres and is located in Section 17, Township 39S, Range 22E. The subject Property is situated in the southeast quadrant of the Plantation Boulevard and Panacea Boulevard Intersection and east of Toledo Blade Boulevard. (Quasi-Judicial)

City Clerk Adkins swore in those wishing to provide testimony.

Ex parte communications were disclosed: (1) Commissioner McDowell, stated that she had an Agenda Briefing with City Manager Lear, and a met with Planning and Zoning Division Manager Miles and Zoning Coordinator Willett-Grondin yesterday regarding the Plat and cut-through; (2) Vice-Mayor Yates, stated that she had an Agenda Briefing with City Manager Lear regarding an overview of the item; (3) Commissioner Luke, stated that she had a broad overview at the Agenda Briefing with City Manager Lear and City Attorney Slayton. Commissioner Hanks and Mayor Carusone stated they had no ex parte communications.

Strickland T. Smith, P.E., HEIDT Design, on behalf of Michael Woolery, Centex Homes, provided a presentation of the Cypress Falls Phase 2C, Final Plat. Planning and Zoning Division Manager Miles provided an overview of the item and stated that Staff is recommending approval of the Final Plat.

Discussion ensued: (1) Tract B5 will be preserved though it is not listed; (2) it was noted that the construction cut-through was shown in the design; (3) it was explained that the Applicant has obtained a \$28,000 bond for the restoration of the median and re-landscaping to original condition; (4) the Applicant will be responsible for any road damage contributed to construction traffic on Panacea Boulevard; (5) it was explained that two to three trees in the median will have to be removed and they are included in the cost estimate in the Bond; (6) it was noted that trees to be removed from lots for building homes have been approved in the process; (7) it was clarified that trees had been cleared from this area when the property was originally developed; (8) it was noted there is no need for permanent access where the temporary access is located; (9) a third entrance will be developed in Phase 2D off of Panacea Boulevard; (10) the Applicant will need to close off the temporary access when completed to be refunded the infrastructure bond. There was no public comment.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell to approve PLF-17-176, Cypress Falls Phase 2C, Final Plat. The motion carried by the following vote:***

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

Recess 3:07 p.m. - 3:31 p.m.

**6. CONSENT AGENDA:**

- D. [17-1532](#) Approval of Agreement No. 2017-40, Professional Design and Engineering Services for Warm Mineral Springs Park Master Plan with Kimley-Horn & Associates, Inc. in the amount of \$154,050, which is budgeted in projects Warm Mineral Springs Park Building Renovations (WM17RB) and Warm Mineral Springs Park Master Plan (WM17MP).

Discussion ensued: (1) it was stated that the Commission has not done anything in haste with this project, and that there have been several meetings; (2) there are concerns that a survey may be necessary to see if there are possible burial grounds in Warm Mineral Springs; (3) it was noted that there have been several studies completed about the use of the land and preserving the buildings; (4) it was suggested that the Commission discuss the buildings at Warm Mineral Springs and clarify which ones are to be preserved; (5) there was a suggestion to review the letter received regarding the National Historical Registration Eligibility; (6) the water quality study about the Springs has been completed and that it is very detailed and provides a lot of information; (7) it was suggested to have Staff provide the Commission with a copy of the completed United States Geological Survey (USGS); (8) it was noted that there have been two structural analyses completed.

City Manager Lear, General Services Director Pfundheller and Project Manager James Pankonin of Kimley Horn and Associates, Inc. provided a presentation about the Warm Mineral Springs Master Plan.

Discussion continued: (1) it was explained that negotiations and budget constraints lead to a two-Phase operation which delayed development of the Master Plan; (2) it was noted that the allotted budget was to return a feasibility study, not a full Master Plan; (3) the Motion from the July 11, 2017 approved final minutes regarding the scope of services for Warm Mineral Springs Park Master Plan was read into the record; (4) it was noted the feasibility study is included in the Master Plan; (5) it was clarified that the Commission approved the Request for Proposal (RFP) to go out in July and the current status is to award the contract to the firm that was selected in the RFP process; (6) it was explained that by breaking the project into two Phases provides the Commission the opportunity to make tweaks as necessary; (7) Phase I is to provide a Master Plan to the Commission that includes public input and a feasibility study and, that Phase II will be construction of the Plan; (8) pending modifications to Phase I, a time frame cannot yet be provided for Phase II; (9) it was explained that the RFP falls under the Consultants Competitive Negotiation Act (CCNA) because the companies that do this work are architecture and engineering firms governed under CCNA, and that the firm can participate with the remainder of the project; (10) it was explained that the strategy is to work with existing information available utilizing Geographic Information System (GIS) and aerial data to determine wetlands, and that a topographical survey will be completed later; (11) after the Master Plan with changes has been completed the pre-application meeting with South West Florida Water Management District (SWFWMD) will be scheduled; (12) Task 4 of the Agreement provides for an archaeological review which will document existing and known archaeological features; (13) it was explained that the Agreement provides for how to handle unanticipated discoveries during construction and that archaeological observation can be added as part of the on-site construction activities; (14) Tasks outlined in the Agreement are not in chronological order; (15) Task 7D addresses the feasibility study and identifying revenue opportunities and operational costs created on site which can be presented to the Commission as a summary with backup documentation; (16) stakeholders include, but are not limited to, the History and

Preservation Society of Sarasota County, Warm Mineral Springs and Little Sale Springs Archaeological Society, North Port Friends of Wildlife, Friends of the Little Sale Springs and the Parks and Recreation Advisory Board; (17) stakeholders will be invited to a meeting and in addition there will be three public meetings and that one of the public meetings will be on-site; (18) it was suggested that an interpreter be on-site for Eastern Europeans as they are the largest number of users and their input is important; (19) it was clarified that the intent is for the Consultant to meet with City Staff to work through the Plan before presenting to the Commission; (20) it was noted that the Commission was looking for feasibility studies that would suggest optional possibilities that could be an economic driver for 60 acres of the land while preserving 20 acres for Warm Mineral Springs; (21) it was explained that Task 3 on page 15 of the Agreement provides for meetings with the community and stakeholders to gather ideas for site opportunities; (22) the Master Plan will include development of all 80 acres including the buildings with direction from the Commission; (23) concerns were expressed that some members of the public will not want any improvements made at Warm Mineral Springs; (24) it was suggested to reach out to the whole community by internet, social media, newspaper and have an on-line survey; (25) the economic development this site has to offer is historical tours and eco-nature tourism and not commercial building; (26) it was stated that the 20 acres where the Spring is located is to stay in the same footprint as it is now and that improvements and additions will be completed in the remaining 60 acres; (27) desired amenities will have to take into consideration the archaeology history and the American Indians; (28) the intent is to have the entire 80 acres parcel looked at and leaving the Springs and the current buildings as they are; (29) it was noted that Warm Mineral Springs is an international tourist site and putting in huts around the buildings takes away from the history; (30) it was suggested to wait and see what comes out of the feasibility study to see what ideas for changes will or will not work out; (31) it was suggested to restore and preserve the existing buildings to their natural state; (32) it was explained that the Consultant will gather and show ideas on the Plan that: [a] would be appropriate for the site; [b] where it will make sense for the use to be successful; [c] to respect the history and integrity of the site; (33) it was noted that restoration of the buildings near the Springs is urgent; (34) it was suggested that direction to restore the buildings will be addressed after deciding if the Master Plan will move forward or not; (35) concerns were expressed that the Master Plan must include all 80 acres and that no buildings or commercial business will be within the 20 acres of the springs; (36) it was suggested to develop a temporary conceptual Master Plan based on direction from the Commission, and then share with the public for their input; (37) utilities and storm water drainage will be addressed after the Master Plan is determined; (38) concerns were expressed to work in two Phases without finalizing the project as a whole may have duplicate costs; (39) some of the services in the Agreement have already been completed in other studies; (40) the project was already to a point with DMK Associates, Inc. where the City could apply with the National Historic Registry; (41) it was explained that the work that has already been done will be included and negotiated in Phase II; (42) it was suggested that the studies that have already been completed be incorporated in Phase I; (43) previous reports have already been completed that address information needed for the buildings historical application as outlined in Task 11 G and H of the Agreement; (44) concern was expressed that the Agreement is duplicating and charging again for work that has already been done; (45) it was explained that: [a] because the RFP was sent for architecture and engineering services it went out as a CCNA; [b] that the CCNA makes a determination of referral based on qualifications and not the price; [c] that the highest ranked firm was selected; [d] that during negotiations the vendor provided a price for 13 Tasks; [e] the 13 Tasks were broken into two Phases consisting of planning and construction; (45) it was clarified that the cost was reduced by phasing the project and that the cost for Phase II will be determined once all the amenities are figured out; (46) it was noted that the Master Plan is needed so that the property owned by the City will be planned the way the



City chooses it to be used; (47) it was noted that Sharkey's and Snook Haven are owned by municipalities and that both are operated by partnerships; (48) it was noted that a Public Private Partnership (P3) has expressed an interest in Warm Mineral Springs; (49) it was explained that P3 can work with ideas from Commission meetings and they can prepare a conceptual Plan within 30-45 days; (50) it was shared that matching funding up to \$357,000,000 is available for Spring activities through the Argus Foundation which could be an option; (51) it was explained that P3 can work in conjunction with Kimley Horn and that the P3 can work faster because they are a private organization; (52) it was clarified that the price of the Agreement can be renegotiated regarding studies that have already been completed; (53) it was explained that the City can enter into this new Agreement and continue the contract with DMK Associates, Inc. and that it may affect Task 11 of the Agreement.

#### PUBLIC COMMENT

Nancy Fisher: protect Warm Mineral Springs and preserve the water shed.

Discussion continued: (1) it was suggested that discussion of the buildings be heard soon on a separate agenda and that the public be made aware; (2) it was suggested to incorporate a P3 into the project which may help reduce costs; (3) it was explained the presented Agreement is from a solicited bid and that unsolicited bids should be addressed in the Code; (4) it was noted Florida State Statute 255.065 addresses P3 and the process for assessing fees; (5) it was explained that because the City has not adopted that provision into the Code it doesn't prohibit having a P3, however the City cannot charge a fee.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke to have Staff renegotiate the Agreement given all the information gained today including the work that has already been accomplished, to renegotiate the price and bring it back for final approval.***

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to amend the motion to add a timeline of April 1, 2018. The motion carried by the following vote:***

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

***A vote was taken on the main motion, as amended, to renegotiate the Agreement given all the information gained today including the work that has already been accomplished, to renegotiate the price and bring it back for final approval by April 1, 2018. The motion carried by the following vote:***

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

Discussion continued: (1) it was clarified that the intent is to explore options for the Master Plan or development of that area, and: [a] options may include a P3 and others; [b] the options would include the Agreement; (2) it was explained that a benefit to working with a P3 is that the City can state what they do or don't want in a Contract; (3) it was suggested the Agreement with Kimley Horn can be used to gather information and public input and that the P3 can put everything together and develop feasibility studies; (4) it was noted that a P3 expressed interest in the Warm Mineral Springs project after the RFP was closed; (5) Vice-Mayor Yates stated she could not support a motion to add a P3 because a contract is being negotiated and that the process already started needs to be seen through, or scrapped and started again; (6) it was noted that this discussion is transparent and the Consultant should know the City has been approached by a P3 and they are an option to speed up the process; (7) it was noted this change does not provide

the same opportunity for other companies to renegotiate and this process lacks transparency.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to create a partnership between the City, Kimley Horn and a P3 to enhance the scope of the project as it exists as a viable option for the future, including but not limited to, a feasibility study and ways to be fiscally neutral with use of the properties. The motion carried by the following vote, with Vice-Mayor Yates dissenting for reasons stated:***

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

**No:** 1 - Vice-Mayor Yates

Discussion ensued: (1) it was clarified that the discussion about the three buildings will include the presentation from the July 2017 meeting; (2) it was suggested that discussion of the three buildings might come back for a Special Meeting.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to schedule a meeting at the discretion of the City Manager by April 15, 2018 to have a discussion about the three buildings at Warm Mineral Springs. The motion carried by the following vote, Commissioner Hanks did not provide reason for dissenting:***

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

**No:** 1 - Commissioner Hanks

Discussion continued: (1) it was explained that a meeting will be set at the City Manager's discretion which may be scheduled as a City Commission Special Meeting; (2) after clarification of the motion Mayor Carusone called for a second vote.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to schedule a meeting at the discretion of the City Manager by April 15, 2018 to have a discussion about the three buildings at Warm Mineral Springs. The motion carried by the following vote:***

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

Discussion continued: (1) it was suggested Commissioner Luke receive a copy of the Historic and Architectural Evaluation and copies of documents from 2016; (2) it was suggested Staff send the Commission a list of documents they should have regarding Warm Mineral Springs.

Recess: 5:47 p.m. - 6:04 p.m.

## **5. GENERAL BUSINESS:**

### **A. [18-064](#)**

#### **Proposed Budget Calendar for Fiscal Year 2018-2019**

City Manager Lear provided an overview of the item.

Discussion ensued: (1) it was clarified the items to be discussed on May 15, 2018 will be pertinent to the budget, the subject matter will be changed; (2) it was explained the Fee Ordinance will be discussed on April 6, 2018; (3) it was explained that the items for discussion on May 15, 2018 are: [a] facilities renewal and replacement plan; [b] update of

the Capital Acquisition Plan (CAP) for fleet vehicles; [c] the reorganization/restructuring plan; (4) it was suggested the City Commission Special Meetings on June 6 and July 18, 2018 start at 6:00 p.m., for setting the not to exceed and millage rate; (5) it was explained Staff is trying to schedule the new vendor for the Strategic Planning session before April 6, 2018. There was no public comment.

***A motion was made by Vice-Mayor Yates, seconded by Commission Luke, to approve the Fiscal Year 2018 - 2019 budget calendar with changes of May 15, 2018 reflecting items stated by the City Manager and the June 6 and July 18, 2018 Special Meetings to start at 6:00 p.m. The motion carried by the following vote:***

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

**B. [18-071](#)**

Discussion and possible action regarding recommendation to the Metropolitan Planning Organization (MPO) of a North Port Representative for the Citizen Advisory Committee (CAC).

Discussion ensued: (1) it was explained that there is another applicant to be heard at the February 27, 2018 meeting and there are two vacancies; (2) it was noted there was a video with Kevin Rouse wearing his Planning and Zoning Advisory Board (PZAB) badge in a campaign video; (3) it was noted that the matter was discussed with Mr. Rouse; (4) it was explained wearing a badge from a City Board and making campaign statements could be construed as an ethics violation or an elections violation; (5) Commissioner McDowell noted that she could not support his application for the Metropolitan Planning Organization (MPO) Board because he resigned from the PZAB stating he was too busy and then withdrew his resignation; (6) it was suggested a memo be sent to Staff Liaisons regarding any Advisory Board member wearing a badge and stating they represent the City could be problematic; (7) concern was expressed that Mr. Rouse is a candidate for the August elections and if elected he would have to resign from the MPO Board in a short amount of time; (8) it was noted that historically people have served on multiple boards simultaneously; (9) it was explained that name tags have been issued to Advisory Board members since 2002, but it is not a requirement; (10) it was suggested to print name plates to identify Board members while they are seated at Board meetings; (11) it was noted that name tags are necessary for joint meetings and should not be taken away.

***There was a consensus to direct Staff to send a memo to all Board members regarding protocol, not only usage of the name tag but to advise them they cannot speak for their Board or represent the City.***

Discussion continued: (1) it was noted that Mr. Rouse may or may not win the election; (2) Commissioner Yates stated she cannot support the motion and expressed her concerns of a possible short-term appointment to this Board; (3) Commissioner McDowell reiterated she cannot support the motion due to Mr. Rouse's schedule and being busy; (4) it was clarified the position was recently opened. There was no public comment.

***A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to recommend Kevin Rouse as a North Port representative for the Metropolitan Planning Organization Citizen's Advisory Committee. The motion carried by the following vote, with Vice-Mayor Yates and Commissioner McDowell dissenting for reasons stated:***

**Yes:** 3 - Mayor Carusone, Commissioner Hanks and Commissioner Luke

**No:** 2 - Vice-Mayor Yates and Commissioner McDowell

C. [18-084](#) Review and Consideration of Boundless Playground Wheelchair Accessible Equipment Options

City Manager Lear and Parks and Recreation Manager Wisner gave a presentation regarding the Boundless Playground.

Discussion ensued: (1) it was suggested that fencing doesn't need to be around just the swing, other places just have the playground fenced as a whole; (2) concerns were expressed regarding the psychological impact on a child to be alone in a fenced area; (3) it was explained that the Americans with Disabilities Act (ADA) does not have any guidelines about wheelchair swings; (4) it was noted that Staff reached out to Oak Park School and the Sarasota County for information; (5) it was explained that a fenced-in wheel chair swing can work well and that there are safety concerns for this type of swing outside of a supervised location; (6) it was clarified if the Plan is approved today Staff can apply for the Meet Me at the Playground Grant prior to the March 1, 2018 deadline; (7) it was noted that the playground can be completed by August 1, 2018 to comply with the Grant requirements; (8) it was explained that addition of the ADA swing would require additional funding, site clearing, footers and safety structures; (9) the location of the ADA swing is contingent on the swing selected; (10) a fenced in swing would not provide for an inclusive feeling and could be segregating; (11) it was noted that the design as is can be submitted for the grant and the project can be completed in phases; (12) it was explained that the ADA swing is not offered by the current vendor; (13) a preference was noted to have the ADA swing inclusive in the Plan for proper layout of the ground safety surface; (14) it was explained that the conceptual design can be submitted with a notation of Phase II for an ADA swing to be added later; (15) it was noted that to change the design requires a permit modification with Southwest Florida Water Management District (SWFWMD); (16) it was explained that wheelchair activities include sensory touch items; (17) the Sway Fun Glider is the only piece of interactive equipment for use by wheelchair without transfer; (18) it was explained the vendor has a new Merry-Go-Round that is wheelchair accessible and pricing is not yet available; (19) there are not a lot of options for equipment in the United States; (20) it was explained the ADA Swing Platform with Frame would not be installed by the Vendor because it is not their product; (21) in the current design it would require removing two swings to place the ADA swing in the same area; (22) it was explained that the green space in the center is a required fall zone for the other equipment; (23) it was clarified that land clearing with the least amount of impact will be determined when the piece of equipment of chosen; (24) pricing for cameras is based on having the best coverage of the playground; (25) cameras will be specifically set for the best coverage once the playground is complete; (26) it was noted that cameras will not be monitored and can be viewed afterward as needed; (27) it was noted there is concern to utilize the ADA swing as recommended by the manufacturers; (28) it was explained the fenced and locked areas of the ADA swing could be used with a pin code, a key, or have Staff called out as needed; (29) it was noted there is not much data about ADA swings open to the general public and used unsupervised in municipality parks; (30) it was clarified that a budget amendment may not be necessary and that there is a possibility of using savings from other projects depending on the cost of additions for this project; (31) it was stated the Sway Fun Glider looks to be the best option because it allows disabled children to play with all other kids; (32) a concern was expressed that the locking chain on the Platform Swing might not be used properly; (33) it was stated that the Sway Fun Glider can fit more kids making it a better cost benefit and that a fence is not needed; (34) it was clarified that the Sway Fun Glider can be included in the final Conceptual Plan and budgeted for next year; (35) concerns were expressed about price increases if a purchase is delayed; (36) it was suggested to implement the Plan in phases and to include the Sway Fun Glider in Phase II; (37) it was stated that the Platform Swing does not look safe and appears flimsy; (38) it was suggested to contact Gulfcoast, Community Foundation of Venice and manufacturers of

handicap items for possible grants or grant suggestions; (39) it was explained the cost of cameras was based on retro-fighting at Highland Ridge Park; (40) it was noted that the Information Technology Department would need to advise if there are any cost savings to install cameras during construction of the project. There was no public comment.

***A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct Staff to go forward with the current concept design and apply for any grant opportunities while concurrently working on a redesign and going forward with adding the Sway Fun Glider, the fountain and the camera options and utilizing any additional funds needed from the contingency fund. The motion carried by the following vote:***

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

**D. [18-070](#)**

Approval of a Collective Bargaining Agreement between the American Federation of State, County and Municipal employees (AFSCME) and the City of North Port for the period of October 1, 2017 through September 30, 2020.

City Manager Lear provided an overview of the item.

Discussion ensued: (1) concerns were expressed regarding: [a] prefer to move toward longevity payments and away from lump sum payments; [b] certification pay is raising and maxing out the pay scale for existing employees within six years; [c] certification pay is not calculated the same for new hires; (2) the next contract review can address the matter of longevity pay versus lump sum pay; (3) it was explained the contract provides that longevity pay will be based on what the Commission decides. There was no public comment.

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the Collective Bargaining Agreement between the American Federation of State, County and Municipal employees (AFSCME) and the City of North Port for the period of October 1, 2017 through September 30, 2020. The motion carried by the following vote:***

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

**6. CONSENT AGENDA:**

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks to approve Consent Agenda Items A, B, C, E and F and the minutes as amended. The motion carried by the following vote:***

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

**A. [18-089](#)**

Approval of minutes for the September 19, 2017 Commission Special Meeting; October 5, 2017 Commission Special Meeting Parking; and October 5, 2017 Commission Special Meeting Recognitions.

**B. [18-074](#)**

Appointment of Sam George to the Zoning Board of Appeals.

**C. [18-039](#)**

Cash Receipts Summary - December 2017

- E. [18-026](#) City of North Port, Florida and Sarasota County, Florida Water and Wastewater System Interlocal Agreement
- F. [18-077](#) Approval of a Content Release form for Visit Florida to utilize the City's provided photographs.

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

There was no public comment.

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

Commissioner Hanks: nothing to report.

Commissioner McDowell: (1) attended the Argus meeting and shared that \$8 million grant money is available with a 25% match and may help defray costs for hurricane preparedness; (2) it was explained that an Agenda Item would be set for the Commission to approve a grant award or acceptance; (3) it was clarified that grant applications that are binding are brought before the Commission for approval; (4) additional information was requested regarding Spring Haven; (5) attended Woofstock; (6) attended the Community Yard Sale; (7) attended the opening of the pool.

Commissioner Luke: (1) attended the Argus meeting; (2) attend the Back-Pack Angels meeting; (3) participated with the Leadership North Port Environment and Tourism Day; (4) attended Woofstock; (5) attended the Community Yard Sale; (6) attended the YMCA pool; (7) attended the 100% Sustainable event; (8) attended the American Legion event; (9) shared that the Heritage Committee should be worked on as soon as possible; (10) shared concerns about Spring Haven.

Vice-Mayor Yates: (1) stated she attended the same events as Commissioner Luke; (2) shared that she is continuing to watch legislative bills that may be passed about rental vacation homes; (3) shared information about the Dockless Bicycle Bill which is Senate Bill (SB) 1304; (4) suggested there be an Agenda item to review the Code for discussion of vacation of easements.

***There was a consensus to direct Staff to bring an Agenda Item to review the Code regarding vacation of easements and to possibly make a provision that would allow for circumstances that are no fault of the property owner.***

Mayor Carusone: (1) attended the Argus meeting; (2) attended the Back-Pack Angels; (3) attended the Goodwill of Manasota fundraiser; (4) attended the Holly's Hope meeting and shared their calendar for Safe Talk training sessions and stated they need volunteers.

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

City Clerk Adkins: nothing to report.

City Manager Lear: (1) West Villages Town Hall meetings are scheduled at IslandWalk and the Gran Paradiso meeting will be held at State College of Florida; (2) City Directors will be present to let citizens know what services we provide; (3) the Commission suggested they speak about the History of West Villages and how they became part of the City of North Port; (4) it was suggested to speak about participating with Advisory

Boards and provide a list of current openings; (5) it was noted that City Manager Lear will put together a presentation about City services and there will be a Question and Answer (Q&A) section afterward; (6) it was suggested to share information about North Port amenities; (7) it was suggested that Commissioners take turns with one Commissioner responding to each question during the Q&A section.

Commissioner Hanks left the meeting at 8:08 p.m.

City Attorney Slayton: (1) prior to scheduling an Executive Session, pursuant to Florida State Statute 286.001 Subsection Eight, she would like to schedule a private meeting with the Commission and City Special Council regarding Case No. 2015-CA001167NC pending in the Circuit Court of the 12th Judicial Circuit in Sarasota County regarding the City of North Port and Crystal Neuman, et. al. in order to discuss settlement negotiations or strategy sessions related to litigation expenditures.

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

Mayor Carusone adjourned the North Port City Commission Regular Meeting at 8:11 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.