



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

Tuesday, March 6, 2018

1:00 PM

CITY COMMISSION CHAMBERS

Amended #1 Agenda adding Item 4. C. and correcting language in Item 6.C.

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 1:03 p.m. in City Chambers by Vice-Mayor Yates.

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

Absent: Mayor Carusone

The invocation was provided by Pastor Jim Glazier of Atwater Community Church followed by the Pledge of Allegiance led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

After a request by the Vice-Mayor, the Commission determined that they would like to pull Consent Agenda Item 6.B. for discussion so the appropriate Staff can be kept available to answer questions.

It was noted that the Mayor is in transit and some items may be tabled until she joins the meeting.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the Agenda as presented. The motion carried by the following vote, with Mayor Carusone absent:

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

2. ANNOUNCEMENTS

- A. [18-124](#) Current Vacancies for Boards and Committees.

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

- B. [18-125](#) 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 1:09 p.m. - 1:11 p.m.

Nancy Fisher: Price Boulevard widening.

Mayor Carusone joined the meeting.

6. CONSENT AGENDA:

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to pull Consent Agenda item 6.B. to be heard prior to Public Hearings. The motion carried by the following vote:

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

- B. [18-009](#) Master Walkaway Lease Agreement with Addendum and Amendment, Maintenance Agreement with Amendment, Service Agreement, Credit Application, Credit Application, ACH Authorization Agreement, and Risk Management Application between Enterprise FM Trust and the City of North Port, based on the attached unit pricing.

City Manager Lear and Police Captain Morales provided a presentation of the item.

Discussion ensued: (1) it was explained that the cost of this program is paid from the general fund and has already been approved in the budget; (2) Staff will review the on-going lease payments to be paid by surtax and not the general fund for next year's budget; (3) to replace the six vehicles using surtax funds would be approximately \$160,000; (4) the pro-rated amount this year for the leased vehicles is \$28,000 and the full cost next year will be \$33,000; (5) police vehicles are replaced six years after purchase; (6) it was noted the \$167,000 savings would be spread over five years and that the City would have the benefit of a new car every year; (7) it was clarified that if there is an issue with a leased vehicle it would be replaced by the vendor; (8) maintenance and insurance are included with the leased vehicles, providing a cost savings to the City; (9) it was clarified that there is an additional service contract that covers general maintenance; (10) it was explained that the vendor orders new vehicles direct from the manufacturer; (11) undercover vehicles are a mixture of old and new vehicles; (12) the lease program is used in other municipalities; (13) vehicles will be replaced yearly based on the agreement.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Master Walkaway Lease Agreement with the Addendum and

Amendment with Enterprise. The motion carried by the following vote:

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

Discussion continued: (1) the motion only identified one of the agreements that was part of the agenda item, and that there are a cluster of agreements that work together, and the City will need the remainder of the agreements listed.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Maintenance Agreement with Amendment, Service Agreement, Credit Application ACH Authorization Agreement and Risk Management Application Agreement with Enterprise for the Walkaway Master Lease Program. The motion carried by the following vote:

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

5. GENERAL BUSINESS:

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to move Agenda item 5.B. prior to Public Hearings. The motion carried by the following vote:

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

B. [18-121](#)

Letter of Support to Suncoast Technical College grant application to the Florida Job Growth Grant

City Manager Lear provided an overview of the item.

Discussion ensued: (1) it was suggested to review the letter for professional structure prior to sending.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to send the letter of support for Suncoast Technical College for the grant application to the State of Florida Job Growth Grant opportunity. The motion carried by the following vote:

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

4. PUBLIC HEARINGS:**A. [18-013](#)**

Ordinance No. 2017-37, Third Reading, Petition No. TXT-16-121, Updating code language related to communication and wireless facilities to be consistent with Florida Statutes, Section 337.401 by creating Chapter 86 – Communication and Wireless Infrastructure Right-of-Way Utilization in the Administrative Code of the City of North Port, Florida and by amending Appendix A – Fee Structure.

City Clerk Adkins read Ordinance No. 2017-37 into the record by title only.

Discussion ensued: (1) it was explained that to amend the Code regarding business tax receipts to include providers of communication and wireless facilities would not conflict with this Ordinance; (2) it was suggested to reinstate artistic wraps as an option originally

stated on Line 707 and 708; (3) the word "artistic" could conflict with the First Amendment Rights of artists and a government attempt to regulate; (4) potential legal issues may arise to approve or deny different requests for artistic wraps; (5) it was noted page 19, paragraph (E) as stated should allow for use of a vinyl wrap; (6) it was suggested that the City have pre-approved options for wrap designs; (7) it was clarified the wording for page 19, paragraph (E) could be modified to state "designed to blend in with and/or complement existing surroundings"; (8) it was suggested that language include the option of the City pre-approved wrap designs; (9) concern was expressed that the Whereas clause added on page two is limited to micro-wireless and small wireless and that the Ordinance references other communications; (10) it was suggested to remove the Whereas clause starting on line 45; (11) page five, line 152 should be reworded to "City of North Port" means "City Manager or Designee", and relocate the paragraph to line 120 for alphabetical placement; (12) it was explained that some instances may require a permit and that is why it is listed on page 8, line 272; (13) it was suggested to delete the verbiage starting at the word "except" on line 322; (14) to remain consistent line 313 should read Registration Approval Process; (15) it was suggested to add the word "denial" to line 315; (16) to flow properly, item (c) Registration Renewal Process should be listed after item (d) Registration Applicability on page nine; (17) it was suggested item (c)(3) on page 332 under Registration Renewal Process be duplicated and added as new item (d)(5) under Registration Applicability; (18) it was suggested to add "Section 86-7" prior to "Subsection (a 1-12) herein" on line 334; (19) it was noted that the 60 days referenced on lines 375 and 376 apply to both buyer and seller for the same period of time; (20) it was suggested that Section 86.8 be reworded to require the buyer to register with the City within five business days after the sale closing date; (21) it was suggested to remove the word "wireless" from line 395; (22) it was suggested to remove the paragraph that starts on line 414; (23) it was clarified that the City retained specific legal counsel to review Comcast's comments and noted that Comcast generally overstated preemptive language of the 2007 Act, and that Counsel advised the language starting on line 414 is not necessary.

Recess 3:07 p.m. - 3:24 p.m.

Discussion continued: (1) it was clarified that "Facility" is defined as: [a] communication systems; [b] communication facility; [c] wireless facility; [d] wireless service, and that each of these four definitions have their own definitions; (2) it was suggested to change "wire-less infrastructure permit" to "facility permit" throughout the Ordinance; (3) page 17, line 651 remove "small wireless"; (4) page 18, line 686 strike the word "wireless"; (5) it was explained that the expense as noted on page 21, line 827 is the applicant's responsibility; (6) page 27, line 1036 refers to Florida State Statute 337.401(6); (7) it was suggested lines 1036 and 1038 be changed to "per linear mile or portion thereof"; (8) it was explained that page 35, line 1358 doesn't shift responsibility to the City if a time-frame is not stated. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to approve Ordinance No. 2017-37 with the following changes: delete Whereas clause on lines 45 to 47; in the definition the City of North Port means the City Manager or Designee, in that same definition it is going to be moved to the correct alphabetical location; line 320 remove the verbiage including to and after the word except and then onward; line 313 add the word "Registration" to the title "Approval Process"; line 315 is going to be approval, denial or deficiencies; line 320 move the Renewal Registration clause to after Registration Applicability, and duplicate item (c)(3) to create a new (d)(5); line 334 add the full Code reference; line 376 to 380 change the words to "register the new ownership to the City within five business days after closing"; line 395 remove the word "wireless"; line 414 remove in its entirety "e"; line 417 change to "Application for Facility Permit" and change

throughout; line 651 remove the words "small wireless"; line 686 remove the word "wireless"; lines 1036 and 1038 add the phrase "or portion thereof" after "per linear mile". The motion carried by the following vote:

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

B. [18-100](#)

Ordinance 2018-05, First Reading, Petition No. TXT-16-217, North Port Complete Streets Ordinance, Amending Article 4 of Chapter 37 of the City of North Port Unified Land Development Code.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to read Ordinance No. 2018-05 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 No. 2018-05 into the record by title only. Planning Division Manager Miles, Neighborhood Services Planner Whittaker and Public Works Project Engineer Newman, provided an overview of the item.

Discussion ensued: (1) the Florida Green book has been adopted with an effective date of January 1, 2018; (2) it was explained that the items listed on page three, (H) (1-8) are used as a guide; (3) it was suggested to change the first sentence to say "...criteria may conform" on page three, (H); (4) a suggestion was made to change wording on page three, (H) to: [a] "...herein, except the criteria.."; [b] "...adopted and may be considered..."; (5) it was noted that "may" means we don't have to but "shall" means it needs to come to the Commission for a waiver; (6) Commissioner McDowell expressed concern with supporting the Ordinance as written because Staff is using the Ordinance as a guide; (7) Section 37-42 (F) is regarding the design for a network of small-scale bridges between the activity centers and the adjacent neighborhoods, and the intent is not for a full access bridge; (8) this Ordinance does not provide for a motorized access bridge; (9) the small-access bridge is for mobility of other types of transportation besides cars; (10) mopeds and motorcycles are not intended to be allowed use of a small-access bridge; (11) it was suggested that Section 37-42 (F) be re-worded to allow for small engine vehicles under 50cc; (12) a suggestion was made to remove the wording "the City shall work toward a network of bridges" as stated in Section 37-42 (F); (13) it was suggested to change the wording to "the City shall promote a network of bridges" to not give the idea the City is responsible to create all access bridges; (14) Section 37-41 (A) suggests a minimum of five feet in width for a bike path when seven feet cannot be met; (15) a seven feet wide buffer for bicycles is preferred if it can be put in; (16) the Planning and Zoning Advisory Board suggested doubling the amount of bike racks to be provided for commercial development as noted in Section 37-41(D); (17) it was noted that Price Boulevard is a green street with the exception that the sidewalks and bike lanes will need a waiver; (18) a recommended typical roadway cross-section for Price Boulevard has not yet been presented to the Commission; (19) the Unified Land Development Code (ULDC) provides for a minimum five-foot bike lane and eight-foot wide sidewalk on arterial roadways; (20) Commissioner McDowell expressed concerns with adopting a program for Complete Streets when waivers will be issued to accommodate individual needs; (21) page one states the City of North Port is a platted lands community of approximately 104 square miles; (22) it was suggested that Staff verify the actual amount of platted lands community in North Port; (23) it was explained that the turning radius may be too sharp for large trucks and create a safety issue as referenced on page three, (B) and should be discussed at the ULDC rewrite meeting; (24) adopting the Complete Streets Ordinance will not jeopardize funding and is considered more of an enhancement; (25) it was

suggested to amend the motion to change Section 37-29(H) "criteria shall conform" to "criteria may conform" as it only relates to item (H); (26) it was noted that "criteria shall conform" in Section 37-29(H) relates to the whole Ordinance.

PUBLIC COMMENT:

Nancy Fisher: supports Safe Streets and Complete Streets.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to Continue Ordinance 2018-05 to March 27, 2018 Commission Meeting with the recommendations: (1) the change in Section 37-41 widening the minimum bike lanes to 7 feet wide, if possible, in compliance with the Florida Department of Transportation guidelines; (2) Section 37-42 providing a minimum size for the subdivisions to be subject to providing bike lanes; (3) Section 37-41 doubling the minimum number of bike racks that are required for the non-residential buildings and sites in the City; (4) change Section 37-42(F) to [a] clarify the language to include small motorized engine vehicles, excluding moped/motorcycle type vehicles; [b] that the City will work to promote the network of small access bridges.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to amend the motion to change Section 37-29(H) "shall be considered and construed" to "may be considered and construed". 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 Continue Ordinance 2018-05 to March 27, 2018 Commission Meeting with the recommendations: (1) the change in Section 37-41 widening the minimum bike lanes to 7 feet wide, if possible, in compliance with the Florida Department of Transportation guidelines; (2) Section 37-42 providing a minimum size for the subdivisions to be subject to providing bike lanes; (3) Section 37-41 doubling the minimum number of bike racks that are required for the non-residential buildings and sites in the City; (4) change Section 37-42(F) to [a] clarify the language to include small motorized engine vehicles, excluding moped/motorcycle type vehicles; [b] that the City will work to promote the network of small access bridges; and to change Section 37-29(H) "shall be considered and construed" to "may be considered and construed". The motion carried by the following vote, with Commissioner McDowell dissenting for reasons stated:

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

No: 1 - Commissioner McDowell

Recess 5:15 p.m. - 5:33 p.m.

Commissioner Hanks left during the break.

C. [18-131](#)

Ordinance No. 2018-01, second reading, amending the Code of the City, Chapter 4, to add new Article IX - Environmental Advisory Board, Sections 4-180 to 4-189, establishing the Environmental Advisory Board

City Clerk Adkins read Ordinance No. 2018-01 into the record by title only.

Discussion ensued: (1) it was suggested that on page two, Section (a), to insert a comma for clarity of "to, and advise"; (2) a change was not needed after the language was clarified.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to approve Ordinance No. 2018-01 amending the Code of the City, Chapter 4, to add new Article IX, creating the Environmental Advisory Board. The motion carried by the following vote, with Commissioner Hanks absent:

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

5. GENERAL BUSINESS:

A. [18-104](#)

Endorsement of Proposed Project Funding to the Sarasota-Manatee Metropolitan Planning Organization in a Prioritized Order

City Manager Lear, Public Works Director Bellia, Public Works Engineer Newman and Sarasota-Manatee Metropolitan Planning Organization (MPO) Planner Ryan Brown gave a presentation about project funding.

Discussion ensued: (1) I-75 and Yorkshire Exit is more of a priority than Price Boulevard because of the transportation of goods and services and Federal funding outside of MPO could be utilized; (2) Charlotte County is competing for an I-75 Interchange near Kings Highway; (3) it was suggested to have a Joint Meeting with Charlotte County to discuss the I-75 Interchange; (4) it was explained that Florida Department of Transportation (FDOT) is going through an update of the I-75 Corridor Master Plan; (5) it was noted that the Yorkshire Interchange was approved by MPO but was placed in the financially not feasible category; (6) it was explained that the \$29 million-dollar cost of widening 1.5 miles of Price Boulevard was determined by FDOT and that the high cost is attributed to accommodating for the bridge in the widening process; (7) it was noted that applications for funding with MPO were due February 1, 2018 and that requests can be submitted for other project considerations in the future; (8) it was suggested that the City submit a funding request to MPO for consideration of Price Boulevard from Toledo Blade Boulevard to Yorkshire Street; (9) it was explained that segments of Price Boulevard have already been submitted for the Long Range Transportation Plan (LRTP); (10) it was noted there should be consideration for widening of Hillsborough Boulevard at the intersection of Yorkshire Street because of the interchange off I-75; (11) it was noted that projects that are coming up to the fifth year which is currently 2022-2023 would typically take five years until completion; (12) it was suggested to plan changes on Price Boulevard at Toledo Blade Boulevard to Orlando Boulevard or Torrington Street; (13) it was explained that the FL-681 Interchange is only half completed because of the sensitive lands surrounding the area; (14) FDOT is reviewing lands around corridors to determine mitigation reasons and requirements are being checked before development is started; (15) it was suggested to contact FDOT and ask for a presentation about moving people in a crisis utilizing existing infrastructure and discuss usage of the access road off I-75 rather than U.S. 41; (16) a letter can be sent from the City to MPO and FDOT recognizing the I-75 Master Plan and ask to look into concerns and to help make things more efficient utilizing existing infrastructure; (17) the letter should include that the Federal Emergency Management Agency (FEMA) procedure is for people to come to North Port because our infrastructure is rated a category four or higher for hurricanes; (18) Staff meets annually with FDOT.

There was a consensus for Staff to reach out to Florida Department of Transportation to talk about prioritization of access road along U.S. 41 and utilization of such to create a new east west route, and to create a new east west route along I-75 corridor that would eventually hook up to Honore Avenue, including an offer for a presentation to Commission.

Discussion continued: (1) it was explained that the typical design for Price Boulevard, between Sumter Boulevard and Heron Creek Middle School, does not provide for a center turn lane because there aren't any abutting single-family lots and that the project will continue with the raised medians; (2) concern was expressed about submitting the old design to Florida Department of Transportation (FDOT) because it has a four-foot bike lane and the FDOT minimum is five feet; (3) it was noted the old design can be submitted notating the change of four to five feet for the bike lane.

PUBLIC COMMENT:

Nancy Fisher: Price Boulevard project and bike lanes.

Discussion continued: (1) the median is 19-1/2 feet and that the vehicle lanes are 11 feet; (2) it was suggested that the median can be narrowed allowing for additional space for bike lanes.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to approve the Proposed Project Funding to the Sarasota-Manatee Metropolitan Planning Organization in the Prioritized Order as presented by Staff with the adjustment for the Price Boulevard project to convey the five-foot bike lanes. The motion carried by the following vote, with Commissioner Hanks absent.

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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to have Staff to present Price Boulevard to Orlando Boulevard to the City limits near Torrington Street and from Yorkshire Street down to Hillsborough Boulevard for consideration for future projects with Metropolitan Planning Organization. The motion carried by the following vote, with Commissioner Hanks absent:

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

6. CONSENT AGENDA:

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to approve Consent Agenda items 6.A. and 6.C. as presented. The motion carried by the following vote, with Commissioner Hanks absent:

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

- A.** [18-126](#) Approval of Minutes for the September 26, 2017 Commission Regular Meeting.
- C.** [18-076](#) Contract No.2018-34 with U.S. Water Services Corporation for the 2017 Lift Station Rehabilitation project, in the amount of \$ 945,164.79 plus a 5% contingency amount of \$ 47,258.24, for a total amount of \$ 992,423.03.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Commissioner McDowell: nothing to report.

Commissioner Luke: (1) attended the All Faiths Food Banks Ribbon Cutting; (2) attended the Sarasota County Economic Development Corporation (EDC) meeting; (3) expressed concern that the Commission should respond to THE Agency for Health Care Administration (AHCA) regarding denial of the Certificate of Need.

There was a consensus for Staff to send a letter to Agency for Health Care Administration (AHCA) on behalf of the Commission.

Vice-Mayor Yates: (1) working on the Historic Advisory Board meeting; (2) suggested having a discussion in April regarding a possible Advisory Board for Warm Mineral Springs; (3) noted she is waiting for Staff to provide information regarding the Noise Ordinance; (4) shared that she will be providing a presentation at National League of Cities (NLC) workshop on transportation; (5) inquired about the Police Chief application process.

Mayor Carusone: (1) will be going to Woodlands Middle School for lunch.

Commissioner Hanks: absent.

9. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lear: (1) the Police Chief interview process is complete and no one applicant was a good fit; (2) the STARS Group will give us a much lower quote to start the process over; (3) the new location is too small for the March 15, 2018 town hall meeting with West Villages, and it is suggested the meeting be moved to the Morgan Center.

It was suggested to attach a directional map of the Morgan Center with the notification of the town hall meeting to the residents of West Villages.

City Attorney Slayton: nothing to report.

City Clerk Adkins: nothing to report.

10. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Regular Meeting at 6:49 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.

