



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, June 12, 2018

1:00 PM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 09-11-2018 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 1:05 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; Recording Secretary Hale and Interim Police Chief Morales.

The invocation was provided by Pastor Mitchell West of Fellowship Church.

The Pledge of Allegiance was led by the Commission followed by a moment of silence was observed for Marc Swartz, a former City employee, who passed away recently.

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to approve the Agenda, with the following changes: moving 7.E. after 4.A.; followed by 6.F. The motion carried by the following vote:

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

2. ANNOUNCEMENTS

A. [18-392](#) Current Vacancies for Boards and Committees.

City Clerk Adkins read the Current Vacancies into the record.

B. [18-393](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expiration dates into the record.

3. PUBLIC COMMENT:

Public Comment was held 1:14 p.m. - 1:24 p.m.

Rochelle Munroe: Senior Center Parking lot.

Brandon Luke: son and family of Commissioner Luke.

Hector Munoz: Am Vets Chapter 312 presented commemorative tee shirts to the Commission.

Louis Macri: Item 6.G., the City's Aquatic Center.

Mayor Carusone stated that several meetings were held regarding the Aquatic Center operating budget, which will be fine-tuned at the next Budget Meeting; and that the public was made aware of those expenditures. Additionally, the Commission discussed a Business Plan on April 24, 2018. City Manager Lear will provide the documents to Mr. Macri.

4. PRESENTATION:**A. [18-400](#) Presentation by Sheriff Tom Knight on the Homeless Outreach Team.**

Sarasota County Sheriff Knight and Attorney Marchena provided a presentation regarding the Homeless Outreach Team (HOT).

Discussion ensued: (1) the difference was explained between a HOT bed and a Salvation Army bed along with how long resources may be utilized; (2) beds will be added if needed; (3) caseworkers will be in-house; (4) it was suggested that there are two shelters above the Social Service Center that may be available soon; (5) transport help is available; (6) the importance of caseworkers was emphasized; (7) officer training will consist of familiarization of the program and to ensure the safety and security of the caseworkers; (8) an overview of the process to help the homeless was explained; (9) the caseworker liaison would be employed by the City and then merged with the Sheriff's Department; (10) once a homeless individual is identified and has agreed to obtain a HOT bed, they will be transported to the Salvation Army facility where a caseworker will be assigned to determine if any further services are needed; (11) page 4 of the Ordinance packet, #3, A through F explained details regarding the process of obtaining a HOT bed; (12) the City of Venice was invited to join the program; (13) there are designated beds at the Salvation Army facility for mental health cases and thereafter the caseworker makes a determination if additional services are needed; (14) it is anticipated that the police officer and the North Port caseworker will coordinate efforts with the latter being properly trained and will understand the limitations of his duties; (15) the caseworker assigned to North Port will be employed by the City, will be assigned a vehicle and given an office in the City; (16) it was confirmed that collaboration will be established between the City's Social Services Access Point program caseworkers and the HOT Team program caseworkers so that efforts are not duplicated; (17) the Salvation Army Agreement with Sarasota County incorporates a provision regarding the circumstances under which a homeless person may be arrested and the specific type of bed that is provided at the shelters; (18) following a concern regarding an age requirement, it was stated that the caseworker will be able to triage the situation; (19) the HOT team, the caseworkers and the Court system work together to resolve outstanding warrant issues that may arise; (20) individuals are allowed to stay seven days (as a guideline) and are housed there all day if needed; (21) if Commission approves implementation of the HOT Plan, staff will

prepare a draft Ordinance, prepare a cost analysis for hiring a civilian staff member and bring all information back to the Commission for approval. There was no public comment.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct the City Manager to begin the implementation for the City of North Port to join the Homeless Outreach Team in coordination and cooperation with the Sheriff. The motion carried by the following vote:

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

7. CONSENT AGENDA:

E. [18-285](#)

Water and Wastewater System Standard Developer's Agreement between the City of North Port and Marsh Creek Holdings LTD.

City Manager Lear, Utilities Director Newkirk and Assistant Utilities Director Desrosiers provided a review and James Bevilard, the Developer, was present to answer questions.

Discussion ensued: (1) following a concern, it was stated that payment from Marsh Creek for their portion of the trail from Appomattox Drive to Price Boulevard is due June 26 but prior to payment the Developer stated that a meeting will be held to receive clarification; (2) it was suggested that the motion add 1,125 ERCs to the Agreement, which have already been purchased; (3) Commissioner McDowell suggested to table the item until after payment is received. There was no public comment.

A motion was made by Commissioner McDowell to table Item 7.E., until after payment is received for the Creek's Trail. There was no second and the motion died.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to approve Water and Wastewater System Standard Developer's Agreement between the City of North Port and Marsh Creek Holdings LTD. with the following revision to Section 20.2.1, the addition of 1,125 ERCs that the Applicant has already purchased. 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

Discussion continued: (1) Commissioner McDowell agreed to resolve the unused ERCs but did not support the motion due to the long wait to receive Marsh Creek's contribution to the Trail system which was part of the Myakkahatchee Creek Masterplan and the request that the City forgive \$117,000 that was part of a contract to which everyone agreed; (2) clarification was provided that the 25 ERCs which totals \$117,000 was last October's purchase of the ERCs. The 25 ERCs was for a service that was not provided and is not anticipated to be needed; (3) further clarification was provided that without the payment being made, the City did not provide or reserve those 25 ERCs for the applicant; (4) it was stated that Marsh Creek paid for every contribution or construction requirement in the Contract; (5) Commissioner McDowell supports the ERC issue and changing that portion of the Contract but due to the unresolved long-standing contracts, she is still opposed forgiving the two separate capacity fees and the late fees.

6. GENERAL BUSINESS:

F. [18-354](#)

Discussion, and possible action to award funds from the Special Event Assistance Program to the Early Bird Kiwanis in the amount of \$675.00 to cover the cost of renting the McKibben Park pavilion, garbage and recycling fees, and the cost for property maintenance services for the June 16, 2018, Children's Fishing Tournament and Clinic.

City Manager Lear provided an overview and City Zoning Coordinator Willette-Grondin was present to answer questions.

Discussion ensued: (1) following a concern regarding the request, it was stated that: [a] the fishing event is scheduled for this Saturday, June 16, 2018; [b] the cost of City services is \$675.00; [c] approximately 300 attendees are expected, thus the event is eligible to receive \$200; [d] this item will be on the June 26, 2018 Commission Meeting for discussion to amend the City's Program; [e] \$4,630 remains in the City's Assistance Program account; [f] staff is requesting that the Commission waive the funding limit and grant the amount of \$675 for City services; (2) it was stated that an agenda item regarding the City's Sponsorship Program will also be on the June 26, 2018 meeting. There was no public comment.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Yates, to approve the Early Bird Kiwanis request for funding assistance in the amount of \$675.00; waiving the topped amount within the Program Guideline and the timing within that Program Guideline. The motion carried by the following vote:

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

Recess 2:41 p.m. - 3:00 p.m.

5. PUBLIC HEARINGS:A. [18-337](#)

Ordinance No. 2018-12, Second Reading, Amending the Code of the City of North Port, Florida, Chapter 2 - Administration, Article III. - Quasi-Judicial Proceedings, Sections 2-80 through 2-84

City Clerk Adkins read Ordinance No. 2018-12 into the record by title only and City Manager Lear provided an overview.

Discussion ensued: (1) Comprehensive Plan amendments are legislative in nature and do not necessitate quasi-judicial hearings; (2) ex parte disclosure must be provided at the initial hearing and at any subsequent hearing if new information was received in the interim; (3) State Statutes do not require that the entire quasi-judicial procedure be followed after the initial hearing, but City Code may provide that it does; (4) after a request, clarification can be added to the definitions page, that if someone contacts a public official or if a public official contacts someone, that conversation must be disclosed; (5) it was stated that title capitalizations in the Ordinance are consistent with how the Code is written; (6) after the Ordinance has been adopted, a guide sheet will be provided; (7) clarification was provided that ex parte communications are aimed at what a quasi-judicial body may be taking in, learning or observing outside of the proceeding in order to give the applicant the opportunity to rebut the information; (8) it was suggested to remove Section 2-82(b) that addresses quasi-judicial matters which require more than one reading; (9) Vice-Mayor Yates disagreed with keeping Section 2-82(b) in the Ordinance because it is counterproductive to being business-friendly and expediting processes but will support the legislation; (10) following a concern, clarification was

provided that the last sentence of Section 2-82(b) cannot be omitted because if the second reading is procedural in nature and the governing body decides to reopen the hearing, doing so during that meeting does not provide sufficient notice for due process to aggrieved persons, interested persons or the public. There was no public comment.

There was a consensus to keep Section 2-82(b) in the Ordinance.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve Ordinance No. 2018-12, Amending the Code of the City of North Port, Florida, Chapter 2 - Administration, Article III. - Quasi-Judicial Proceedings. The motion carried by the following vote:

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

6. GENERAL BUSINESS:

A. [18-281](#)

Proposed North Port Limited Service Hotel - Request for City Support

Economic Development Program Manager Buchanan provided an overview. Lodgco Hospitality, LLC Vice President of Development Michael Postle was present to answer questions.

Discussion ensued: (1) an impact fee deferment process was allowed prior to 2010 but when the City Attorney reviewed the Code it was no longer included. It may have changed around 2011 when the Ordinance was amended; (2) at the end of four years the entire deferred amount will be paid off; (3) an impact fee deferment was requested from Sarasota County which they did not approve; (4) Visit Sarasota has been supportive regarding hotel recruitment efforts but State Statutes mandate that the County's tourism funding cannot be mingled with economic development funding; (5) it was stated that Sarasota County does not have the economic incentive programming that will accommodate the Applicant's request; (6) impact fees are collected by the City for Sarasota County when the Certificate of Occupancy is issued; (7) direction was requested regarding how the deferment process will work; (8) a "limited service" hotel is a facility that does not offer room service or a restaurant but does include meeting rooms; (9) clarification was provided that, with Commission approval, the City Code would be changed to allow for deferral of impact fees to entities on a case-by-case basis with language that may be broad or specific; (10) currently, the firm operates three hotels in the Sarasota area; (11) the proposed facility will have approximately 100 rooms with two meeting rooms of 2,000 square-feet; (12) employees will be hired within the community; (13) following a question, it was stated that an Ordinance will be brought back to Commission as soon as possible.

PUBLIC COMMENT:

Ashley Bloom: supports the impact fee deferment.

There was a consensus that all deferments shall be approved by the Commission.

There was a consensus that the timeline for a deferment should be broad with no limit, on a case-by-case basis like the rest of the Chapter.

A motion was made by Commissioner Hanks, seconded by Commissioner McDowell, to direct the City Attorney to bring back an Ordinance amending Chapter 58, Article III, Section 58-100 to allow for deferments to come to Commission with a broad allowance on a case-by-case basis. The motion carried by the following vote:

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

Discussion continued: (1) Vice-Mayor Yates stated she may not approve the deferment when it comes back to the Commission due to the potential impact on tax payers; (2) City Manager Lear stated that the Capital Improvement Program (CIP) Budget, under Impact Fee Funds contains an overview of current and projected five-year plans for the CIP as well as projected revenues but typically, projects such as the hotel are not included in those amounts so he can provide an analysis of the numbers and the assumptions used to arrive at those projections when the Ordinance comes back; (3) after a concern was expressed that every project should not have to go through the expense of an economic analysis, clarification was provided that the economic analysis done for the Atlanta Braves was out of the norm, and Planning Department does a spreadsheet analysis for regular projects.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Hanks, to direct the City Manager to provide the Commission with an analysis of the City's Impact Fee Fund Balances for the next five years including projected revenues and disbursements, and a Staff economic analysis for any incentive requests. The motion carried by the following vote:

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

Following a concern, clarification was provided that additional questions for the Applicant will be addressed when the Ordinance is changed.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to move Item 6.G. to be next on the Agenda. The motion carried by the following vote:

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

G. [18-355](#)

Approve Contract 2018-35; North Port Aquatic Center, construction to Recreational Design & Construction, Inc. in the amount of \$9,847,336.79 plus a 10% construction contingency of \$984,733 for a total amount of \$10,832,069.79.

City Manager Lear and General Services Director Pfundheller provided a review of the Contract. Peter VanBuskirk, representing Kimley Horn & Associates was present to answer questions.

Discussion ensued: (1) it was stated that: [a] Kimley Horn performed a thorough background check on the company; [b] a letter is part of the backup regarding a summary of that report; [c] the company performs all the work in-house and does not have to sub-contract; (2) the company has done 250 projects including sports complexes and 15 aquatic facilities; (3) if approved, a meeting is scheduled for this Friday to set a timeline for the project and typically it must be completed within 365 days from the Notice to Proceed; (4) all of the Commission-approved amenities are still included and clarification was provided that the scoreboard and timer are part of the \$100,000 which is budgeted for furniture, fixtures and equipment; (5) the pool's dewatering system was explained and it was stated that the permitting from Southwest Florida Water Management District (SWFWMD) has been completed; (6) confirmation was provided that there have been no equipment substitutions or short-cuts to make this the lowest bid; (7) it was stated that all parties are clear that the bulkhead will be movable; (8) Staff was requested to ensure that adjustable backplates are not required for competitions; (9)

confirmation was provided that there will be adequate lighting.

PUBLIC COMMENT:

Joan Morgan: make sure everything is correct with the pool.

Discussion continued: (1) the use of local workers will be emphasized but the Local Preference Policy does not compel the issue; (2) there are two small lakes on-site and the majority of the pool water will drain into the southwestern lake where it is detained, treated and cleaned up. Then it is discharged into two wetlands but at some point further down the system, it may find its way into some part of the City's drainage system; (3) a sheet from the Plan Set was emailed to the Commission showing seven different light poles and locations; (4) City Project Manager Applegate will be working with the Kimley Horn Project Manager on the project; (5) confirmation was provided that the bulkhead is the movable type but an answer regarding the plates is still forthcoming; (6) restrooms will be located at two different locations; (7) the life-expectancy of the pool is 75-years and life-expectancy of the equipment is based on the manufacturer's guidelines; (8) lightning detection systems differ and Staff is reviewing the performance of the one installed on the City Center Green before considering one for the pool; (9) all the preparatory wiring etc., for future pool items will be installed at build-out; (10) the processes for Change Order approval and the Contingency Fund were explained; (11) the City Manager will send a copy of all of the Change Orders to the Commission.

A motion was made by Vice-Mayor Yates, seconded by Mayor Carusone, to approve Contract 2018-35 for the construction of the North Port Aquatic Center, to Recreational Design & Construction, Inc. and for the City Manager to send copies of any change orders to the Commission.

Discussion continued: (1) after City Manager Lear expressed concern that sending the Commission Change Orders prior to approval may delay the work, it was suggested that the City Manager copy the Commission as he becomes aware of a change order request; (2) concern was expressed regarding approving a project with so many unknowns pertaining to the operating expenses and how that will impact other things; (3) Commissioner Luke stated she could not approve a contract without considering the remaining financials, which were not allowed to be discussed during this meeting.

Mayor Carusone called the question and the motion carried by the following vote with Commissioner Luke dissenting for reasons previously stated.

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

No: 1 - Commissioner Luke

Recess 5:00 p.m. - 5:23 p.m.

Chair Carusone requested to allow Public Comment at this time to permit a resident who needs to leave, to speak on behalf of her appointment on an Advisory Board.

PUBLIC COMMENT:

Alicia Accardi: the Environmental Advisory Board.

B. [18-309](#)

Community Education Center Parking Improvements

Sandy Pfundheller provided an overview of the three alternatives for the parking improvement project.

Discussion ensued: (1) it was suggested to move the shuffleboard and gazebo under

trees closer to the Family Services lot; (2) the new parking area will provide access to the Florida Center; (3) the tree-islands in the middle are placed for the crosswalks and landscaping with the objective to save as many trees as possible; (4) the large oak tree near the Salvation Army will be kept; (5) there will be 67 additional parking spaces in Option 3; (6) it was suggested to put gates at the two entrances; (7) research is needed to determine whether a new ordinance is required to enforce restricted parking that will be subject to towing; (8) it was suggested to plant shade trees near the existing gazebo and shuffleboard. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Option 3, making sure to preserve as many trees on the property as possible and to make sure that the shuffleboard court is shaded either by adding trees or by moving it. The motion carried by the following vote:

Discussion ensued and concern was expressed regarding the expense of relocating the shuffleboard court

There was a consensus to relocate the shuffleboard court if, for some reason, trees cannot be planted in the current location.

Mayor Carusone called the question and the motion carried by the following vote:

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

After a question, City Manager Lear stated that the City does not advertise projects unless funding is secured and so a budget amendment would be appropriate for this project and may be added to a budget amendment that is scheduled to come to Commission in July.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct the City Manager to include the allocation of funds from the Surtax for this parking lot project and incorporate that in the upcoming budget amendment. The motion carried by the following vote:

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

C. [18-333](#)

Discussion and possible action regarding the possibility of adopting an Ordinance establishing security measure requirements for owners and operators of retail gas pumps.

Commissioner Hanks and Interim Police Chief Morales provided a brief overview and requested Commission direction.

Discussion ensued: (1) the gas station must show they have taken steps to protect credit/debit card gasoline purchases but it is the individual's bank who corrects and reimburses the account and investigates the vendors to learn how the system was compromised; (2) it was suggested that employees perform a perimeter search to monitor skimmer activity; (3) the remedy can include ATM machines as well as gas pumps; (4) the City Manager will email a report of the last three years' service-related calls pertaining to skimmers in North Port; (5) verbiage in a proposed Ordinance would determine what preventive measures should be taken; (6) following a concern, it was stated that the gas station owner should be responsible for what is in his machine. There was no public comment.

A motion was made by Commissioner Hanks, seconded by Vice-Mayor Yates, to direct Staff to return with an Ordinance for first reading, that utilizes the Cape Coral

version and any other suggestions that Staff may have after their research for gas pumps and all outside machines. The motion carried by the following vote:

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

- D. [18-353](#)** Discussion and possible action regarding designation of a Voting Delegate at the 92nd Annual Florida League of Cities Conference.

Discussion ensued regarding appointing a Commission voting delegate, who will attend the 92nd Annual Florida League of Cities Conference in Hollywood, Florida from August 16-18, 2018. Mayor Carusone, Vice-Mayor Yates, Commissioner Luke and Commissioner McDowell will attend. There was no public comment.

There was a consensus to appoint Commissioner McDowell as the Voting delegate for the 92nd Annual Florida League of Cities Conference.

- E. [18-390](#)** Discussion and possible action regarding Florida League of Cities Legislative Policy Committee Appointments.

Discussion ensued regarding Commission appointments to the Legislative Policy Committees: (1) Mayor Carusone would like to serve on the Municipal Administration Committee; (2) Commissioner Luke indicated she would serve on the Utilities, Natural Resources & Public Works Committee; (3) Vice-Mayor Yates chose the Transportation & Intergovernmental Relations Committee with Commissioner McDowell taking over starting in November. If that is not allowed, Commissioner McDowell will serve on the Land Use & Economic Development Committee; (4) City Manager Lear will serve on the Finance Tax Committee.

There was a consensus to direct the City Clerk to call the Florida League of Cities to determine if more than one Commissioner may serve on a Committee when the situation arises where a Commissioner's term ends during the Legislative Policy Committee year. If it is not allowed for Vice-Mayor to serve in September and October and Commissioner McDowell starting in November, then Commissioner McDowell will take the Land Use & Economic Development position for this year.

Chair Carusone requested to move the Consent Agenda prior to General Business Item 6.H.

7. CONSENT AGENDA:

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Consent Agenda Items A. through D. and G. through I. The motion carried by the following vote:

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

- A. [18-394](#)** Approval of Minutes for the April 16, 2018 Commission Special Meeting, April 20, 2018 Commission Strategic Planning Session, April 23, 2018 Commission Strategic Planning Session, April 26, 2018 Commission Strategic Planning Session.

- B. [18-367](#)** Appointment of two (2) Members to the Historic and Cultural Advisory Board.

- C. [18-368](#) Appointment of Alicia Accardi as a Regular Member on the Environmental Advisory Board.
- D. [18-338](#) Cash Receipts Summary - April 2018
- F. [18-312](#) An application to the Federal Emergency Management Agency (FEMA) for a grant to hire new firefighters under the Staffing for Adequate Fire and Emergency Response program and to authorize the City Manager to approve the funding agreement should the grant be awarded to the City.

Fire Chief Titus provided a review.

Questions ensued: (1) it was confirmed that the City must match the grant with 25% the first year, 25% the second year and 65% the third year; (2) upon accepting the grant, the City and the Fire Department commit to the funding schedule over three years for the additional firefighter positions for West Villages; (3) if the grant is awarded and while the station is being constructed, temporary mobile facilities will be set up in West Villages; (4) after a concern was expressed, confirmation was provided that with the next Fiscal Year Budget, staffing positions will be complete for all fire apparatus; (5) it was stated that the only training entitled through this program, is training we already have money budgeted toward and is department-wide. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to approve the application to the Federal Emergency Management Agency (FEMA) for a grant to hire new firefighters under the Staffing for Adequate Fire and Emergency Response program and to authorize the City Manager to approve the funding agreement should the grant be awarded to the City. The motion carried by the following vote:

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

Recess 6:51 p.m. - 7:13 p.m.

- G. [18-327](#) Memorandum of Understanding between the Jewish Family and Children Services of the Suncoast (JFCS) and the City of North Port for the City to coordinate financial services for families experiencing an unforeseen circumstance.
- H. [18-340](#) Approve Agreement with ImageTrend, Inc., a single-source procurement of replacement fire and medical incident reporting system at a cost of \$73,748.43.
- I. [18-361](#) Acceptance of a 2018 Bulletproof Vest Grant for replacement Body Armor for Police Officers in the amount of \$2,936.00.

GENERAL BUSINESS:

- H. [18-391](#) Discussion and possible action regarding the feedback received from Citizens during the May 31, 2018 Public Workshop pertaining to the proposed changes to the Charter.

The Citizens' Proposed Charter Changes taken from the May 31, 2018 Meeting were discussed and recommendations ensued:

ARTICLE I.

Section 1.01 – Line 12. To add the date of when the name of the City was changed.

There was a consensus to add the date to Line 12.

Section 1.03 - Line 35. the word "liberally" is too authoritative. No change.

ARTICLE II.

Section 2.02 – Lines 71 – 119. Changing this section would be a separate issue for consideration. No change.

Section 2.04 – Lines 138 – 142. Noon time needs to be indicated for submitting petitions.

There was a consensus that Section 2.05 (f) should read "Completed nominating petitions shall be filed with the City Clerk any time after noon of the 71st day prior to the first primary election, but not later than noon the 67th day prior to the date of the first primary election."

Section 2.04 – Line 183. Swearing in 5 days after certification. No change.

Section 2.05 – Line 208. A line for printed name on Petitions can be done administratively. No change.

Section 2.05 – Line 211. The signatures will be at-large, from the entire City mentioned in Section 2.05(e)(2). No change.

Section 2.05 – Lines 193 – 196. (b) Nominees and candidates for a Commission District Seat must be a resident of that particular district for a minimum of one (1) year prior to the close of the qualification period for nominees. The manner in which Candidates are to provide proof of District residency was considered.

There was a consensus that Section 2.05(b) should read "Nominees and candidates for a Commission District Seat must be a resident of that particular district for a minimum of one (1) year prior to the close of the qualification period for nominees, and must submit an Affidavit of Residency."

Section 2.06 – Lines 216 – 218. No fee mentioned paid by qualifying candidates however, it is stated in the packet for City Commissioner that the candidate receives. No change.

ARTICLE III

Section 3.01 – Line 270. The number of signatures required to qualify. No change.

Section 3.01 – Line 275. Signatures to be verified by the candidate is addressed in Section 2.05(e)(2). No change.

Section 3.01 – Lines 235 – 293. An appointment rather than a special election. No change.

Section 3.01 – Lines 235 – 293. Vacancy is for any reason. Section 3.01(b) describes how a vacancy is created and Florida Statutes, Section 100.361(2)(d) and Section 112.51(1) provide grounds for elected official removal. The City Attorney found no authority authorizing the removal of an elected official for lack of attendance at Commission meetings, but it is possible that at some point the absence could arise to the level of neglect of duty triggering these two statutory sections. No change.

Section 3.01 – Lines 270 – 272. 100 signatures for election appointment. No change.

ARTICLE IV

Lines 303 – 306. To be able to have an internal investigation when City staff does not follow City policy. This would be a separate issue for consideration. No change.

ARTICLE V

Section 5.03 – Lines 351 – 354. Subsection (a) It was suggested that it should be only

one term for Mayor and Vice-Mayor and Keep existing language as in the current Charter. No change.

Section 5.03 – Lines 351 – 354. Subsection (b) It was suggested that Mayor and Vice-Mayor have unlimited elections. No change.

Section 5.04 - Line 370. Subsection (a) It was noted that general employees are not given an expense allowance. It was suggested to revise subsection (a) to read: "Commissioners shall receive an annual compensation, benefits, and expense allowance as determined by City's Budget." and remove (b).

There was a consensus to revise Section 5.04(a) to read: "Commissioners shall receive an annual compensation, benefits, and expense allowance as determined by City's Budget." and to eliminate Section 5.04(b).

Section 5.04 – Lines 370 – 371. Need a formula to bring up pay. City Manager is working on it and an Ordinance will be brought to the Commission in July. The formula should be by Ordinance not included in the City Charter. No change.

Section 5.05 – Lines 381 -410. Organizational Structure. Something should be put in about powers of citizens or citizens' rights. It was noted that was not appropriate in a City Charter. No. change.

ARTICLE VI

No change.

ARTICLE VII

Section 7.02 – Lines 489-497. Bond issues to have a maximum amount. No change.

Section 7.05 – Lines 509 – 510. Why can't City government and Citizen requirements be the same regarding initiating Ordinances. No change.

ARTICLE VIII

Section 8.02 – Lines 560 – 602. Amendments submitted to Electors. To have this be 5% as in Section 7.05. No change.

ARTICLE IX

Section 9.05 – Line 645. Powers and Duties. To add "directed by the Commission" at the end of the first sentence and eliminate the rest. No change.

ARTICLE X

requested.

Section 10.04 – Line 725 – 732. That all the Charter officials are consistent with vacancies etc. No change.

ARTICLE XI

Section 11.01 – Lines 783 – 799. Deputy Clerk should not be a Charter Officer. Changing this requirement would be a separate issue for consideration. No change.

ARTICLE XII

No change.

ARTICLE XIII

No change.

ARTICLE XIV

No change.

GENERAL COMMENTS

It was determined that the General Comments were addressed in the discussion, are outside the realm of a City Charter's constitution, and many could be accomplished by Resolution or Ordinance.

COMMISSION DISCUSSION

Section 7.01(d) Ordinances read by title only. It was stated that State Statutes mandate that budget Ordinances be read in its entirety. Additionally, there was a referendum question which the citizens passed to allow that Resolutions be read by title only. No change.

Section 1.02 Powers. It was noted that in the proposed City Charter, subsection (a) states: "The City of North Port shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of the State and by this Charter, together with all implied powers necessary to execute all the powers granted. Except as prohibited by the Constitution of this State, general or special laws, County Charter, or as restricted by this Charter, the City of North Port may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever." However, an important paragraph is omitted from the current City Charter, which reads: "The City of North Port, having been duly created as specified in Section 1.01, shall have all governmental, corporate and proprietary powers of the "Home Rule Powers Act" to enable it to conduct municipal government, perform municipal functions and render municipal services, and shall exercise any and all powers for municipal purposes within its corporate limits, except as otherwise provided by the Constitution, General or Special laws of the State of Florida, or County Charter, and as such shall have perpetual succession and seal." It was suggested to include that provision.

There was a consensus to direct the City Attorney to determine where and how Section 1.02 of the current City Charter should be added back into the proposed City Charter.

Section 3.05 Qualifications of Elected Members, in the current City Charter, subsection (c) "Members of the City Commission shall discharge the duties of each respective office and shall hold no other government office or be employed by the City of North Port during their respective terms of office." is missing in the proposed City Charter. It was explained that is a State law and there is no reason to restate it. No change.

Section 9.05 Rezoning Ordinance, in the current City Charter, "The rezoning of private real property from one zoning classification to another may be accomplished only by ordinance as prescribed by general law and ordinance." is missing in the proposed City Charter. It was explained that is a State law and there is no reason to restate it. No change.

Section 7.05(a) Citizen Initiatives. Discussion ensued: (1) a concern was expressed that the process is too restrictive of requiring citizens to produce a petition signed by 5% of electors in order to propose an Ordinance for Commission discussion; (2) the difference between the Charter initiative process and a public commenter advocating for a new or amended Ordinance was explained; (3) due to the costs involved in a special election, City Charter amendments initiated by a citizen-referendum should wait to be placed on a general election ballot; (4) it was suggested to include a deadline for citizen initiative submissions but no action was taken; (5) it was suggested in Section 7.05(a) to change "advocate" to "request" removal of a Charter Officer.

There was a consensus in Section 7.05(a), and elsewhere in the Charter as applicable, to change "advocate" to "request" where it pertains to the removal of Charter Officers.

Section 8.02(c). Amendments Submitted to Electors. Discussion ensued: (1) it was

suggested to remove the reference to "special election" due to the cost or leave it as the discretion of the Commission; (2) it was noted that Section 8.02(b)(3) was redundant with Section 8.02(c); (4) City Attorney Slayton suggested merging the two.

There was a consensus to leave Sections 8.02(b)(3) and 8.02(c) as stated.

Section 7.01 Ordinance Enactment. Following a comment, clarification was provided that the effective date is provided at the end of the body of the Ordinance when approved.

Section 5.03 Position of Mayor. Discussion ensued: (1) it was noted that the provision does not provide for a mayor's long-term vacancy; (2) scenarios included: [a] the vice-mayor should assume the mayor's set until the annual elections; [b] if the mayor's vacant seat becomes an appointment by the governor, that person becomes the mayor; [c] Parliamentary Procedure guidelines state that the vice-mayor assumes the seat, becomes the mayor and a new vice-mayor is elected; (3) following a concern, it was noted that there have been times when the vice-mayor has signed documents in the absence of the mayor.

There was a consensus to add in Section 5.03 that in the case of a mayor's vacancy, the City Commission shall appoint a new mayor at time of vacancy for remaining term.

CITY ATTORNEY'S SUGGESTED MODIFICATIONS.

Page 8, line 265. It was noted that "for Registration Books" seemed out of place.

There was a consensus in Section 3.01(b)(1) Vacancies, to strike "for Registration Books."

Page 12, lines 402, 413 and 416 the Commission directed that these Ordinances be approved by unanimous vote and so recommended to strike "adopted by unanimous vote."

There was a consensus in Section 5.05(a) and 5.05(b) to strike "adopted by unanimous vote."

Page 22, line 786 Section 10.05(c) references "proprietary" functions of the City under the City Clerk's duties and it was stated proprietary is a legal term that has nothing to do with the City Clerk's duties. It was suggested to change the word to "clerical."

There was a consensus in Section 10.05(c), to change the word "proprietary" to "clerical."

Page 27, line 935, Section 12.05(c) Powers and Duties. It was recommended to delete the highlighted verbiage "and City board and advisory committee" to leave the flexibility to attend other non-Commission meetings when needed.

There was a consensus in Section 12.05(c) to strike the phrase "and City board and advisory committee."

Page 27, line 954, Section 12.05(g) Powers and Duties (the first paragraph). It was requested to remove "and Commissioners" because it could cause a conflict of interest and it could cause the expenditure of public resources for a private matter in violation of the Florida Constitution. In removing it, the ability of the City Attorney to provide the representation as necessary. The following alternate verbiage was offered to replace (g) in its entirety with, "Serve as legal advisor to the City, the City Commission, and all of the governmental and proprietary functions of the City and its departments, divisions, officers, boards, and committees."

There was a consensus in Section 12.05(g) to replace the first paragraph (g) in its entirety with, "Serve as legal advisor to the City, the City Commission, and all of

the governmental and proprietary functions of the City and its departments, divisions, officers, boards, and committees."

Page 28, line 958, Section 12.05(g) Powers and Duties (the second paragraph). After it was suggested to change the word "opinion" to "advice" discussion ensued: (1) State agencies refer requests back to the City Attorney for a legal opinion; (2) the concern is that the language is categorizing all advice provided by the City Attorney to every City requestor, as a legal opinion and legal opinions are maintained permanently; (3) clarification is needed that while advising, legal opinions need to be requested by the governing body; (4) suggestions ensued concerning the best process of requesting the City Attorney's legal opinion.

There was a consensus in Section 12.05(g) to reword the second paragraph (g) to only allow the City Manager, City Clerk and the Commissioners to have a legal opinion upon request.

Recess 8:52 p.m. - 9:05 p.m.

COMMISSION DISCUSSION continued

ARTICLE III Vacancy of Commissioners.

Section 3.01(b)(2) Vacancies. It was suggested to remove "or less than nine (9) months prior to the next general election" because the previous paragraph addresses the issue of when there is more than nine months left in someone's term, there will be a special election; (2) after it was noted that if a vacancy occurs during the timeframe of 90 days prior to a general election, the position must be appointed by the governor, it was suggested that if there is a vacancy less than 90 days, the position shall remain vacant; (3) concern was expressed that there is no provision for what happens under the 90-day timeframe; (4) removing the suggested phrase "or less than nine (9) months prior to the next general election" resolves what will happen during that timeframe; (5) it was suggested to add #3 to state: "If less than 90 days, the position will remain vacant."

There was a consensus to remove "or less than nine (9) months prior to the next general election" in Section 3.01(b)(2) Vacancies.

There was a consensus to direct the City Attorney to craft language, adding: (3) "If less than 90 days, the position will remain vacant."

Section 3.01(b)(2)(v) line 286. Vacancies. Discussion ensued: (1) it was noted that (v) does not address when the candidate assumes office; (2) it was suggested to eliminate that provision.

There was a consensus to strike Section 3.01(b)(2)(v) "The next primary election, if a nominee is declared elected."

Section 5.05(a) Organizational Structure. Discussion ensued: (1) concern was expressed that the City Manager Department should only be removed by referendum because the form of government and a department are different entities; (2) it was noted that currently North Port has a City Manager form of government and when that is changed by referendum, the City Manager Department can be added at the same time. No change.

Section 5.05(b) Organizational Structure. Clarifying language was suggested to remove the stipulation of "adopted by unanimous vote" of the Commission because direction by the voters must be implemented; (2) clarification was provided that under State Statutes, these Districts are created or dissolved by Ordinance; (3) concern centered on the "unanimous vote" condition if the voters had already approved the dissolution of a District; (4) alternatively, referendums depend on how the question is worded. Asking permission to dissolve a District does not mandate that it will happen and if the voters say yes, the ultimate decision still belongs to the Commission; (5) differing opinions were expressed regarding whether a referendum should be required to create a District.

There was a consensus to strike language in Section 5.05(b) "adopted by unanimous vote."

Section 6.03(b) Quorum and Voting Requirements. Discussion ensued: (1) after concern was expressed that the section allows a possibility that two Commissioners could approve major decisions, it was noted that there are times when business must continue. No change.

Commissioner Hanks left the meeting at 9:56 p.m.

Section 8.02(c) Amendments Submitted to Electors. After it was noted that the current City Charter states that the Charter Review Advisory Board may recommend proposed amendment(s) to the City Commission, it was suggested to add it back in, clarifying that the Commission is not required to take action on those recommendations.

There was a consensus in Section 8.02(c) to add the following back into the Charter "The Charter Review Advisory Board may recommend proposed amendment(s) to the City Commission."

There was a consensus to direct the City Attorney to ensure the cleanup/merge of paragraph (c) reflects that the Charter Review Board proposals submitted to the Commission are "recommendations."

Section 8.02(e) Amendments Submitted to Electors. It was suggested to change the verbiage from "voters" to "electors."

There was a consensus in Section 8.02(e) to change "City's voters" to "City electors."

The City Attorney will bring back the Ordinance and ballot language with a proposed City Charter attached, along with a redlined version of the changes made tonight. The information will also be included in the meeting backup material.

It was requested that Commissioners draft additional questions or changes, email those to the City Manager, who will forward them to the Commission prior to discussion at the first reading of the Ordinance.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Attorney to come back with a first reading Ordinance, calling for a referendum on the Charter changes as proposed with the consensuses. The motion carried by the following vote with Commissioner Hanks absent.

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

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Vice-Mayor Yates: (1) the Sarasota-Manatee Metropolitan Planning Organization (MPO) meeting this month was moved up a week; (2) following a concern regarding CVS Drugstore off-street parking, City Manager Lear stated that multiple contacts were made by Staff with CVS to inform them they will be responsible for any damage caused and thereafter, it was stated that the issue was resolved today. A follow-up email will be sent to the Commission regarding the matter.

Mayor Carusone: (1) distributed an update regarding the forthcoming safety/security

plans for the schools and provided an overview of the meeting held this morning. Discussion ensued and the conclusion was that undertaking these priorities are huge but the schools need to be and will be safe for our children.

Commissioner Luke: (1) following a recommendation to implement 360 Evaluations on Charter Officers, it was noted that a self-evaluation by the City Manager is part of the 360 Evaluations; (2) the City Manager was requested to review the City Manager and City Clerk's Contracts and make sure a 360-type Evaluation does not conflict their contractual language.

There was a consensus to direct the City Manager to make sure a 360-type Evaluation does not conflict with the City Manager's and City Clerk's contractual language.

10. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lear: (1) provided an update regarding the Environmentally Sensitive Land Program in conjunction with Sarasota County and stated their Ordinance does not allow granting of monies to other entities or donating lands to other entities, thus the land within the program would be theirs; (2) the Assistant City Manager was requested to draft a letter to remove North Port from that Program; (3) it was noted that a discussion could be scheduled for a later time concerning the question: if that millage does not benefit North Port, residents should not have to pay that tax.

There was a consensus to direct the City Manager to draft a letter to withdraw North Port's Application from the Sarasota County's Environmentally Sensitive Land Program and to determine the procedure that must be followed to make that happen.

There was a consensus to direct the City Attorney to review the implications of the referendum pertaining to the Environmentally Sensitive Lands Program and determine how to withdraw, if North Port does not receive any benefits.

Subsequent to a question, City Manager Lear stated that a discussion is scheduled as a Budget Amendment in July regarding the remaining properties along the Myakkahatchee Creek and the Little Salt Spring.

Clarification was provided that, pending no need for Commission action and confirming the procedure to be removed is allowed, the City Manager will provide the letter removing North Port from the Environmentally Sensitive Land Program to the Commission.

11. ADJOURNMENT:

Chair Carusone adjourned the North Port City Commission Regular Meeting at 10:40 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

Attest: _____
Kathryn Peto, Interim City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2018.