



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Special Meeting

CITY COMMISSIONERS

Vanessa Carusone, Mayor
Linda M. Yates, Vice-Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS

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

Tuesday, August 21, 2018

1:00 PM

CITY COMMISSION CHAMBERS

AMENDED TO ADD ITEM 4.E.

MINUTES APPROVED AT THE 09-25-2018 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 1:04 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 and City Clerk Adkins.

A moment of silence was observed followed by the Pledge of Allegiance led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

After a request by City Manager Lear, the Commission determined that they would like to pull Agenda item 4.B. for discussion at a later date.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the Agenda as presented, pulling item 4.B. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

There was no public comment.

3. PRESENTATIONS

A. [18-535](#)

Presentation by Rodger Baum regarding a P3 combining YMCA East and Dallas White into one project.

CORE Construction Vice President Roger Baum and Holabird and Root Principal Eric Risinger provided a PowerPoint presentation of the item.

Discussion ensued: (1) a Public-Private Partnership (P3) is a collaboration between public and private sectors that work together on projects including finance, design, construction, maintenance and operation; (2) it was explained that the presentation is more than a YMCA or Boys and Girls Club facility, it is about creating a destination location that provides more purpose than services; (3) other groups including YMCA, the Boys and Girls Club, Bayfront Health and the Art Center have expressed interest in signing on as operators of the east end project; (4) the basis is the City's goal on expanding a YMCA and Boys and Girls partnership with another City Hall substation in the east end, and considering a P3 to expedite the project; (5) the YMCA, Boys and Girls Club, Big Brothers-Big Sisters, and the Children's Clothes Closet all provide a public service to the residents of the City; (6) when developing partnerships collaboration between entities is necessary and it's critical to not create competition that would put a partner out of business; (6) this is about bringing together public entities with a private financing team to provide a public project; (7) this is a different way to look at providing a public purpose without the City independently developing the project; (8) it was noted that the plan in the presentation is conceptual and is a basis to what is possible; (9) a 30,000-foot building utilizing indoor and outdoor space occupied by multiple entities as noted on the site plan from the presentation material was discussed; (10) the first step is for the Commission to approve a pre-development agreement to provide for collaboration; (11) the agreement outlines the financing, the participants and the terms for repayment of debt to the private partners; (12) it was explained that the initial building investment encourages other businesses to build nearby, and that the private partner may receive a portion of development fees collected for new projects as part of their repayment; (13) concern was expressed that the Commission is considering a facility on the east side of the City and that the two locations suggested are too close to where services are already being provided; (14) it was noted that perception is paramount, and the project should not be identified as the YMCA because they would not be the only one benefiting from the project; (15) it was suggested that the project be referred to as the East End Community Center and not specifically identify individual partners; (16) concern was expressed for any Commission action being taken today as the Florida State Statutes (FSS) provides for the process of a P3 proposal, that a proposal must exceed beyond a conceptual nature, that a proposal may be submitted in an unsolicited manner to the City, or the City may solicit for a P3, and that should the Commission choose to pursue a P3 it was suggested to retain outside legal counsel as there are very specific legal requirements; (17) there is a reference in the FSS to an application fee and that the party that submits a P3 proposal absorbs the associated costs; (18) when the lending institutions see the City listed as Grantor it helps to lower the costs, it is known as a capital lease and is under annual appropriation which allows the City to withdraw at any time should they choose to do so; (19) the City would be one of the primary tenants and the partners pay the actual debt obligation; (20) the presenters group has a fee that is included in the project; (21) it was explained that the Dallas White and East End projects could be handled collectively; (22) the City does not have regulation in the Code for using a P3 option, and the procurement code would need to be amended before any action is taken; (23) it was clarified that by amending the procurement code a P3 would be an option and not a requirement.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to have the City Manager and City Attorney meet to determine the best

course of action to allow P3 in the code, and any obstacles that need to be addressed prior to working with a P3 organization. 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 explained that the City Attorney will retain outside legal counsel if necessary to enter an ordinance that addresses working with a P3, and will advise the Commission if retaining additional counsel is necessary; (2) it was noted that Staff recommended not taking any action at this time; (3) the intent is not to make any decisions, it is for communication, it is to develop an understanding of state laws and the City's procurement code for Staff to see if a P3 is an option; (4) concern was expressed for supporting a motion that is specific to the project presented, that the code should be set-up to do what is necessary, that the City shouldn't do anything to tarnish the ability to work with a P3 in the future, and that anyone can speak with the City Manager, City Attorney and Staff to see if the conversation can go any further; (5) concern was expressed that moving forward meeting with the presenters may give them an unfair procurement advantage; (6) the City Manager and City Attorney have discussed the matter and do not want to create any improprieties in the procurement code; (7) the intent was for Staff and the presenters to have a discussion regarding alternatives to make a project like this move forward that may not necessarily require a change to the ordinance or procurement code. There was no public comment.

A motion was made by Commissioner Hanks, seconded by Mayor Carusone, that the presenters meet with the City Manager and City Attorney to discuss what is necessary to move forward. After discussion the motion and the second were withdrawn.

B. [18-548](#)

Proclamation for Patsy Adkins

Mayor Carusone read the Patsy Adkins Day Proclamation into the record and presented it to City Clerk Adkins.

Recess 2:47 p.m. - 3:08 p.m.

4. DISCUSSION ITEMS:

There was a unanimous consensus to move Item 4.E. after 4. A.

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

A. [18-544](#)

Discuss funding options for the Dallas White Park Conceptual Site and Design Master Plan including updated information for Surtax.

City Manager Lear, Finance Director Lowrie and General Services Director Pfundheller provided an overview of the item.

Discussion ensued: (1) approving option one today will replace the proposed budget amount on page 886 of the Capital Improvement Program (CIP) for the Dallas White Park Conceptual Master Plan Design and Construction included in fiscal year 2020 in the amount of \$250,000; (2) it was explained that based on prior Commission direction this will now look at a site-specific Master Plan, including all facilities at the park, at a cost of \$125,000; (3) it was noted that the \$250,000 funding will still be needed for design and construction and should remain in the budget; (4) it is presumed that the Master Plan for Activity Center 6 is conceptual whereas the Dallas White Master Plan will be site specific

which could explain the difference in cost; (5) the Dallas White Park Master Plan will be a broad view conceptual plan that will provide what can fit on the property and what the property can sustain, and that a detailed architectural plan will be needed as the project moves forward; (6) work is moving forward with the dock getting the permits so that construction can begin, the new site plan will not impede work already in process; (7) it was explained that the Master Plan will incorporate feedback regarding current and future use of the site from various organizations that currently use the site, and will also look at the facilities and how they inter-relate; (8) the buildings will be looked at in the Master Plan to determine if they can be renovated or if they need to be replaced; (9) concern was expressed about current issues with the buildings and to not wait a year to complete this task; (10) the new Master Plan will take into consideration what already exists such as electric and utilities; (11) the Fire Department and Police substation will not be included in the Master Plan; (12) the Master Plan will also look at the connection with the skate park, future disc golf, and the trail to interconnect a relation with the park; (13) Commission, community and stakeholder input will be used to develop the Master Plan which will incorporate a variety of different services needed in the community and will maximize the area; (14) the public survey is a component that is part of the cost, and should be sent to the users and verified for accountability; (15) it was noted that it will take approximately 90-days for the proposal and then six-months for the Master Plan to be completed, that overall the process will take nine-months to one-year; (16) the \$125,000 to pay for the Master Plan is available in the general fund, there was \$200,000 in the economic development budget for the hospital initiative that is not being done; (17) Staff can provide the Commission with some items not completed in fiscal year 2018 where the funding will be returned to the general fund; (18) Commissioner McDowell expressed concerns and noted that Dallas White Park was not part of the strategic plan and only because of the building that it hit the radar, it was questioned whether the Commission is doing the plan to address Dallas White Park or to address the building, it hadn't been previously discussed and the need to expedite the project this year is not clear, there are other items in the strategic plan that are a priority to the Commission where the funding can be used, just because there is a current year savings doesn't mean it has to be spent, the savings could be used to reduce taxes, though Dallas White Park needs upgrades it doesn't need to be done this year, it can be discussed at the next strategic planning and possibly be considered next year; (19) the YMCA does not mention the Dallas White pool on their website though they run the pool, and that North Port isn't listed on their locations map; (20) it was explained that the pool is mentioned under the aquatic page, and that the locations page only identifies proper branches; (21) Commissioner Hanks expressed his agreement with Commissioner McDowell's statement, and noted that the building and the children's use should be addressed, and that a Master Plan is not necessary; (22) the Master Plan is needed to check the present condition of the buildings, this is necessary to see what needs to be done and should be addressed sooner than later; (23) the Commission has seen some of the community needs and the building should have a Master Plan to have a facility that will accommodate the community's needs and not spend money on modifications to the building without knowing the future needs to accommodate growth; (24) the immediate need should be addressed now and other options should be explored, a Master Plan is not a necessity, there are opportunities out there to work with the private sector; (25) Mayor Carusone expressed concern that the Master Plan will only indicate what can be placed on the property, that the buildings were built in the 1950s and need to be replaced, that is why the Fire Department and City Hall were replaced, that the buildings should not be refurbished and that the utilities would not meet current code, and that this applies to all buildings in the complex, that the issue is about the children of North Port and that a Master Plan is not needed to rebuild the building, that the \$200,000 from the hospital plan could be used to do this, that it was direction from the Commission that a Master Plan had to be done, that the buildings have to be addressed now, and that the

children and citizens who use the facilities are the ones to suffer if something isn't done expediently; (26) by collaborating with the service users a conceptual plan for building can be done; (27) there are known issues with the buildings and the Commission and City are responsible that the buildings can be utilized based on the code.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Yates, to perform option 1 for the Dallas White Park Conceptual Site and Design Master Plan. The motion failed by the following vote:

Yes: 2 - Vice-Mayor Yates and Commissioner Luke

No: 3 - Mayor Carusone, Commissioner Hanks and Commissioner McDowell

Discussion continued: (1) it was suggested to consider a remodel of the buildings or a modular unit in the interim until a proper Master Plan is developed; (2) the softball fields and the volley ball courts are managed through the interlocal agreement with Sarasota County, the softball fields are used by the Huskies, the fields are rented more as pickup-time than a regular scheduled league; (3) a suggestion was made to locate space in the immediate area to consider using pods to house the various organizations while other actions are being taken; (4) Staff has been working together to research options regarding the use of portable buildings and what would be required; (5) the portable buildings can cost upward of \$80,000 and leasing options are being reviewed for a lesser cost, and that Staff is researching options to bring back to the Commission if the children can be relocated to another City facility; (6) subsequent to the Commission's invitation to speak, Sky YMCA CEO Pat Ryan noted that their agency had reviewed portable units in the past and explained that electricity, a fenced playground, ramps and landscaping would be needed as all are required by the State, it was noted that it may not be an affordable option, that the YMCA will work with Staff to research further, and that they need a sizeable facility based on the 70 children currently enrolled with their organization; (7) the Mullen or Morgan Centers wouldn't be an option because they need multiple classrooms, correct bathrooms and playgrounds based on their licensing with Florida Department of Children and Families (DCF) and the Department of Health; (8) it was suggested that the services remain available in the area where they are currently located because that is where services are needed the most; (9) it was suggested that this item can be discussed exploring more options once an ordinance is in place addressing a P3 as previously discussed; (10) a suggestion was made that Staff review the safety concerns of the buildings as discussed today; (11) it was explained that the agreement provides that the YMCA takes care of maintenance to a certain level, and the Staff will review the condition of the buildings and provide the information to the Commission. There was no public comment.

E. [18-559](#)

EDC of Sarasota County

Commissioner McDowell provided an overview of the item.

Discussion ensued: (1) it was noted that North Port residents are finding work within Sarasota County, but with contributions to the Economic Development Corporation (EDC) the desire is to have the companies in North Port; (2) working with the EDC is a marketing tool for the City; (3) the business tax receipts collected by the City must be spent for economic development within the City and there is approximately \$125,000 - \$130,000 available; (4) there is an opportunity to rework the local agreement and that should be considered; (5) it was suggested that the minutes regarding discussion of the EDC in a previous workshop be corrected to reflect a majority consensus as the Commission was not fully polled; (6) a suggestion was made to consider a new one-year contract with the Sarasota County EDC and continue with our EDC that is already provided for in the budget.

City Clerk Adkins left the meeting and Deputy City Clerk Peto joined the meeting at 4:29 p.m.

Discussion continued: (1) the needs of North Port are unique and there must be communication, and that more effort is needed from the County EDC; (2) it was suggested that the Commission budget \$65,000 for the Sarasota County EDC with the understanding there will be a new contract; (3) the hotels coming to North Port are due to the Braves and not the EDC; (4) Mayor Carusone expressed concerns that this same conversation was held last year, and that it is about investment versus benefit, that the City is not seeing an adequate return for the investment, and that the \$65,000 cost will be raising to \$70,000 soon, and it was suggested to fund the costs for our EDC services; (5) it was noted that the EDC was formed to create partnerships with private entities outside of public records requirements, and now there has to be public records; (6) a suggestion was made to pay \$30,000 now, revise the agreement and see how it goes while the City Attorney reviews the contract to determine if there is an obligation to pay the \$65,000 because some of the entities in the contract no longer exist; (7) it was suggested to direct City Manager to find \$35,000 in the budget to use for the Economic Development Program as the City's contribution, contingent on the agreement being revised and that the new agreement has parameters for communication, and provide for a direct and indirect return on investment of what the EDC does for the City of North Port; (8) it was noted that the proposed \$35,000 is for the current year until the contract is revised, or that the City continue to partner with the Sarasota County EDC, with the contribution contingent on a revised contract; (9) it was noted that the \$65,000 will need to be budgeted, and payment made when the contract is entered; (10) without payment the contract does not renew, if the monies are budgeted the contract renews because they haven't been given 90-days to end it before it renews automatically on October 1; (11) it was explained that even though the Tourism and Economic Development Board (TEDB) no longer exists, the City cannot reduce its contractual obligation, and that the City could use that as a breach of contract as a basis for termination or basis for recovery; (12) the City can budget the \$65,000 and renew the contract, or not budget the money and discontinue the agreement; (13) the City could budget the cost and send notice of termination and indicate that the City is willing to negotiate a different agreement giving EDC the year to work on it; (14) if the City elects to allocate the funds the earliest the agreement can be terminated is September 30 of the following year, with notice being sent 90-days prior; (15) Sarasota County EDC President Mark Huey explained that TEDB was a volunteer board that was absorbed by the Sarasota County EDC and Commission; (16) it was noted that the EDC Board passed a motion to engage in good faith with the North Port Commission and Staff for an updated interlocal agreement; (17) it was questioned whether the interlocal agreement had to be the same for each participating jurisdiction, or if each City could have an independent agreement; (18) the problem is based on lack of communication from all parties. There was no public comment.

A motion was made by Commissioner Hanks, seconded by Commissioner McDowell, to put the money back in the budget and make sure there is an expedient renegotiation of the mutual agreement. The motion carried by the following vote, with Mayor Carusone dissenting for reasons stated:

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

No: 1 - Mayor Carusone

B. [18-546](#)

Disposition of surplus assets by an appropriate fashion per Chapter 2 Article VIII Sec. 2-419 (d) of the City Code set forth in F.S. 274.06.

THIS ITEM WAS PULLED FROM THE AGENDA.

- C. [18-528](#) Approve an Interagency Agreement Between the Sarasota County Sheriff's Office and the City of North Port for the WINGS and CODY System.

City Manager Lear provided an overview of the item.

Discussion ensued: (1) it was explained what constitutes a breach of contract by the City and the possible repercussions. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Interagency Agreement between the Sarasota County Sheriff's Office and the City of North Port. The motion carried by the following vote:

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

- D. [18-537](#) Commission to appoint Kathryn Peto as the Interim City Clerk effective August 22, 2018.

Discussion ensued: (1) the Commission offered the position of Interim City Clerk to Deputy Clerk Peto and she accepted; (2) it was explained that Ms. Peto is a contract employee and that the Commission can choose to use the personnel policy to determine pay, it was noted that when the previous City Clerk was appointed Interim she was placed at the minimum of the Director's pay grade, and currently the minimum amount is \$95,679.28, which is applicable to this situation as it is greater than a 5% difference. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to appoint Kathryn Peto as the Interim City Clerk effective August 22, 2018, at the minimum City Clerk pay grade. The motion carried by the following vote:

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

5. PUBLIC HEARINGS:

- A. [18-531](#) Resolution 2018-R-20, Honoring Fifty Years of Municipal Home Rule in the Florida Constitution

Vice-Mayor Yates gave an overview of the item.

A motion was made by Vice-Mayor Yates, seconded by Commissioner McDowell, to approve Resolution 2018-R-20, Honoring Fifty Years of Municipal Home Rule in the Florida Constitution. The motion carried by the following vote:

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

6. PUBLIC COMMENT:

There was no public comment.

7. COMMISSION COMMUNICATIONS:

Commissioner McDowell: (1) subsequent to suggesting an updated status report being provided to the Commission prior to September 15 regarding hiring a consultant to update

the Unified Land Development Code (ULDC), it was noted that the matter is with the City Attorney's Office and is being prepared as an Agenda item for the September 11 meeting; (2) it was noted that the EDC is in support of expanding the Legacy Trail and opposing the single-member district, data was passed out to the Commission.

Commissioner Hanks: nothing to report.

Commissioner Luke: nothing to report.

Vice-Mayor Yates: nothing to report.

Mayor Carusone: nothing to report.

8. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lear: (1) the City Clerk position was posted and there are 13 candidates that meet the qualifications, and because this is a Charter Officer position, direction of how to proceed was asked of the Commission; (2) it was noted that in the process of hiring the Deputy City Clerk, the number of applicants was narrowed down to four or five and then interviewed by the Commission; (3) a suggestion was made to keep the same process that was most recently used for hiring the Deputy City Clerk; (4) it was explained that in the previous process the City Clerk assisted with selecting the five candidates, and this time the Interim City Clerk is also one of the candidates; (5) it was suggested that the Commission review the 13 applicants and select the top five candidates, and then have a public meeting to narrow it down to three candidates to come in for interviews; (6) Staff will send the applications to the Commission, and the Commission can determine the meeting date; (7) it was noted that selecting five, and then three candidates will need to be done at two public meetings; (8) a suggestion was made to have Human Resources (HR) conduct background checks for each candidate prior to sending the information to the Commission; (9) each Commissioner can share their pick of five candidates with the City Manager who will then schedule the top five for a public meeting; (10) concern was expressed that if it takes too long for the Commission to act some of the candidates may withdraw, and it was suggested that HR provide the Commission with the research results for the September 11 meeting; (11) it was noted that Staff can have the background checks completed and returned to the Commission by September 11; (12) it was explained that all applications from Veterans will be considered without restrictions to the number of candidates, if there are more than five Veterans, all Veterans will be considered; (13) all 13 applications will be sent to the Commission for review, and Staff will report any background check discrepancies and Veteran statuses by September 11; (14) it was noted that Staff will be reaching out to all applicants when doing the background checks.

There was a consensus that the City Manager provide the Commission with all 13 applications, and information from background checks and Veteran status will be sent to the Commission on or before the September 11 meeting.

ADMINISTRATIVE AND LEGAL REPORTS:

City Attorney Slayton: nothing to report.

Interim City Clerk Peto: nothing to report.

9. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Regular Meeting at 5:24 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.