



# 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*  
*Kathryn Peto, Interim City Clerk*

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Tuesday, October 9, 2018

1:00 PM

CITY COMMISSION CHAMBERS

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## **MINUTES APPROVED AT THE 11-27-2018 MEETING**

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

The North Port City Commission Regular Meeting was called to order at 1:12 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; Interim City Clerk Peto and Police Captain Koval.

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

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

After a request by the Mayor, the Commission determined that they would like to pull Consent Agenda item 6.C. for discussion.

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the Agenda, pulling Item 6.C. for discussion. The motion carried by the following vote:***

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

### **2. ANNOUNCEMENTS**

#### **A. [18-707](#)**

Current Vacancies for Boards and Committees.

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

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**B. [18-708](#)** Upcoming Expiration Dates for Boards and Committees.

Interim City Clerk Peto read the Upcoming Expirations for Boards and Committees into the record.

**3. PUBLIC COMMENT:**

Public comment: 1:16 p.m. - 1:20 p.m.

Robert Zabler: Warm Mineral Springs.

Following a concern, confirmation was provided that information gathered by Mr. Zabler was submitted to the City during the Master Plan workshop process.

**4. PUBLIC HEARINGS:**

**A. [18-687](#)** ANX-18-091, CPA-18-092, REZ-18-093 Public hearings for three petitions: Ordinance 2018-25 (Petition ANX-18-091) Second Reading, Ordinance 2018-26 (Petition CPA-18-092) Second Reading, Ordinance 2018-27 (Petition REZ-18-093) Second Reading, and Petition DMP-18-106. RaceTrac Voluntary Annexation of ±3.00 acres into the City of North Port from Unincorporated Sarasota County, Small Scale Comprehensive Plan Amendment to assign Future Land Use, and Rezone of ±3.00 acres to assign zoning. (QUASI-JUDICIAL)

Interim City Clerk Peto swore in those wishing to provide testimony and read Ordinance Nos. 2018-25, 2018-26 and 2018-27 into the record by title only.

Ex parte communications were disclosed: (1) Commissioner Luke stated that she had an agenda briefing with the City Manager, Assistant City Manager and the Assistant City Attorney; (2) Vice-Mayor Yates stated that she had an agenda briefing with the City Manager, Assistant City Manager and the Assistant City Attorney; (3) Mayor Carusone stated she did not have any ex parte communications; (4) Commissioner McDowell stated that she had an agenda briefing with the City Manager, Assistant City Manager and the Assistant City Attorney, and sent an email to the City Manager regarding Talon Bay Road and the answer was forwarded to the Commission; (5) Commissioner Hanks stated that he had an agenda briefing with the City Manager, Assistant City Manager and the Assistant City Attorney and received the forwarded email.

Discussion ensued: (1) it was suggested that ownership of Talon Bay Road be clarified; (2) it was explained that the City has never been petitioned to accept responsibility for Talon Bay Road, that Resolution No. 2005-R-26 for Condemnation was proposed and not pursued, and that the City Attorney is researching City ownership of the road through prescriptive easement.

DeLisi Fitzgerald, Inc. President Andrew Fitzgerald Agent for the Applicant did not have anything further to present and is available to answer questions. City Senior Planner Galehouse noted that the filing fee is not in the City's fee structure and that the cost is included in the fee for annexation and rezoning and suggested to strike the filing fee language from Ordinance Nos. 2018-25 and 2018-27.

Discussion continued: (1) the Petitioner has paid all fees to date.

There was no rebuttal from the Applicant and there was no public comment.

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve Ordinance No. 2018-25 relating to the annexation of 3 +/- acres located in Sarasota County near Talon Bay, removing from the Ordinance in Section 4.01 the sentence that reads "the cost of such filing shall be paid by the Petitioner". The motion carried by the following vote:***

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

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to accept Ordinance No. 2018-26. The motion carried by the following vote:***

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

***A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to approve Ordinance No. 2018-27 for the rezone of the parcel, removing from Section 3.01 the last sentence that says "cost of such filing shall be paid by the Petitioner". The motion carried by the following vote:***

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

**B. [18-688](#)**

Ordinance No. 2018-16, First Reading, Change of Street Name, Renaming a Section of South West Villages Parkway to Playmore Road

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to read Ordinance No. 2018-16 by title only. The motion carried by the following vote:***

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

Interim City Clerk Peto read Ordinance No. 2018-16 into the record by title only.

Discussion ensued: (1) the ordinance presented last year regarding street naming is in reference to Chapter 70 of the Unified Land Development Code (ULDC) and is separate from this item; (2) it was suggested that language in this ordinance referring to the ULDC be corrected to state Administrative Code before second reading; (3) a suggestion was made to add an additional whereas clause to include language about safety and wellness. There was no public comment.

***A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to continue Ordinance No. 2018-16 for second reading on October 23, 2018 with the changes as mentioned in regard to Chapter 70 of the Administrative Code throughout the ordinance and the change to the fifth whereas pertaining to maintaining the health, safety and welfare. The motion carried by the following vote:***

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

**D. [18-715](#)**

Resolution No. 2018-R-26, Non-Use of Fertilizer

Interim City Clerk Peto read Resolution No. 2018-R-26 into the record by title only. City Manager Lear and Stormwater Manager Wong provided an overview of the item.

Discussion ensued: (1) it was noted that this resolution does not conflict with the existing ordinance; (2) Staff will apply for grants available with the Charlotte Harbor National Estuary Program (CHNEP); (3) the City will have an educational campaign and will reach out to golf courses and encourage them to participate; (4) the educational program will share what residents can do to make a difference, the proper use of reclaimed water and suggest best practices; (5) it was suggested that the reference to staff in Section 2.01 be changed to City Manager; (6) a suggestion was made that Staff review exemptions required by Florida State Statute (FSS) so that the Commission may review the exemptions in the ordinance.

PUBLIC COMMENT

Justin Willis: extend time frame in ordinance.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor Yates, to accept Resolution No. 2018-R-26. 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. [18-675](#)**

Discussion, and possible action to award funds from the Special Event Assistance Program to the American Cancer Society Relay for Life, North Port in the amount of \$1,000.00 to cover the cost of City fees and or resources associated with the April 13, 2019, North Port Relay for Life event.

City Manager Lear gave an overview of Agenda Items 5.A. and 5.B.

Discussion ensued: (1) it was noted that Agenda Items 5.A. and 5.B. would be combined for discussion only; (2) it was explained that the deposit is not included in the assistance program. There was no public comment.

***A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to approve the special event assistance program application for the American Cancer Society Relay for Life - North Port in the amount of \$1,000. The motion carried by the following vote:***

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

**B. [18-678](#)**

Discussion, and possible action to award funds from the Special Event Assistance Program to the Cranberry PTO in the amount of \$250.00 to cover the cost of City fees and or resources associated with the February 2, 2019, Cranberry Cougars 5K event.

PUBLIC COMMENT

Justin Willis: expressed appreciation for waiver.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to award the funds for the special event assistance program to the Cranberry PTO in the amount of \$250. The motion carried by the following vote:***

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

Recess 2:33 p.m. - 2:56 p.m.

**C. [18-705](#)**

**Legal non-conforming uses in Commercial Districts and Activity Centers**

Vice-Mayor Yates provided an overview of the item.

Discussion ensued: (1) it was explained a nonconforming use is a use that was legal at the time that it began and continued when City codes changed, and that use is no longer allowed in that area; (2) it was noted that a specific use can be made legal and could be a zoning change; (3) concern was expressed that the ordinance as currently written prevents an owner from being allowed to use their property to full capacity if they are a nonconforming use; (4) nonconforming use is restricted to the original parcel, additional lots cannot be combined in the future for nonconforming use; (5) there isn't a legal prohibition for the City to address nonconforming use; (6) the option to utilize "use by right" in the code was explained; (7) special exceptions are any use not listed as permitted or prohibited; (8) there are different types of businesses that are not allowed based on the code including pawn shops and car dealerships; (9) there are three known nonconforming uses in the City which include Port City Pawn, Martin Septic and a dog boarding facility in the Estates; (10) a suggestion was made to address the specific issue and remove the prohibition of pawn shops on Tamiami Trail; (11) the City can limit the expansion of nonconforming property; (12) concern was expressed that other nonconforming uses could file suit to pursue the same benefit; (13) it was explained that the newly expanded portion of a nonconforming business would have to comply with the current codes, and possibly the preexisting area would also need to be brought to code; (14) the language in 53-245(a) is prohibitive and it was suggested it be reviewed and reworded; (15) a suggestion was made to have a workshop to discuss unintended consequences; (16) it was noted that the item would need to be removed from prohibited and added as permitted, a special exception will be needed if not added as permitted.

***A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct Staff to bring the Commission an ordinance revising the ULDC for Activity Center One removing the prohibition of pawn shops and adding that use to the permitted uses within Activity Center One. The motion carried by the following vote:***

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

Discussion continued: (1) a suggestion was made to have Staff's research and recommendation presented to Planning and Zoning Advisory Board (PZAB) and then bring it to Commission for first reading. There was no public comment.

***A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct City Manager to bring the Commission a draft ordinance addressing Article 21, conformities, in the ULDC similar to the example provided today, for the concept to allow expansion of nonconforming use, with Staff's research and recommendations regarding unintended consequences.***

***A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to amend the motion to have Staff bring back a first reading after it has been vetted through PZAB and with Staff research and recommendations. 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 direct City Manager to bring the Commission an ordinance for first reading addressing Article 21, conformities, in the ULDC similar to the example provided today, for the concept to allow expansion of nonconforming use, with Staff's research and recommendations regarding unintended consequences after it has been vetted through PZAB. The motion carried by the following vote:*

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

#### **4. PUBLIC HEARINGS:**

- C. [18-613](#)** Resolution No. 2018-R-15 consenting to Sarasota County and West Villages Improvement District constructing a reclaimed water transmission main and reclaimed water transmission lines from unincorporated Sarasota County into the West Villages Improvement District located within the City of North Port's corporate limits.

*A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to pull item 4.C. Resolution 2018-R-15 to a future meeting at the City Manager's discretion. The motion carried by the following vote:*

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

#### **6. CONSENT AGENDA:**

*A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Consent Agenda items A, B, and D through L, and pull item 6.C. for discussion. The motion carried by the following vote:*

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

- A. [18-709](#)** Approval of minutes for the July 2, 2018 Commission Special Meeting, July 5, 2018 Commission Special Meeting, July 9, 2018 Commission Special Meeting, July 10, 2018 Commission Regular Meeting, July 16, 2018 Commission Budget Workshop, July 17, 2018 Commission Budget Workshop, July 18, 2018 Commission Budget Workshop, July 18, 2018 Commission Special Meeting, July 24, 2018 Commission Special Meeting, July 24, 2018 Commission Regular Meeting, September 20, 2018 Commission Budget Hearing.
- B. [18-648](#)** Cash Receipts Summary - August 2018
- C. [18-677](#)** Appointment of Joan Morgan and Deborah Reynolds as a Regular Members to the Historic and Cultural Advisory Board.

Discussion ensued: (1) it was suggested to place Joan Morgan in a position other than regular member due to her extensive background living in North Port. There was no public

comment.

*A motion was made by Vice-Mayor Yates, seconded by Mayor Carusone, to appoint Joan Morgan to the Historic and Cultural Advisory Board as the history, culture, folklore or architectural history or culture principal, and Deborah Reynolds as regular member at large. The motion carried by the following vote:*

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

- D.** [18-659](#) Appointment of James Sawyer as a Regular Member to the Planning and Zoning Advisory Board.
- E.** [18-658](#) Appointment of Laura Pucci for a second term as a Regular Member to the Art Advisory Board.
- F.** [18-319](#) Agreement No. 2018-40, site selection and design services for Utilities Administration and Warehouse Facilities with Stantec Inc. in the amount of \$ 887,425 plus site dependent optional services in the amount of \$144,251 for a total amount of \$1,031,676.00.
- G.** [18-595](#) Utilization of Lake County Contract 17-0606B for the purchase of firefighter protective clothing from Bennett Fire Products, Inc. in the FY 2018-19 budgeted amount of \$132,000.
- H.** [18-612](#) CJIS Security Supplement to Software License and Services Agreement.
- I.** [18-635](#) Work Assignment No. 4 with Layne Inliner, LLC. in the amount of \$55,500 and Work Assignment No. 5 with Insituform Technologies, LLC. In the amount of \$769,042.58 for the Inflow & Infiltration Project.
- J.** [18-683](#) 2018 Walmart Foundation Grant Application - Community Grant in the amount of \$2,000 to be used for Shop with a Cop.
- K.** [18-589](#) Authorization to sole source Neptune AMR Water Meters, reading equipment, software and services for repair and maintenance from Sunstate Meter & Supply, Inc. in accordance with the attached unit pricing sheet.
- L.** [18-601](#) Interagency Agreement between the Sarasota Family Youth and Family Services (YMCA) and the City of North Port.

## **7. PUBLIC COMMENT:**

Public comment was held 4:13 p.m. - 4:15 p.m.

Joan Morgan: Veteran's Park fountain.

## **8. COMMISSION COMMUNICATIONS:**

Commissioner Hanks: nothing to report.

Commissioner McDowell: (1) Biscayne Drive beautification update in October; (2) is working with Joan Morgan to offer a viewing of a film about veteran suicide and prevention, they are looking for a venue at no charge.

Discussion ensued: (1) there will be a memo update regarding Biscayne Drive sent to the Commission in October and additional information will be provided in November after the advisory board meets; (2) a portion of the contract has been canceled with the vendor and Staff has been working on the median; (3) there hasn't been communication between Commissioner McDowell and Mayor Carusone regarding Holly's Hope involvement with the veteran suicide and prevention film.

Vice-Mayor Yates: (1) Proclamation in July for Saint Sava Church, contact information to be forwarded to City Clerk Peto; (2) it was suggested to invite Ygrene Energy to give a presentation on the Property Assessed Clean Energy (PACE) program and noted they will want the City to adopt a resolution and opt in to the program; (3) the Commission will receive an invitation for the October 17, 2018 St. Sava performance; (4) the North Port High School Marching Band has been selected to march in Rome, January 1, 2020, Rome delegates will be here March 2019 and may want to use the City Chambers, information will be forwarded to the City Manager.

Discussion ensued: (1) two items will be on the agenda in November, a resolution and a presentation from Sarasota County regarding the PACE program, this program allows for home improvement financing for energy efficiencies, the City Manager will forward information to the Commission.

***There was a unanimous consensus to allow the Chambers to be used by the delegates from Rome.***

Commissioner Luke: (1) noted that October 10, 2018 is Student Government Day.

Commissioner Hanks: (1) suggested that Staff research the status of the electric trees being placed at City Hall with Florida Power and Light (FPL).

Mayor Carusone: (1) noted that the policy meetings tomorrow have been canceled; (2) developed a task force to review and recommend changes in the Florida Department of Children and Families (DCF) process, a resolution will be created and shared with the Commission for submission to the Florida League of Cities (FLC); (3) Holly's Hope has filed for non-profit status; (4) attended National Night Out; (5) announced that December 1, 2018 at 2:00 p.m. there will be a fundraiser at Buffalo Wings and Rings regarding National Suicide Awareness; (6) a recipient has been selected for the Vespia fund and the Commission noted that the presentation may be conducted at City Hall.

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

There were no Administrative and Legal Reports.

## **10. ADJOURNMENT:**

Mayor Carusone adjourned the North Port City Commission Regular Meeting at 4:54 p.m.

City of North Port, Florida



By: \_\_\_\_\_  
Christopher B. Hanks, Mayor

Attest: \_\_\_\_\_  
Kathryn Peto, City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2018.