



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Regular Meeting

CITY COMMISSIONERS

Vanessa Carusone, Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS

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

Tuesday, November 13, 2018

1:00 PM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 01-08-2019 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 1:08 p.m. in City Commission Chambers by Mayor Carusone.

Present: Mayor Carusone; Commissioners, Hanks, Luke and McDowell, City Manager Lear; City Attorney Slayton; City Clerk Peto and Police Chief Garrison.

Invocation was provided by Pastor Brian Zdrojowy from Awaken Church 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 move Agenda items 5.B. and 5.C. after 3.B. and pull Consent Agenda item 6.A.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the Agenda and move Agenda Items 5.B and 5.C. after 3.B and pull Consent Agenda item 6.A. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

Public comment was held 1:16 p.m. - 1:18 p.m.

Joan Morgan: thanks to Linda Yates, Erin Bryce and Jay Auxier; announced the Almost Sunrise presentation will be given at the Morgan Center on December 5, 2018 and January 22, 2019 at 6:30 p.m.

3. ANNOUNCEMENTS

A. [18-799](#) Current Vacancies for Boards and Committees.

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

B. [18-800](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Peto read the Upcoming Expiration Dates for Boards and Committees into the record.

5. GENERAL BUSINESS:

B. [18-732](#) Discussion, and possible action to award funds from the Special Event Assistance Program to SW Florida Mopar Plus, Chariots for Charity Car Show in the amount of \$1,000.00 to cover the cost of City fees and or resources associated with the February 16, 2019, Chariots for Charity event.

City Manager Lear gave an overview of the item.

Discussion ensued: (1) Chariots for Charity Event Chairperson David Uman explained that the event is free to the public and charitable donations will remain local; (2) the event will be held at City Center Green on February 16, 2019 8:00 a.m. - 3:00 p.m.; (3) the fund balance prior to this application is \$3,750, prior approved requests have been subtracted from the fund balance; (4) it was noted that up to 12 charities will be supported, four will be animal related and the remainder will be people related; (5) concern was expressed in awarding the two grants for \$1,000 each and it was suggested to lower the grants to \$750 each to allow future groups an opportunity to ask for assistance; (6) it was explained that there are other funding options available if needed later in the fiscal year.

A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to approve the application for the SW Florida Mopar Plus for the Special Event Assistance Program. The motion carried by the following vote:

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

C. [18-766](#) Discussion and possible action to award funds from the Special Event Assistance Program to Friends of Shannon Staub Public Library in the amount of \$1,000.00 to cover the cost of City fees and or resources associated with the January 20, 2019 ,Charity Car Show event.

City Manager Lear gave an overview of the item.

Discussion ensued: (1) Shannon Staub Public Library Event Chairperson Liz Napoli explained the event will be held in conjunction with Suncoast Technical College on Sunday, January 20, 2019, 11:00 a.m. - 3:00 p.m., and all funds will be donated to the Friends of the Shannon Staub Public Library; (2) it was suggested that with the school board in support of the event, some supplies could be provided by Sarasota County Technical Institute (SCTI).

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the application for funds from the Special Event Assistance Program to Friends of Shannon Staub Library. The motion carried by the following vote:

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

Discussion continued: (1) a suggestion was made to have a community board to post activities within the City; (2) in previous discussions it was noted that items shouldn't be posted to the City's site, that a community calendar of events can be considered; (3) Commissioner Luke expressed concern for picking and choosing what can be shared on Facebook and cannot support the motion to include posting to the City's Facebook page; (4) staff researched a community calendar earlier and explained that any event would have to be posted regardless if they were approved or appropriate; (5) a suggestion was made to advertise with a disclaimer that the City does not support or approve any events; (6) it was clarified that the motion is regarding the two events approved for Special Event funding, that the information provided by those agencies be shared on the City's website calendar and social media; (7) concern was expressed for limiting the posting of events to those that benefit from the funding program.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to have the City Manager work with staff to promote both events on social media, the City's website and calendar of events. The motion carried by the following vote with Commissioner Luke dissenting for reasons stated:

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

No: 1 - Commissioner Luke

Discussion continued: (1) it was suggested that there be a general calendar of events that others can submit their information to be shared; (2) it was explained that any agency may contribute to a community calendar and that a disclaimer can be created; (3) concern was expressed to allow everything to be posted on a community calendar that may not be in the best interests of the community's life, safety and wellbeing; (4) a suggestion was made that the community calendar only allow postings for events in North Port that are free to the community; (5) it was noted that a larger discussion is necessary and it was suggested to have a conversation at a special meeting or as an agenda item. There was no public comment.

There was a unanimous consensus for staff to set an agenda item to discuss having a community calendar of events and posting to social media.

There was a unanimous consensus to take public comment.

PUBLIC COMMENT:

Public comment was held 1:56 p.m. - 1:59 p.m.

Justin Willis: street signs and street lights.

Discussion ensued: (1) it was explained that the City opted to maintain the poles that require painting, the unpainted poles are maintained by the state; (2) staff can contact the Florida Department of Transportation (FDOT) to research options for poles that have already been placed and those that have not yet been placed and bring the information to the Commission at a future Road and Drainage District meeting.

There was a unanimous Consensus to have staff bring back information to the Commission at the closest Road and Drainage meeting about changing the City Center street lights that are in place now along U.S. 41 as well as those that are yet to be put up, the blue lighted street signs and the maintenance costs.

A motion was made by Commissioner McDowell, seconded by Commissioner

Luke, to take up item 6.L. now. The motion carried by the following vote:

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

6. CONSENT AGENDA:

- L. [18-769](#)** Facilities Management Agreement with Sky Family YMCA for management and operation of the Al Goll Center

Discussion ensued: (1) concern was expressed that maintenance is to be done in a timely manner; (2) it was noted that the new management took over July 2017 and the issues were prior to that, and were not resolved by the previous management; (3) repairs are in process and being done by the new management and City Facilities Maintenance; (4) it was explained that the agreement has new language providing for a better system for inspections and remedies. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the Facilities Management Agreement with Sky Family YMCA and the City of North Port. The motion carried by the following vote:

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

4. PUBLIC HEARINGS:

- A. [18-762](#)** Ordinance No. 2018-51, first reading, amending the Fiscal Year 2017-2018 Non-District Budget.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to read Ordinance No. 2018-51 by title only. The motion carried by the following vote:

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

City Clerk Peto read Ordinance No. 2018-51 into the record by title only. City Manager Lear gave an overview of the item.

Discussion ensued: (1) Fleet has billed all departments for charges through September 30, this is a clean-up of the line item. There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve Ordinance No. 2018-51. The motion carried by the following vote:

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

- B. [18-764](#)** Ordinance No. 2018-58, first reading, amending the Fiscal Year 2018-2019 Non-District Budget.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to read Ordinance No. 2018-58 by title only. The motion carried by the following vote:

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

City Clerk Peto read Ordinance No. 2018-58 into the record by title only. City Manager Lear gave an overview of the item.

Discussion ensued: (1) \$8,590 from the forfeiture fund will go toward supporting community programs, \$5,000 of that will go to the Drug Free Youth program and \$3,500 to the Young Marines; (2) it was previously discussed during budget that Chamber, Neighborhood Watch and National Night Out will also receive funding; (3) the replacement vehicle will cost \$25,300 and the insurance payment of \$16,332 has been received; (4) the Young Marines assist the Police Department with events, they had asked for a donation and they do qualify to receive funding from the forfeiture program; (5) it was noted that the School Resource Officers also help with the Young Marines program, they currently are at Imagine School and hope to expand; (6) Teen Court receives funding through other sources and have not requested any financial assistance from the City; (7) the City vehicle that was totaled was a 2017 Ford F150 with 16,370 miles. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2018-58 amending fiscal year 2018-2019 non-district budget. The motion carried by the following vote:

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

C. [18-795](#)

Resolution No. 2018-R-30, regarding deferred maintenance needs in the National Parks System

City Clerk Peto read Resolution No. 2018-R-30 into the record by title only. City Manager Lear and Commissioner McDowell gave an overview of the item.

Discussion ensued: (1) if the resolution is adopted suggestions were made to send a copy to the newly elected congressmen and senator, the Department of Agriculture and to ask the county to enter a similar resolution as well; (2) a copy should also be sent to Southwest Florida Water Management District (SWFWMD). There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Resolution No. 2018-R-30, followed by a letter signed by the Mayor to be sent to the County with a request that they adopt a similar resolution, followed by a copy of a letter or the resolution to be sent to the elected personnel to the federal representatives including the Department of Agriculture for the state. The motion carried by the following vote:

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

D. [18-763](#)

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.

City Clerk Peto read Resolution No. 2018-R-15 into the record by title only. City Manager Lear gave an overview of the item and West Villages Chairman Marty Black responded to questions from the Commission.

Discussion ensued: (1) it was explained that the City is required to give consent prior to

the West Villages entering into an agreement with the county, the City is not approving the agreement, it is consenting to the construction project within the agreement; (2) reclaimed water from Sarasota National will be brought down U.S. 41 to North Port city limits, Commission is giving permission for construction across U.S. 41 to the storage pond at Gran Paradiso; (3) reclaimed water from Englewood water district, well water and stormwater go in the storage pond which is then pumped through irrigation lines that already exist; (4) a suggestion was made to attach Exhibit B to the resolution for clarification of the area that is addressed in the agreement; (5) it was suggested at the end of section 2.01 add language "and further depicted on Exhibit B to this resolution"; (6) it was explained that Englewood can't provide enough reclaimed water, this project will provide additional reclaimed water from Sarasota and once the wastewater treatment plant is complete the City will provide the majority of reclaimed water; (7) concern was expressed that West Villages could be absorbed by Sarasota County in the future; (8) it was explained that the agreement has a specified amount of water that Sarasota County is providing which is limited and cannot be exceeded, and that the agreement does provide for a renewal; (9) once the water treatment plant is complete the City will be the primary source for reclaimed water, followed by Englewood, the county and then groundwater well sites; (10) it was noted that West Villages has asked the county to initiate plan amendments to allow the corners of U.S. 41 and River Road to be annexed into the City; (11) it was clarified that the colored map will be added as Exhibit B to the resolution.

A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to approve Resolution No. 2018-R-15 consenting to the Sarasota County and West Villages Improvement District constructing the reclaimed water transmission main and reclaimed water transmission lines in unincorporated Sarasota County, adding in section 2.01 as stated by the City Attorney "and further depicted in Exhibit B attached to this resolution". The motion carried by the following vote:

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

Discussion continued: (1) it was announced that a traffic light will be installed at Island Walk and Gran Paradiso sometime within the next week, the second traffic light signal at Tamiami Trail and West Villages Parkway will be installed early January; (2) it was noted that the Florida Department of Transportation (FDOT) is responsible for installing electrical service, and the agreement will be reviewed regarding the City's responsibility to maintain and furnish power; (3) the traffic light will be tested and may be fully operational by Thanksgiving. There was no public comment.

Recess 3:20 p.m. - 3:46 p.m.

5. GENERAL BUSINESS:

A. [18-728](#)

Discussion and possible action regarding amending the Unified Land Development Code as it relates to vacation of easements allowing for circumstances that are not the fault of the property owner

City Manager Lear gave an overview of the item. Neighborhood Development Services Director Miles and Zoning Coordinator Willette-Grondin presented a review and answered questions from the Commission.

Discussion ensued: (1) concern was expressed for waiving fees rather than reimbursing fees; (2) it was explained that all parties must be treated the same within the process and waiving the fees initially could have problems whereas reimbursing fees can be decided by the Commission; (3) there are multiple scenarios that could lead to a request

for vacation of easement and some may be addressed through title insurance; (4) it was suggested to use specific language if the main issue of concern is when a city official improperly or illegally issued a permit rather than to state not at fault; (5) it was explained that the property owner is responsible for complying with the law even if a city employee issues a permit in error; (6) a suggestion was made to create criteria based on a building official issuing a permit in error, and that the Commission has the discretion to reimburse all, a portion or none of the application fees and to possibly grant vacation of easement; (7) a suggestion was made to refund the fees and not the advertising costs as the homeowner has responsibility; (8) concern was expressed to require payment of the fees for the vacation of easement because there may be hardships that would prevent some from filing; (9) it was suggested that the City Manager's office could review a request and authorize to delay collection of the fees until the matter is heard by the Commission; (10) a recommendation was made to have the ordinance take effect and move forward from the approval date and not grandfather in exceptions. There was no public comment.

There was a unanimous consensus to direct the City Manager to create an ordinance that will reflect the following: (1) give the City Manager or designee the ability to delay any fees associated with the vacation of easement when conditions are associated with building permits issued contrary to code; (2) the Commission at a public hearing would be able to waive or refund the fees associated in the process; (3) to take effect at adoption.

D. [18-755](#)

Discussion and possible action regarding 2019 Convocation of Governments based on the Interlocal Agreement for School Facility Planning

City Manager Lear gave an overview of the item.

Discussion ensued: (1) agenda topics suggested: [a] pool programming and investment; [b] Charlotte County share funding and staffing of hurricane shelters; [c] send a letter as a unified body to FEMA asking them to require staffing, Emergency Medical Services (EMS) and law enforcement follow their evacuees when being sheltered in another county; [d] swim team programs at the pool; [e] distance for bus stop locations; [f] school dismissal process and child safety; [g] traffic lights at high schools; [h] maintaining the right of way on Price Boulevard from the middle school to the high school; [i] cost sharing of street lights at bus stops; [j] funding support for School Resource Officers (SRO). There was no public comment.

There was a consensus of suggested topics for the Convocation of Governments agenda.

E. [18-773](#)

Low Income Housing Tax Credit Applications, GEN-18-141

City Manager Lear and Neighborhood Development Services Director Miles gave an overview of the item. Southport Development, Inc. Representative Thomas Cookingham gave a presentation of the item.

Discussion ensued: (1) Palm Port and Palm North are separate development projects; (2) the developer will be contributing an amount far greater than the \$50,000 allocated for the project; (3) the proposed projects would not need any exceptions from the code to proceed; (4) if the project is approved by the state it would continue through the regular process with the city and would come back before the Commission; (5) concern was expressed that the same property is being presented to the state for the third time and has previously been twice denied; (6) Florida Housing requires a contribution of \$50,000 for Sarasota County for local support to participate in the program. There was no public

comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the contribution of \$50,000 either monetary or in-kind to support the application for 2018-2019 for the Low-Income Housing Tax Credit program. The motion carried by the following vote:

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

6. CONSENT AGENDA:

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve Consent Agenda items 6.B. and 6.D. through 6.K. The motion carried by the following vote:

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

- A.** [18-801](#) Approval of Minutes for the October 1, 2018 Commission Special Meeting; October 4, 2018 Commission Special Meeting.

This item was pulled from the Agenda.

- B.** [18-726](#) Cash Receipts Summary - September 2018

- C.** [18-768](#) Appointment of Angelo "Skip" Felicita, Jr. as a Regular Member to the Historic and Cultural Advisory Board.

Discussion ensued: (1) it was suggested to appoint Skip Felicita, Jr. to the at-large position; (2) there is currently one at-large, two alternate positions and specific designations to be filled; (3) the board has a quorum and held their first meeting last week. There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to appoint Skip Felicita, Jr. to fill the at-large seat. The motion carried by the following vote:

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

- D.** [18-777](#) Equitable Sharing Agreement and Certification between the U.S. Department of Justice, the U.S. Department of Treasury and the City of North Port.

- E.** [18-697](#) Contract No. 2019-16 with Harn R/O Systems, Inc. for the Myakkahatchee Creek Water Treatment Plant Membrane Element Replacement Project.

- F.** [18-711](#) Season of Sharing (SOS) Grant #20191128 from the Community Foundation of Sarasota County, in the amount of \$25,000

- G.** [18-594](#) Memorandum of Understanding between the Federal Bureau of Investigation and City of North Port regarding a Joint Terrorism Task Force.

- H. [18-663](#) Sole Source Procurement of Software, Training, Annual Maintenance and Professional Services from Superion, LLC in an estimated budgeted amount of \$405,550.47 with a contingency amount of \$10,000.00, for a total budgeted amount of \$415,550.47.
- I. [18-706](#) Utilize the REV RTC, Inc. contract to purchase (2) two replacement ambulances now and (1) one new ambulance to be purchased when the Principles of Agreement can be reached with the West Villages at an estimated price of \$271,202 each for an estimated total of \$813,606. Additionally, to purchase equipment for (1) one new ambulance for an estimated total of \$150,000 and (2) replacement ambulances for an estimated total of \$50,000 each for an estimated grand total of \$1,063,606.
- J. [18-712](#) Contract No. 2019-13, Water Transmission Expansion Myakkahatchee Creek Water Treatment Plant to Ortiz Phase I with Andrew Sitework LLC., in the amount of \$ 303,932 with a contingency amount of \$ 30,393, for a total amount of \$ 334,325.
- K. [18-774](#) Second Amended Requested Operational and Voluntary Cooperation Agreement with the Sarasota County Sheriff's Office, Longboat Key Police Department, North Port Police Department, Sarasota Police Department, Venice Police Department, Sarasota-Manatee Airport Authority, New College of Florida, and the University of South Florida.

7. PUBLIC COMMENT:

Public comment was held 5:20 p.m. - 5:24 p.m.

Linda Yates: thank you.

8. COMMISSION COMMUNICATIONS:

Commissioner Hanks: nothing to report.

Commissioner McDowell reported attending: (1) National League of Cities conference in Los Angeles; (2) North Port Newcomers Day; (3) suggested a flashing yellow light be installed at the intersection of River Road and East River Road.

Discussion ensued: (1) it was explained that River Road is not maintained by North Port, staff will reach out to Sarasota County or the state and suggest improvements.

There was a unanimous consensus to have staff put together what the City can do and items that can be requested for Sarasota County to do, within the next two weeks.

Commissioner Luke reported attending: (1) National League of Cities conference in Los Angeles; (2) a meeting with Tourism Development and the Economic Development Corporation (EDC); (3) shared that the State College of Florida (SCF) will be starting a six-week course for medical coding; (4) North Port Art Center and the Corral won grants

through EDC; (5) shared information regarding the Amvets Posts 312 and 81 Dart Run.

Mayor Carusone: nothing to report.

9. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lear: (1) Department of Revenue made a sales tax collection and distribution error, approximately \$6,500,000 was given to Manatee County by mistake, Department of Revenue wants it paid back over four years, it is recommended to not do that, the City will send a letter to the Department of Revenue and to the state in disagreement to the reimbursement, the portion attributed to North Port is \$700,000 to \$800,000; (2) announced Jason Yarborough as the newest Assistant City Manager.

City Attorney Slayton: (1) announced Shauna Morris as the newest Assistant City Attorney.

City Clerk Peto: (1) announced that Saturday, November 17, 2018 at 9:30 a.m. will be the swearing in of the newly elected Commissioners.

10. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Regular Meeting at 5:48 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 _____, 2019.