



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Regular Meeting

CITY COMMISSIONERS

Christopher B. Hanks, Mayor
Debbie McDowell, Vice-Mayor
Vanessa Carusone, Commissioner
Peter Emrich, Commissioner
Jill Luke, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Kathryn Wong, City Clerk
Heather Taylor, Deputy City Clerk

Tuesday, March 19, 2019

6:00 PM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 04-23-2019 MEETING.

CALL TO ORDER

The North Port City Commission Regular Meeting was called to order at 6:01 p.m. in City Commission Chambers by Mayor Hanks.

ROLL CALL

Present: 5 - Mayor Christopher Hanks, Vice-Mayor Debbie McDowell, Commissioner Jill Luke, Commissioner Pete Emrich and Commissioner Vanessa Carusone

Also Present:

City Manager Peter Lear, Assistant City Manager Jason Yarborough, City Attorney Amber Slayton, City Clerk Katy Wong, Deputy City Clerk Heather Taylor, Fire Chief Scott Titus, Police Chief Todd Garrison, Parks and Recreation Assistant Director Tricia Wisner and Public Works Director Julie Bellia.

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

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Agenda. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

Public comment took place from 6:04 p.m. - 6:07 p.m.

Timothy Doyle: equality in enforcement of laws

Discussion took place regarding reordering the agenda moving item 7.C. after 4.A.

There was a majority consensus to move item 7.C. after 4.A.

3. CONSENT AGENDA:

Mr. Lear noted a request to pull item 3.D. for discussion.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Consent Agenda items A, B and C. The motion carried by the following vote:

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

- A. [19-0213](#) Approve Minutes for the February 26, 2019 Commission Regular Meeting
- B. [19-0094](#) Approve Contract No. 2019-40 with Andrew Sitework, LLC. in the Amount of \$146,392 with a Contingency Amount of \$7,320, for a Total Project Cost of \$153,712 for the Water Main Replacement on the Cranberry Blvd. Bridge over the Snover Waterway
- C. [19-0095](#) Approve Contract No. 2019-43 with Spectrum Underground, Inc. in the Amount of \$136,505 with a Contingency Amount of \$6,825, for a Total Project Cost of \$143,330 for the Water Main Replacement on the South Salford Blvd. Bridge over the Cocoplum Canal

- D. [19-0172](#) Approve Revised Memorandum of Understanding with RING

Mr. Lear reviewed the item to include prior Commission discussion and reason for revision of agreement.

Discussion took place regarding adding a clause that the city is opted in for the balance if the three-camera program comes back.

Mr. Lear questioned Commission on whether they are in agreement if the clause is not approved.

Chief Garrison responded to Commission questions regarding item B.2. and when the Police Department will receive the ten donated cameras.

Ms. Slayton provided clarification as to the process when no timeframe is given on an item and spoke to the error in the three-camera program being included in the original agreement.

Chief Garrison stressed the importance of being part of the virtual neighborhood.

Ms. Slayton provided clarification regarding including verbiage that states the City may determine how the cameras are distributed.

Discussion took place regarding adding to the verbiage in B.3. to also restrict distribution of the cameras to City employees.

Ms. Carusone expressed her dissent in including limitations to City employees.

Discussion took place regarding the cameras not being provided temporarily, and use of discretion when distributing.

A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to approve the Revised Memorandum of Understanding with RING. The motion carried by the following vote:

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

Discussion took place regarding programs that typically are discontinued and then come back.

Ms. Slayton responded to Commission questions as to whether this program was discussed during the negotiation and whether it is typical for a program to be re-offered once under contract.

A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to have City Attorney to include a caveat that if the program was to come back at any time that the City would be able to receive the balance of the original request, if they reject that the City Manager has the ability to move forward with the agreement as approved. The motion carried by the following vote:

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

Mr. Lear responded to Commission questions in reference to items 3.A. and 3.B. regarding the lifecycle of the pipe going underground.

Mr. Yarbrough spoke to the type of pipe and lifecycle.

There was no public comment.

4. PROCLAMATIONS AND RECOGNITIONS

A. [19-0202](#) Proclaim March 15, 2019 as American Legion Day, Presented to Commander Sam Taylor, and Adjutant Skip Felicita of American Legion Post 254

Vice-Mayor McDowell presented the American Legion Day Proclamation to Commander Sam Taylor and Adjutant Skip Felicita of American Legion Post 254.

Commander Taylor informed the Commission of their upcoming 100th anniversary celebration on March 30, 2019.

7. GENERAL BUSINESS:

C. [19-0210](#) Discussion and Possible Direction to Pursue Restoration of the Sculpture "Mandalas for World Peace"

Mr. Lear introduced this item.

Vice Mayor McDowell spoke to her discussion with the designer of the piece of art regarding needed repairs and concern with the artwork being in the outside elements.

John Cheer responded to Commission questions regarding when the artwork was dedicated, spoke to the donation of the artwork, grant funding and donations received, and responded to further questions regarding needed repairs.

Mr. Lear responded to Commission questions regarding budgeting for repairs.

Mr. Cheer spoke to estimated cost for repairs and properly displaying the artwork.

Discussion took place regarding removing the art from the elements last year and the process for repairing and determining where the art will be located in the future.

Mr. Lear stated he will research the \$50,000 contingency fund to determine if the funds have been used.

Mr. Cheer responded to Commission questions regarding creation of the art piece, possibility of a joint project with the Hermitage, and preservation of the artwork.

Mr. Lear responded to Commission questions regarding money in the art fund and researching restoration and stated the contingency fund has not been used.

Mr. Cheer responded to questions regarding him being in town until April, working with staff in removing the art for preservation, and the company hired by the North Port Art Center to originally hang the piece.

Mr. Lear stated the City could use sole source procurement code for Mr. Cheer to remove the art for preservation and asked the Commission if they want the art removed, restored and placed indoors or outdoors with proper accommodations to keep it from the elements.

Mr. Cheer suggested if the piece is placed indoors to have strong lighting.

Mr. Lear spoke to ensuring the public understands why it is being removed.

Mr. Cheer stated it would take approximately three weeks to repair, that he would not be able to repair until February 2020 and expressed the importance of being informed as soon as possible if he will be doing repairs.

Mr. Lear responded to Commission questions regarding the art being included in the grant funding for the remodeling of the building and spoke to applying for grants for restoration.

Discussion took place regarding reaching out to Sarasota Alliance for grants, how to properly store the piece, location for repairs to take place, and logistics of presented quote.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, that the City Manager work with Mr. Cheer and staff to get removed, notify media that it is a restoration project (post sign where currently displayed), to remove from Warm Mineral Springs to a safe location pending Mr. Cheer's return to Florida. The motion carried by voice vote with Commissioner Carusone dissenting for reasons stated.

Commission Carusone stated there are various options available to remove, store and repair the artwork which was not from the original complex and the cost presented seems high.

Discussion took place regarding restoration options, impact of funding, future direction, and Mr. Cheer's involvement in the process.

There was no public comment.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to have the City Manager explore options for restoration for the Mandala after it is removed, using grant funding, Sarasota Alliance, the Art Center and any other avenues available to do this in the most prudent way possible and to put funding in the budget for Fiscal Year 2019-2020.

An amendment to the motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to include that Mr. Cheer is consulted and used as much as possible with the restoration. The motion carried by the following vote:

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

A vote was taken on the main motion as amended, to have the City Manager explore options for restoration for the Mandala after it is removed, using grant funding, Sarasota Alliance, the Art Center and any other avenues available to do this in the most prudent way possible and to put funding in the budget for Fiscal Year 2019-2020, and that Mr. Cheer is to be consulted and used as much as possible with the restoration. The motion carried by the following vote:

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

5. ANNOUNCEMENTS

- A. [19-0215](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Wong read the Current Vacancies and the Upcoming Expiration Dates for Boards and Committees into the record.

6. PUBLIC HEARINGS:

- A. [19-0176](#) Ordinance No. 2019-03, second reading, amending the Fiscal Year 2018-2019 Non-District Budget.

Ms. Wong read Ordinance No. 2019-03 by title only.

There were no questions from the Commission regarding the item.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2019-03 amending the Fiscal Year 2018-2019 Non-District Budget as presented. The motion carried by the following vote:

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

Vice-Mayor McDowell spoke to this item being heard in the evening for both first and second reading and requested Commission consensus to work with the City Attorney to draft an ordinance to reflect ordinances be heard once in the daytime and once in the evening.

Ms. Slayton encouraged items to be placed on the agenda for discussion in the future and provided clarification as to permissive language.

Commissioner Carusone, Mayor Hanks and Commissioner Emrich were opposed to the consensus.

There was no public comment.

B. [19-0195](#)

Ordinance No. 2019-12, first reading, amending the Code of the City of North Port, Florida, Sec. 2-55 - Agenda, relating to the consent agenda for City Commission meetings

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to read by title only. The motion carried by the following vote:

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

Ms. Wong read Ordinance No. 2019-12 by title only.

Ms. Slayton provided an overview of the item.

Discussion took place regarding staff knowing in advance whether an item will be pulled for discussion, keeping public comment before Commission communications, a notice of intent to remove by noon the day before and officially removed in the public meeting, changing the verbiage from "removed" to "moved" from the consent agenda to general business, and instances when questions are not answered prior to the noon timeline.

Ms. Slayton provided clarification as to codification of processes and cautioned the Commission on using the word pulled.

Discussion continued regarding proposed verbiage and extenuating circumstances that may arise.

There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2019-12 for second reading to April 9, 2019 with the following changes: under (c) Moving agendas moving number 11 above nine Commission Communications; under Consent agenda (g)(2) wording to clarify that the item isn't being removed from the agenda but opened up for discussion, questioning or to register a vote against an item as it continues on to say.

An amendment to the motion was made by Vice-Mayor McDowell, to have City Attorney work the language where it says "Commissioner must" to be more permissive instead of the absolute. The amendment failed for lack of second.

A vote was taken on the main motion. The motion carried by the following vote, with Vice-Mayor McDowell dissenting for reasons stated:

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

No: 1 - Vice-Mayor McDowell

Vice-Mayor McDowell spoke to responsibility to do job and it is unfair to citizens.

7. GENERAL BUSINESS CONTINUED:

- A. [19-0181](#) Review and Approve Proposed Interlocal Agreement Between The School Board of Sarasota County, Florida and The City of North Port, Florida Regarding to Allow Use of Heron Creek Middle School Parking Lot to Support the Anticipated Parking Demand Associated with the North Port Aquatic Center

Mr. Lear introduced this item.

Ms. Slayton responded to Commission questions regarding verbiage in the agreement about the city being responsible for damages to the parking area and the school board bearing the burden of proof.

Ms. Wisner responded to Commission questions regarding looking at the high school for back up during large events.

There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Proposed Interlocal Agreement Between The School Board of Sarasota County and The City of North Port Regarding to Allow Use of Heron Creek Middle School Parking Lot to Support the Anticipated Parking Demand Associated with the North Port Aquatic Center. The motion carried by the following vote:

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

- B. [18-575](#) Approve Template for a Law Enforcement Special Detail Application and Agreement and Authorize the City Manager or designee to Sign Future Requests Using the Approved Agreement Template

Mr. Lear introduced the item.

Chief Garrison responded to Commission questions regarding discount for partnerships, use of salary adjustments during City events, hourly rates reflecting the fee schedule, timeline for payment to be received, verbiage regarding rates when the size of the event requires use of outside municipalities, staffing requirements to ensure the citizens are priority, reason for changes to payment timeline and annual submission of events.

There was no public comment.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Special Detail Agreement with the change that all payments must be made ahead of the event. The motion carried by the following vote:

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

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commission Luke reported on upcoming Braves events, Solid Waste hazardous drop-off event, community yard sale, City of Sarasota Commission opioid crisis invite, and speeding at Butler Park.

Vice Mayor McDowell reported on attendance at Manasota League of Cities meeting with emphasis on funding for water quality issues, and vacation rental bills, former Commissioner Linda Yates is the ex-officio non-voting member on Manasota League of Cities and has created a spreadsheet of bill progression, attendance at COG meeting, mosquito control tours and providing a presentation in the future, and National League of Cities (NLC) conference summary, expressed concern regarding receipt of free registration for NLC conference and requested for funds to be divided between each commissioner for the registration.

Mr. Lear provided clarification regarding Commission travel budget.

Discussion continued regarding tracking spreadsheets for individual Commissioner travel budgets.

There was a unanimous consensus to allow City Manager to direct Finance to divide the credit equally amongst the Commissioners (budget).

Vice-Mayor McDowell continued her report regarding the Planning and Zoning Advisory Board (PZAB) letter received in regard to posting of the agenda.

Mr. Lear spoke to the letter and stated he will ensure the board gets a letter through the liaison from his office and copy the commission.

Vice-Mayor McDowell reported on the hazardous waste event.

Mayor Hanks reported on attendance at NLC and the Federal Bureau of Investigation (FBI) graduation for Gary Arseneault.

Commissioner Carusone requested consensus for City staff to look at Sumter Boulevard and Toledo Blade Boulevard corridor regarding dead trees.

Ms. Bellia spoke to the tree crew and irrigation system on Sumter and Toledo Blade Boulevards, impact of the hurricane on the trees and that they will be replaced.

Commissioner Carusone reported on her attendance at NLC and topics covered regarding funds appropriated for Warm Mineral Springs, pending legislation, opportunity zones, Homeless Outreach Team (HOT) and county-wide funding for the homeless.

Discussion took place regarding additional space at Safe Haven. Mr. Lear will provide an update of agencies contacted to operate the facility.

Commissioner Emrich reported on attendance at NLC.

10. ADMINISTRATIVE AND LEGAL REPORTS:

A. [19-0154](#) City Manager - Commission Update

City Manager did not have a report.

B. [19-0194](#) City Attorney Report - Commission-Directed Activities

City Attorney did not have a report.

C. [19-0184](#) City Clerk/Deputy City Clerk update regarding Commission Direction.

City Clerk did not have a report.

11. ADJOURNMENT:

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 8:38 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Kathryn Wong, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2019.