



# 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*

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Tuesday, May 14, 2019

10:00 AM

CITY COMMISSION CHAMBERS

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### **MINUTES APPROVED AT THE 06-25-2019 MEETING.**

#### **CALL TO ORDER**

The North Port City Commission Regular Meeting was called to order at 10:05 a.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:**

Assistant City Manager Jason Yarborough, City Attorney Amber Slayton, City Clerk Katy Wong, Recording Secretary Laura Reed, Police Chief Todd Garrison, Fire Chief Scott Titus, Neighborhood Development Services Director Frank Miles, Planning Division Manager Nicole Galehouse, Public Utilities Director Rick Newkirk, Public Works Director Julie Bellia, Public Works Operator and Maintenance Manager Chuck Speake, City Arborist George Murphy, Communications Manager/Public Information Officer Josh Taylor, and Neighborhood Development Services Administrative Manager/Art Advisory Board Staff Liaison Katrina Romano.

**The invocation was provided by Reverend Eddie DeJesus of New Hope Community 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 item 5.A. after item 3, move item 7.C. after 5.A., and then table the City Commission Meeting after item 7.C. to hear the Road and Drainage District Meeting.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve the Agenda, moving item 5.A. after item 3, moving item 7.C. after 5.A., and then table the City Commission Meeting after item 7.C. to hear the Road and***

***Drainage District Meeting. The motion passed unanimously by voice vote.***

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

## **2. ANNOUNCEMENTS**

***This item was addressed under 4.A.***

## **3. PUBLIC COMMENT:**

Public comment was held 10:12 a.m. - 10:28 a.m.

Martin Lumpert: issues with mowing and property line, Code Enforcement fees, and provided a picture.

Dawn Piner: concerns with chemicals used for spraying the waterway at Cocoplum and provided pictures.

Mr. Speak responded to Commission questions regarding spraying, the use of approved herbicides and the amphibious vehicle.

Sherry Straub: concerns with chemicals in the water, and public health issues.

Edie Driest: Heron Creek management plan and developer reports, preservation of land for Scrub Jays, and distributed materials regarding the Heron Creek Florida Scrub Jay and Gopher Tortoise Enhancement and Management Plan and other supporting documentation.

Discussion ensued regarding staff review of developer reports and an associated time frame.

***There was a consensus that staff review plan compliance and provide the semi-annual reports to the Commission in the next three to four months.***

## **5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

### **A. [19-0214](#)**

Update by Sarasota County Commissioner Hines

Charles Hines, Chairman of the Sarasota County Commission gave a presentation regarding the Legacy Trail, River Road, the Braves Stadium, homelessness in the county, communicating with state legislature, affordable housing with smaller units, Sarasota County Area Transit (SCAT), updates to the courthouse and the R.L. Anderson building, purchasing of land for environmental preservation, and the upcoming Water Quality Summit at Riverview High School on June 5, 2019 from 1:00 p.m. to 6:30 p.m.

Mr. Hines addressed Commission questions and explained the Advisory Committee for purchasing of sensitive lands, registering for the Water Summit at [www.scgov.net/watersummit](http://www.scgov.net/watersummit), Kimley Horn evaluating options and associated costs for the Legacy Trail, and the county reviewing the need for redistricting with concerns regarding the change to single member district voting.

Discussion ensued regarding homelessness, locations available in North Port for beds, bringing back the homeless initiative, incorporating smaller housing with reduced impact fees in the Unified Land Development Code (ULDC), issues regarding SCAT, educating the legislature about the importance of home rule, and concerns with the county having ownership of environmentally sensitive land.

Mr. Hines explained the sequence for the Legacy Trail improvements, suggested meeting after the Kimley-Horn cost analysis report is available, noted possible trail connections to Warm Mineral Springs and potential funding, the treatment methods available for mosquito control in addition to spraying, the areas targeted for treatment, encouraged the Commission to meet with the task force, and spoke to the county maintaining environmentally sensitive properties purchased including providing necessary improvements.

Discussion took place regarding the preference for burning rather than mowing for maintenance, and the possibility of purchasing environmental lands for the protection of Scrub Jays.

## **7. GENERAL BUSINESS:**

### **C. [19-0285](#) Discussion and Direction to Approve the Use of Code Enforcement Fines for North Port Beautification and Tree/Scenic Highway Committee US 41 Revitalization Program**

Mr. Yarborough gave an overview of the item.

Mr. Miles spoke to the Beautification and Tree/Scenic Highway Committee discussion to create a grant program to assist businesses along U.S. 41 to improve landscaping and utilizing fines collected by Code Enforcement to fund the project.

Recess was taken from 11:19 a.m. to 11:31 a.m.

David Pankiw, Chair of the Beautification Advisory Board, spoke to the Board's suggested funding of \$20,000, allocation of funds, noted the three-bid requirement, use of tree mitigation funds, and seeking Commission approval.

Mr. Yarborough noted that potential funding for this program would come from the general fund.

Discussion ensued regarding the history of the beautification program along U.S. 41, previous funding for the program, and concern with public funds being used for private business.

Mr. Miles explained the previous facade program was funded by the City and a Housing and Urban Development (HUD) Community Development Block Grant, and the possibility of applying for an additional grant for this program.

Ms. Slayton responded to a Commission questions that the tree fund is restricted for use regarding public property only and cannot be used to reimburse the general fund, and the tree fund ordinance may be modified to assist with other programs.

Mr. Yarborough suggested some positions paid by the general fund may be reallocated to the tree fund, freeing up resources from the general fund.

Mr. Pankiw addressed questions from the Commission regarding perimeter buffering, maintaining drive-by visibility, the intent of the landscaping, a commitment for irrigation and maintenance, funding requirements for applicants, and noted that some businesses may have been approached by the committee.

Discussion took place regarding trees and landscaping, maintaining appearances

pursuant to Code, researching other types of funding and grants, issues with tenant versus property owner, unlimited access to proposed program, concerns with the stringency of the tree fund, and the difference between landscaping and the 35% canopy requirement.

Mr. Murphy answered questions regarding Type C buffering and tree canopy requirements for Commercial properties.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to request staff to look into the program recommended by the Beauty and Tree/Scenic Highway Committee in regard to potential funding for the program and bring the potential findings back to the Commission. The motion carried by the following vote:***

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

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to continue the Regular Commission Meeting after the Road and Drainage Meeting. The motion carried by the following vote:***

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

Recess was taken from 11:57 a.m. to 1:35 p.m.

Commissioners Carusone and Emrich were not present.

#### **4. CONSENT AGENDA:**

After a request by the Mayor, the Commission determined that they would like to pull Consent Agenda items A, B and G for discussion.

***A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Consent Agenda, pulling items A, B and G.***

Commissioner Emrich joined the meeting at 1:37 p.m.

***The motion carried by the following vote:***

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

**Not Present:** 1 - Commissioner Carusone

- A.** [19-0508](#) 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.***

- B.** [19-0509](#) Approval of Minutes for the April 1, 2019 Commission Workshop Meeting, April 9, 2019 Commission Regular Meeting, April 10, 2019 Commission Workshop Meeting, and April 23, 2019 Commission Regular Meeting.

Discussion ensued regarding changes to the April 23, 2019 minutes, and if approved

should be "as corrected".

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve the minutes as corrected. The motion carried by the following vote:***

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

**Not Present:** 1 - Commissioner Carusone

- C. [19-0115](#) Season of Sharing (SOS) Grant #20193739 from the Community Foundation of Sarasota County, in the amount of \$25,000

***This item was approved on Consent.***

- D. [19-0440](#) Approve Agreement No. 2019-41, Professional Engineering Services for Water Transmission main on San Mateo Drive from Price Blvd to Hillsborough Blvd. with Kimley-Horn and Associates, Inc. in the amount of \$347,013.

***This item was approved on Consent.***

- E. [19-0442](#) Utilization of the State of Oklahoma's contract OK-SW-300 as part of the National Association of State Purchasing Officers cooperative purchasing agreement for the procurement of one Physio Control Lifepak 15 cardiac monitor/defibrillators in the estimated amount of \$37,397.10.

***This item was approved on Consent.***

- F. [19-0222](#) Appointment of Zhaneta Albritton for a second term as a Youth Member to the Art Advisory Board.

***This item was approved on Consent.***

- G. [19-0280](#) Award of Contract No. 2019-50 to U.S. Water Services Corporation for the Hillsborough Booster Station Piping Improvements Project.

Mr. Newkirk spoke to the 12-inch pipeline being installed by Charlotte County at their expense, the pipeline will connect at the Hillsborough pumping station in North Port, the new interconnection will be metered to determine usage and payment for both municipalities.

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

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

**Not Present:** 1 - Commissioner Carusone

- H. [19-0434](#) Cash Receipts Summary Report for March 2019

***This item was approved on Consent.***

## **6. PUBLIC HEARINGS:**

- A. [ORD. NO. 2019-10](#) An Ordinance of the City of North Port, Florida, Second Reading, Allowing for Community Gardens in the AG Agricultural District, GU Government Use District, RSF Residential Single-Family District, RTF Residential Two-Family District, RMF Residential Multifamily District, and RMH Residential Manufactured Home District by Amending the City of North Port Unified Land Development Code, Section 53-25, Section 53-64, Section 53-121, Section 53-134, Section 53-147, and Section 53-160; Providing Regulations for Community Gardens by Amending the City of North Port Unified Land Development Code Section 53-240 – Special Structures; Providing Relevant Definitions by Amending the City of North Port Unified Land Development Code, Section 61-3 – Definitions and Word Usage; Creating a Community Garden Operation Permit Fee by Amending the Code of the City of North Port, Appendix A – City Fee Structure; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Coding of Amendments; and Providing for an Effective Date.(TXT-18-128)

City Clerk Wong read Ordinance No. 2019-10 by title only.

Vice Mayor McDowell expressed concern that the second reading ordinance includes additional language that was not stated during the reading by title only.

Ms. Slayton explained the correct title is to be read in its entirety.

City Clerk Wong read corrected Ordinance No. 2019-10 by title only.

Ms. Slayton stated the copy to be read into the record should be the ordinance that was advertised and presented today.

Commissioner Carusone joined the meeting at 1:49 p.m.

Ms. Galehouse clarified that both copies of the ordinance were advertised and notified the Commission of Senate Bill 82 regarding pending legislation which may negate portions of the ordinance regarding gardens and residential property, recommended the ordinance be continued to a future meeting, and asked for Commission direction should the legislation be signed by the Governor.

Discussion ensued regarding the ordinance being unnecessary if legislation is signed and tabling the item until September for further discussion or action pending the Governor's signature.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to table this item to a September meeting for general discussion and action pending the Governor's signature or veto. The motion carried by the following vote:***

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

- B. [19-0459](#) Ordinance No. 2019-13, second reading, amending the Code of the City of North Port, Florida, Chapter 4 - Boards and Committees, Article XI - North Port Youth Council, Section 4-202 - Membership, to allow for a resident

member who attends school outside the city and to change the minimum grade requirement for membership

Ms. Wong read Ordinance No. 2019-13 by title only.

Ms. Slayton gave an overview of the item.

***A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to approve Ordinance No 2019-13. The motion carried by the following vote:***

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

**No:** 1 - Vice-Mayor McDowell

Vice Mayor McDowell stated that she supports students that attend school outside of North Port to participate, and she dissented because she doesn't agree to allowing sixth graders to participate due to the age disparity with seniors.

Discussion ensued regarding students completing the sixth grade and entering the seventh grade being eligible to participate on the board.

**C. [19-0457](#)**

Resolution No. 2019-R-04 Accepting ownership of donated parcel of real property located on Peale Circle and described as Lot 13, Block 2057, 44th addition to Port Charlotte Subdivision, parcel identification number 1149-20-5713

Ms. Wong read Resolution No. 2019-R-04 by title only.

Mr. Yarborough gave an overview of the item and stated that the taxes on the property are not in arrears.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve Resolution No. 2019-R-04. The motion carried by the following vote:***

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

**7. GENERAL BUSINESS:**

**A. [19-0189](#)**

Discussion and Direction Regarding the Use of Art Fund Monies for Senior Center Mural Project and Possible Charette and Involvement and Utilization of the Art Advisory Board

Mr. Yarborough gave an overview of the item.

Discussion ensued regarding the mural being located at the front of the building and Code requirements.

Ms. Galehouse explained the Code provides that art is to be accessible for public view.

Ms. Slayton clarified that there isn't a restriction to the location as long as it is visible to the public.

Ms. Galehouse noted the Code provides that the mural cannot be on the side with the main entrance.

Commissioner Emrich read the email from the president of the Senior Center asking to postpone or cancel the item, and discussion took place regarding concerns with placement of the mural, the choice of art work, and lack of conversation with the Senior Center.

Mr. Taylor spoke to the history of the project and waiting on a charette to determine funding first.

Ms. Romano spoke to the Art Advisory Board providing a presentation with their vision for art throughout the City.

Discussion continued with the suggestion to postpone any action, having a theme appropriate for North Port, the need to have a better City-wide plan, the Art Advisory Board presentation, and a charette with the Senior Center.

Ms. Romano acknowledged the Art Advisory Board will be notified the desired vision is for a City-wide theme and noted their presentation will be ready in a few months.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to have the Art Advisory Board come back to us with their recommendations on a City-wide art program, and then the Commission will address the Senior Center after hearing the presentation. The motion carried by the following vote:***

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

**B. [19-0209](#)**

**Discussion and Direction Regarding the Use of CGI and their Promotional Video Services**

Mr. Taylor gave a presentation with updated information regarding communication initiatives, noted the offer has increased to provide seven videos, and explained the site can provide pop-outs on the City's website or ads can be skipped by the viewer.

Discussion ensued regarding the existing links for meetings, calendars and issues accessing the website from mobile phones, concerns were expressed to allow only North Port businesses and non-profit organizations to advertise and making this a provision in the contract, suggesting that the Sponsorship Policy be attached to the contract and labeled as Exhibit A, and the need for first right of refusal language in the contract.

Mr. Taylor explained the vendor will cooperate with the City, the vendor's intent is to promote each city, reference to right of first refusal in the contract, City to draft letter for vendor to use for marketing sponsorships and noted there are perimeters to approve advertising.

***A motion was made by Vice Mayor McDowell, seconded by Commissioner Carusone, to approve the agreement with CGI for their promotional video services, reiterating the change that the sponsorship agreement will include Exhibit A as presented, and with the understanding it is our desire to have North Port businesses featured prominently first. 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:**

Commissioner Luke reported attending the 34th Annual Law Enforcement Memorial this morning, and spoke to the backup material being incorrect, changes to backup material being available to the public prior to the meetings, minutes being changed prior to meeting time, and the importance of transparency for the community.

Discussion ensued regarding the process of information for meetings becoming troublesome, items with errors to be pulled from the agenda, information provided less than 24-48 hours before the meeting should be tabled, the need to establish a specific time frame for information to be provided and added to the backup material, and information to be verified for accuracy.

Ms. Wong explained concerns regarding public notice requirements with material added 48 hours prior to a meeting, and noted some material is added to the backup after the meeting.

Discussion continued regarding backup material entered prior to a meeting not requiring public notice, the ordinance outlining meeting procedures, reviewing the ordinance with the City Attorney and bringing back for further discussion

***There was a consensus for Commissioner Luke to work with the City Attorney to research meeting procedures and bring it back to the Commission for discussion.***

Commissioner Luke spoke to the tree fund and suggested further discussion during budget meetings.

Discussion took place regarding the tree fund and tree ordinance.

Vice Mayor McDowell suggested to have a joint meeting with Sarasota County to discuss the Legacy Trail and River Road.

Discussion ensued regarding a joint meeting with Sarasota County Commission and the County Administrator, and obtaining a copy of the cost analysis report from Kimley-Horn prior to meeting with the county.

***There was a consensus that after the cost analysis report has been received from the consultant, send a letter to the Sarasota County Commission and Administrator requesting a joint meeting regarding the Legacy Trail, River Road and other issues.***

***There was a consensus that once the cost analysis report is received, to place the item on the next available agenda for discussion, regardless of the type of meeting scheduled.***

Vice Mayor McDowell spoke to the new format of meeting minutes and suggested further discussion after a comparison of the old and new format has been reviewed.

Discussion ensued regarding the new format for minutes, requesting verbatim minutes as needed, and retaining videos for reference.

Ms. Wong explained that audio and video have a two-year retention and expressed

concerns with staffing and costs for longer periods of retention.

Discussion took place to have the topic placed on the agenda to discuss costs for archiving audio and video of meetings, that minutes are a permanent record and detail should be included, that historical information should be updated to keep current with technology, the possibility of hiring staff to image information, and the importance of articulating motions that are captured in the minutes.

Ms. Wong noted that the recommendation of the records management consultant will be available in July.

***There was a consensus to have staff bring back costs for collecting information for archiving audio, video and documents for meetings, and bring that back during the budget talks.***

Vice Mayor McDowell spoke to the City being out of compliance regarding the agreement for the Police Department and the sharing of information pertaining to juveniles, and that it should be brought back to Commission for discussion and action.

Mr. Garrison explained the partners will not accept an amended document and by excluding North Port will not allow for the exchange of information.

Ms. Slayton explained the City can still sign the interlocal agreement, and the item will need to be re-noticed.

Ms. Wong read the motion and votes from the April 23, 2019 minutes.

***There was a consensus to have this item on the next Commission Meeting, May 28, 2019.***

Commissioner Carusone had nothing to report.

Commissioner Emrich suggested planting annuals at the end of the medians on Biscayne Drive adjacent to Veterans Park prior to services for Memorial Day and Veterans Day to enhance the appearance.

Discussion ensued regarding the planting of real flowers versus silk flowers, and the minimal cost involved.

***There was a consensus that annuals will be planted at the end of the medians on Biscayne Drive that are adjacent to Veterans Park prior to services for Memorial Day and Veterans Day.***

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

Mr. Yarborough noted last year the City came in 11th place for the Wyland National Mayor's Water Challenge, and this year the City took third place.

Ms. Slayton had nothing to report.

Ms. Wong had nothing to report.

**11. ADJOURNMENT:**

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 3:26 p.m.

City of North Port, Florida

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

Attest: \_\_\_\_\_  
Heather Taylor, Deputy City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.