



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
Heather Taylor, Interim City Clerk

Tuesday, October 22, 2019

6:00 PM

CITY COMMISSION CHAMBERS

CALL TO ORDER

Mayor Hanks called the meeting to order at 6:00 p.m.

ROLL CALL

Present: 4 - Mayor Christopher Hanks, Vice Mayor Debbie McDowell, Commissioner Jill Luke
and Commissioner Pete Emrich
Absent: 1 - Commissioner Vanessa Carusone

Also Present:

Assistant City Manager Carrie Branco, City Attorney Amber Slayton, Recording Secretary Susan Hale, Administrative Services Specialist Laura Reed, Police Chief Todd Garrison, Fire Chief Scott Titus, Public Works Director Julie Bellia, Planning Division Manager Nicole Galehouse, Planner Heather Hansen, Project Engineer Ben Newman, Parks & Recreation Director Sandy Pfundheller, and Assistant Parks & Recreation Director Tricia Wisner.

The Pledge of Allegiance was led by Vice Mayor McDowell.

1. APPROVAL OF AGENDA

It was requested to move agenda Item 5.A. Presentations after Public Comment.

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve the agenda, moving Presentations after Public Comment. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

2. PUBLIC COMMENT:

Barbara Lockhart: proper use of tree fund monies and City Code requirements.

Joan Morgan: City events.

Alice White: tree fund usage, monitoring trees, and functions of the Arborist.

Hugo Rodriguez: road closure on North Orlando Boulevard.

Ms. Bellia spoke to approval being granted this evening in the Road and Drainage District Meeting.

Elsa Beal: concerns regarding rezoning part of the Estates.

Ms. Branco stated she will contact Ms. Beal.

Susan Balmer: concern regarding the rezoning in the Estates.

Ms. Galehouse spoke to advertisement requirements and clarified that posting on property will be part of the ULDC rewrite.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**A. [19-1229](#) Update by Sarasota County Commissioner Hines**

Chair Hines provided an overview regarding priorities and common projects, including upcoming projects, River Road improvements, Legacy Trail improvements, Winchester Boulevard repaving, collaboration on South River Road, I-75 interchange in South County, Orange Hammock Preserve, access to public lands north of the interstate, economic development in North Port, another Boys and Girls Club in North Port, Gulf Coast water quality issues, community drug treatment facility vs. jail, homelessness in North Port, County re-districting, and a County-wide ordinance regarding vaping.

Discussion ensued regarding expanding the joint agenda discussion items, Three Graces Fountain at Warm Mineral Springs, economic development incentives, abolishing community hospital taxation by Sarasota Memorial Hospital, and a North Port homeless facility and Homeless Outreach Team (HOT) beds.

Chair Hines spoke to the homeless issue, inter-local agreement for park maintenance, and former YMCA funds transferred to aquatic center.

Ms. Branco spoke to Sarasota County Sheriff's Homeless Outreach Team (HOT) program ceasing in North Port.

Chair Hines spoke to area municipalities' concerns regarding the homeless, Sarasota County's MasterPlan for Parks, and maintenance for park facilities.

3. ANNOUNCEMENTS**A. [19-1231](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees.**

Ms. Reed read the Current Vacancies and Upcoming Expirations for Boards and Committees into the record.

4. CONSENT AGENDA:

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

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

Absent: 1 - Commissioner Carusone

- A.** [19-0926](#) Approve the Utilization of a Five-Year Contract with Omnia® Partners through SHI International Corp. ("SHI"), (Solicited by City of Mesa, Arizona Contract #2018011-02) and One of SHI's International Corp. Authorized Partners, ProPhoenix for Public Safety Software, Support and Maintenance for a Total Cost of \$868,274.45.

This item was approved on Consent.

- B.** [19-1040](#) Approve Contract No. 2020-14 with Spectrum Underground Inc., in the Amount of \$301,784.00 with a Contingency Amount of \$30,178.00, for a Total Project Cost of \$331,962.00 for the Bobcat Trail Force Main Replacement Project.

This item was approved on Consent.

- C.** [19-1167](#) Approve Utilizing Temporary Staffing Agencies, Including but not Limited to, Ad-Vance Recruiting, LLC, for Employment Services on an 'As Needed Basis' for an Estimated Amount of \$132,260 in Fiscal Year 2020.

This item was approved on Consent.

- D.** [19-1170](#) Approve the Interlocal Agreement By and Among the Sarasota County Sheriff's Office and the Police Departments for the Cities of North Port, New College, and Sarasota-Manatee Airport Police Authority and the Airport Rescue and Firefighting Department which Outlines Direct Communication for Immediate and Un-Delayed Law Enforcement Response During Active and Imminent Threats to Life.

This item was approved on Consent.

- E.** [19-1165](#) Approve the Interagency Agreement Providing Access to the National Crime Information Center and the Florida Crime Information Center made Between the City of North Port on Behalf of the North Port Police Department and the School Board of Sarasota County Police Department Which will Allow the School Board Police Department Access to FDLE Computer Terminals with no Financial Impact to the City.

This item was approved on Consent.

- F. [19-1185](#) Approve Article 5, Compensation of the Collective Bargaining Agreement (CBA) between the City of North Port and the Southwest Florida Police Benevolent Association, Inc., (PBA) for the Period October 1, 2017 to September 30, 2020.

This item was approved on Consent.

- G. [19-1169](#) Appoint Frederick Nassar as a Regular Member on the Public Utility Advisory Board.

This item was approved on Consent.

- H. [19-1230](#) Approve Minutes for the September 23, 2019 Commission Joint Meeting with Historic & Cultural Advisory Board, September 24, 2019 Commission Regular Meeting, October 2, 2019 Commission Special Meeting.

This item was approved on Consent.

6. PUBLIC HEARINGS:

ORDINANCE - First Reading

- A. [ORD. NO. 2019-01](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Related to Right-Of-Way Use Permits, Building Permits, and Certain Shed Permits and Fees, by Amending Section 70-24 – Administration, Permits, and Appendix A – City Fee Structure, Section K – Road and Drainage Fees; Revoking the Direction Provided in Resolution No. 2018-R-28; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

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

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

Absent: 1 - Commissioner Carusone

Ms. Reed read the Ordinance into the record.

Ms. Branco introduced the item.

Ms. Bellia provided background for the legislation including fiscal impacts, permits issued, changing the wording to 200-feet or less on line 9 with no additional first reading needed, revisiting storage containers during the ULDC update, and extending the effective date for Resolution No. 2019-R-28.

Ms. Slayton spoke to verbal permission for that change, language in Item F on line 77 is established in Exhibit A in the City Code and language is inaccurate, codifying a fee schedule vs. in a Resolution, and citizen participation.

Ms. Bellia stated strikethrough Item K on line 101 was moved to line 59.

Ms. Slayton explained a template to request legal services was created to facilitate processing time.

Mayor Hanks passed the gavel to Vice Mayor McDowell.

A motion was made by Mayor Hanks, seconded by Commissioner Luke, to continue Ordinance No. 2019-01, changing 200-square feet or less, and line 12 extending Resolution No. 2018-R-28 to the second reading on November 12, 2019.

Ms. Slayton spoke the consequences if the Ordinance is not approved at the November 12, 2019 meeting.

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to amend the motion to remove the date in the motion to read "continue to second reading." The motion to amend carried by the following vote:

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

Absent: 1 - Commissioner Carusone

The main motion as amended carried by the following vote:

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

Absent: 1 - Commissioner Carusone

Vice Mayor McDowell passed the gavel back to Mayor Hanks.

PETITIONS

**B. [CC](#)
[PLF-19-158](#)**

Plat, Islandwalk Phase 6, Petition No. PLF-19-158, (QUASI-JUDICIAL)

Ms. Reed swore in all those wishing to provide testimony.

Ex parte communications were disclosed by Commissioner Luke, who stated she had an agenda briefing. Vice Mayor McDowell, Mayor Hanks and Commissioner Emrich had no ex parte communications to report.

Strickland Smith, representing DiVosta Homes LP, being duly sworn, provided a presentation including subdivision and infrastructure plans, and final plat.

Ms. Galehouse, being duly sworn, provided staff's review and recommended approval.

There was no rebuttal from the Applicant.

There was no public comment.

The public hearing was closed.

A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to approve Petition No. PLF-19-158. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- C. [CC](#) Development Master Plan, Palm Port Apartments, a six-building 126-unit apartment complex, with two requested waivers – one to the front yard setback and another to the perimeter buffering requirement (QUASI-JUDICIAL)
[DMP-19-174](#)

Ms. Reed sworn in all those wishing to provide testimony.

Ex parte communications were disclosed by Commissioner Luke, who asked questions to the Planning and Zoning staff.

Vice Mayor McDowell disclosed emails received from citizens which were forwarded to the City Clerk, communicated with the City Manager and staff through email, watched the Planning and Zoning Advisory Board Meeting of October 3, 2019, and visited the site.

Mayor Hanks and Commissioner Emrich had no ex parte communications to report.

After Ms. Slayton spoke to disclosures from the last hearing being separate from this hearing, Commissioners confirmed all communication pertained to the second hearing.

Jeremy Couch, representing SP Port LLC, being duly sworn, provided a presentation including requested waivers, and requested approval.

Ms. Hansen being duly sworn, provided staff's review of the project and recommended approval with the condition of approval and requested waivers.

There were no rebuttals from the Applicant.

PUBLIC COMMENT.

Keith Brown: concerns regarding future plans regarding changes in management or ownership.

Mr. Couch spoke to ingress and egress points with no gate envisioned.

Ms. Galehouse, being duly sworn, clarified the Citizens' Parkway address.

Ms. Hansen spoke to waiver requirements for the back buffer, buffer changes being amended and returned to Commission for approval, path options and designations, trail requirements in this Activity Center, and "affordable" designation gradually increasing to market rate.

Scott Seckinger, representing SP Port LLC, being duly sworn, explained how financing moves from affordable pricing to market rates.

Mr. Newman, being duly sworn, clarified the ingress and egress requirements for the development, and required sizing of the stormwater pond.

Ms. Galehouse spoke to multi-family developments vs. a large residential subdivision, approval of the project by Public Works and the Fire Department.

Mr. Crouch stated his willingness to provide a mountable curb at the entrance.

Ms. Slayton spoke to adding the mountable curb as a condition of approval.

Mr. Newman confirmed a mountable curb used at an ingress or egress is not prohibited in City Code.

The public hearing was closed.

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve DMP-19-174 with the waivers, also including the mountable curbs at the ingress and egress.

Vice Mayor McDowell voiced concern regarding the ingress and egress for safety concerns.

A motion was made by Vice Mayor McDowell, seconded by Commissioner Luke, to amend the motion to include all of the conditions stated in the staff report that accompany waivers 1 and 2. The amendment carried by the following vote:

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

Absent: 1 - Commissioner Carusone

The main motion as amended carried by the following vote:

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

Absent: 1 - Commissioner Carusone

Mayor Hanks offered a prayer for a North Port Firefighter's daughter.

7. GENERAL BUSINESS:

- A. [CC](#)
[SAP-19-219](#) Discussion and Possible Action to Award Funds from the Special Event Assistance Program to Awaken Church of North Port to Cover the Costs of City Fees and/or Resources Associated with the November 9, 2019, November to Remember Event.

Ms. Branco introduced the item.

Jacqueline Zdrojowy, representing Awaken Church, provided an overview of the proposed event.

A motion was made by Commissioner Luke, seconded by Vice Mayor McDowell, to approve SAP-19-219.

Commissioners Luke and Vice Mayor McDowell spoke to the motion and promoting the event on the City's calendar and social media.

Ms. Branco will review requirements with Communications Manager Josh Taylor.

The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- B. [CC SAP-19-220](#) Discussion and Possible Action to Award Funds from the Special Event Assistance Program to Kiwanis Club of North Port to Cover the Costs of City Fees and/or Resources Associated with the October 19, 2019, Kiwanis Bike Safety Rodeo Event.

This item was removed from the agenda at the Applicant's request.

- C. [19-1168](#) Discussion and Possible Action Regarding the North Port Aquatic Center Initial Operating Hours

Ms. Branco introduced the item.

Ms. Pfundheller provided an update regarding the aquatic center hours of operation and lifeguard recruitment efforts.

Ms. Wisner spoke to the facility's attendance yesterday and today.

Ms. Pfundheller spoke to overall capacity factors of the pools, and liquidated damages provision in the contract.

Ms. Branco clarified any liquidated damages revenue would go to the General Fund and may be used to keep the pool open additional days.

Ms. Wisner spoke to the project's punch list, by-weekly updates to the Commission, pool occupancy guidelines, and an erroneous flyer distributed by an outside source.

Ms. Slayton spoke to the City's graphic used on the flyer being considered City's intellectual property.

Ms. Pfundheller spoke to sponsorship details for the aquatic center, and difficulty extending hours/days for the facility.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

- A. [19-1239](#) Commissioner Luke's Report

Commissioner Luke reported attendance at several ribbon cutting events, the Sarasota County Council of Neighborhood Associations (CONA), the Community Yard Sale, the Economic Development Corporation of Sarasota County, Girls' Inc, White Cane Walk, the Tour de North Port, Screenagers Next Chapter, Conservation Foundation Annual Event, and the Arts Alliance Celebrate the Arts event.

- B. [19-1240](#) Vice Mayor McDowell's Report

Vice Mayor McDowell reported attendance at the White Cane Event, and spoke to tree replacement on Toledo Blade Boulevard and Sumter Boulevard.

- C. [19-1241](#) Commissioner Carusone's Report

Commissioner Carusone was not present.

- D. [19-1242](#) Commissioner Emrich's Report
Commissioner Emrich had nothing to report.

- E. [19-1243](#) Mayor Hanks' Report
Mayor Hanks had nothing to report.

10. ADMINISTRATIVE AND LEGAL REPORTS:

- A. [19-1180](#) City Manager Report
Ms. Branco announced a Solid Waste District Special meeting on November 12, 2019 at 9:00 a.m., and provided a brief report of Commissioner Carusone's attendance at National League of Cities Conference in Washington D.C.
- B. [19-1192](#) City Attorney Report
Ms. Slayton had nothing to report.
- C. [19-1244](#) Interim City Clerk Report
Ms. Reed had nothing to report.

11. ADJOURNMENT:

Mayor Hanks adjourned the meeting at 8:28 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Heather Taylor, Interim City Clerk

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