



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
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Tuesday, November 28, 2017

6:00 PM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 03-27-2018 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular meeting was called to order at 6:17 p.m. in City Chambers by Mayor Carusone.

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

Absent: Vice-Mayor Yates.

A moment of silence was observed after which the Pledge of Allegiance was led by City Manager Lear.

APPROVAL OF AGENDA – COMMISSION

It was requested to move item 4.B. after Public Comment and pull Item 3.G. from the agenda.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the Agenda, pulling 3.G., and moving 4.B. after 2. Public Comment. The motion carried by the following vote with Vice-Mayor Yates absent.

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

1. ANNOUNCEMENTS

A. [17-1521](#) Current Vacancies for Boards and Committees.

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

and announced that Tom Whitlow's term expiration date is coming up on the Metropolitan Planning Organization Citizen Advisory Committee and so his upcoming vacancy was announced and Commission direction was requested.

There was a consensus to direct City Clerk Adkins to advertise the opening on the Metropolitan Planning Organization Citizens Advisory Committee for a North Port Resident as a press release and on social media.

B. [17-1522](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expirations for Boards and Committees into the record and stated that other applicants who submitted for other Boards will be contacted to determine their interest regarding serving on the Public Utility Advisory Board.

2. PUBLIC COMMENT:

Public comment was held: 6:23 p.m. - 6:28 p.m.

Joseph Majorino: discord with Property Standards.

Buddy Hughes: decorations prior to holidays and advertising Commission Meetings.

4. GENERAL BUSINESS:

B. [17-1497](#) 2017/2018 Low Income Housing Tax Credit (LIHTC) Contribution Funding. This item is in the adopted FY 2018 budget in the amount of \$50,000.

City Manager Lear, Planning Division Manager Miles and Contract Planner Cookingham provided an overview. Ms. Shawn Hicks, Vice-President of Commonwealth Development was present to answer questions.

Discussion ensued: (1) following a question, it was stated that once the Certificate of Occupancy is granted, the tax credit will remain in effect for 15 years for the low-income units and after the time frame is met, the units may be converted to regular market value; (2) confirmation was provided that the development consists of 189 minimum units and the 217 units represented the upper end of a range if they are able to receive City approval to purchase additional property and transfer the rights to increase the density; (3) it was stated that 45% will be at-market value or approximately 113 units, leaving 76 as low-income units; (4) it was explained that the City's monetary or in-kind contribution of \$50,000 will be utilized closer to the 100% completion point of the project therefore any risk to the City would already be mitigated; (5) the difference between gross rent and net rent was explained; (6) it was stated that free wi-fi will be available in the common areas but the individuals will be responsible to pay for their own service in private units; (7) it was stated that leasing will begin in 2020 and by 2021 it is anticipated for the rentals to be at full capacity; (8) low-income housing criteria was defined; (9) subsequent to a concern, it was stated that: [a] Section 8 from the Department of Housing and Urban Development (HUD) will be accepted; [b] under Section 8 a tenant can be in a at-market unit, but the tenant will be responsible for the difference between Section 8 and fair market rent; [c] the tenant contribution depends on the program for which they qualify; [d] to address the needs of the community, the firm will reassess the tiers regarding maximum amounts for income compared to market rate rent; (10) it was stated that Commonwealth Development will remain as the management company.

PUBLIC COMMENT:

Buddy Hughes: concerns regarding low-income individuals.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the contribution allocation of \$50,000. The motion carried by the

following vote with Vice-Mayor Yates absent.

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

3. PUBLIC HEARINGS:

- A. [17-1491](#)** Ordinance No. 2017-30, second reading, Amendments to the administrative Code of the City, Chapter 4 - Boards and Committees, Article I - Boards Generally, Sections 4-2 and 4-3, to provide for the addition and appointment of alternate members and filling vacancies to the City's advisory boards

City Clerk Adkins read Ordinance No. 2017-30 into the record by title only. City Attorney Slayton provided an overview and stated that during the agenda briefings, concern was expressed regarding some missing information pertaining to alternate positions. Commission options include: (1) a motion to continue the Ordinance so the alternate position provisions can be added to the five Boards mentioned; or (2) to direct the City Attorney to bring back a separate Ordinance to address the changes.

Discussion ensued: (1) after a concern, it was stated that regardless of what is done with specific Boards, Ordinance No. 2017-30 will not impede the creation of alternates at a later date; (2) following a question, clarification was provided that a new Ordinance requires first and second readings and revising Ordinance No. 2017-30 would not. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2017-30, to second reading to a date to be determined, with the memo of changes from the City Attorney to be included in that proposal. The motion carried by the following vote with Vice-Mayor Yates absent.

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

- B. [17-1439](#)** Ordinance No. 2017-29, second reading, TXT-17-140, Amendments to the Unified Land Development Code (ULDC) Chapter 1- General Provisions, Article III-Boards and Duties, Sections 1-28 and 1-29, to provide for the addition and appointment of alternate members to the City's Zoning Board of Appeals and Planning and Zoning Advisory Board and to provide for filling vacancies to said boards.

City Clerk Adkins read Ordinance No. 2017-29 into the record by title only and City Attorney Slayton recommended the same Commission direction as on the last agenda item. There were no questions from the Commission and there was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2017-29 to a future date for second reading. The motion carried by the following vote with Vice-Mayor Yates absent.

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

- C. [17-1490](#)** Ordinance No. 2017-41, second reading, amending the Fiscal Year 2016-2017 Non-District Budget in the amount of \$325,000.

City Clerk Adkins read Ordinance No. 2017-41 into the record by title only. There were no questions from the Commission and there was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to approve Ordinance No. 2017-41. The motion carried by the following vote with Vice-Mayor Yates absent.

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

D. [17-1447](#)

Ordinance 2017-44, first reading, Amending City of North Port Administrative Code, Repealing Chapter 34, Article III – Vehicle for Hire.

A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to read Ordinance 2017-44, by title only. The motion carried by the following vote with Vice-Mayor Yates absent.

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

City Clerk Adkins read Ordinance No. 2017-44 into the record by title only.

Discussion ensued: (1) it was explained that effective July 1, 2017, Florida Statutes mandates that vehicles for hire such as Uber, are regulated under State Statutes and are not required to pay a local Business Tax; (2) concern was expressed that the State is telling cities what to do; there is no protections for the citizens; and there is a potential automobile insurance liability issue; (3) a concern was articulated that State officials are attempting to take away home rule. There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to continue Ordinance 2017-44, to the December 12, 2017 Commission Regular Meeting for second reading. The motion carried by the following vote with Vice-Mayor Yates absent.

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

E. [17-1469](#)

Ordinance 2017-45 first reading an Ordinance of the City of North Port, amending the City of North Port Firefighters' Pension - Local Option Plan, by; providing for contributions, benefits and service credits with respect to Qualified Military Service in accordance with Section 414(u) of the Internal Revenue Code, beginning October 1, 2017.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to read Ordinance No. 2017-45 by title only. The motion carried by the following vote with Vice-Mayor Yates absent.

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

City Clerk Adkins read Ordinance No. 2017-45 into the record by title only.

Subsequent to a question, it was stated that Staff will review to ensure that the Police Pension Ordinance has also been addressed and the City Manager will send out an email to confirm this was addressed. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance 2017-45 to the December 12, 2017 Commission

Regular Meeting for second reading. The motion carried by the following vote with Vice-Mayor Yates absent.

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

Recess 7:42 p.m. - 7:55 p.m.

F. [17-1505](#) Ordinance No. 2017-46, 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. 2017-46, by title only. The motion carried by the following vote with Vice-Mayor Yates absent.

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

City Clerk Adkins read Ordinance No. 2017-46 into the record by title only. It was noted that the amendment does not include union employees and does not affect union negotiations. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2017-46, to the December 12, 2017 Commission Regular Meeting for second reading. The motion carried by the following vote with Vice-Mayor Yates absent.

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

G. [17-1494](#) Resolution No. 2017-R-39, which repeals Resolution No. 2017-R-19 and thereby dissolves the Medical Hospital Task Force.

ITEM 3.G. WAS REMOVED FROM THE AGENDA.

4. GENERAL BUSINESS:

A. [17-1272](#) Approval of Tuition Reimbursement Agreement Templates for Police Officers, Firefighter/EMT's, and/or Paramedics who were hired in Fiscal Year 2016-17 and Fire Rescue District and Police Recruit Agreement. Approve recommended changes to Recruit contract for police and fire rescue to be utilized for hiring personnel while they are in school with the intention of increasing paramedic and police recruitment. Authorize the City Manager to sign future requests using the approved agreement template(s).

City Manager Lear provided an overview of the item. There was no public comment.

Discussion ensued: (1) following a question, it was stated that approval of the Agreement as a template could allow the City Manager to sign future agreements from here forward, which would be used as a recruiting tool; (2) it was recommended that a reimbursement stipulation be placed that a new employee should have completed the training within 12 months prior to being hired in North Port.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve all new forms or templates, as well as using it as a recruiting tool

and allowing up to 12-month refund, and having the City Manager approve these from this point forward. The motion carried by the following vote with Vice-Mayor Yates absent.

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

City Attorney Slayton stated that for clarification purposes, it is best that a motion provide a provision to specify an agreement for all future new hires, which would make the motion clear on the record and would stay in compliance with the City Charter of exactly what the Commission approved.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve a third Agreement for the Fire and the Police Department with the City Attorney duplicating each of these recruit contracts and revising the language to provide tuition reimbursement for new hires who completed training or education within the past 12 months prior to the City hiring, and a copy of this third Agreement will be forwarded to the Commission. The motion carried by the following vote with Vice-Mayor Yates absent.

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

C. [17-1463](#)

Discussion and possible action regarding 2018 Convocation based on the Interlocal Agreement for School Facility Planning

City Manager Lear provided an overview. There was no public comment.

Discussion ensued: (1) it was stated that the meeting is scheduled for January 19, 2018 and the agenda items must be submitted no later than December 1, 2017; (2) it was noted that all of the City's items last year are still waiting for action and should be included this year and include: [a] opportunities for a capital investment partnership for the pool; [b] determining school bus locations and lighting issues; [c] joint funding for Resource Officers for the elementary schools; [d] infrastructure projects including traffic and street lighting at North Port High School and Heron Creek Middle School on Price Boulevard; [e] swales at Glenallen Elementary School; (3) it was stated that some of the bus stops and street lighting have been addressed and drainage piping to cover the swale along Glenallen Elementary has also been discussed; (4) it was suggested to add the property near Little Salt Spring and the Morgan Center for conservation land; (5) Staff suggested traffic at Imagine School as an agenda item; (6) additional agenda items were suggested: [a] to add a programming partnership with the school pertaining to swim teams using the City's pool; [b] to discuss and update regarding Suncoast Technical College classes and programming, including student housing opportunities with the new Commonwealth Development project; [c] FEMA shelters, infrastructure updates and management of the shelters; [d] to include programming in the discussion with the pool.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Manager to send a letter to the Sarasota County School Board for the January Convocation of Governments meeting, to include: (1) the pool infrastructure and programming; (2) the School Resource Officers; (3) the traffic signal light at North Port High School and Heron Creek Middle School; (4) piping of swales at Glenallen; (5) an update of the Suncoast Technical College classes and programming; (6) traffic at Imagine Schools; (7) the conservation property near Little Salt Spring; (8) the management of FEMA shelters. The motion carried by the following vote with Vice-Mayor Yates absent.

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

- D.** [17-1489](#) Discussion regarding the purchase of real property, located within the Myakkahatchee Corridor Acquisition Project, described as Lot 4, Block 610, 14th Addition to Port Charlotte Replat, PID # 0977-06-1041 in the amount of \$2,800

Assistant City Manager Schult provided a brief overview of the item and stated that there are 40 properties left for the City to acquire along the Myakkahatchee Creek corridor. There was no public comment.

Following a question, it was stated that the transfer of ownership is done internally so there are no associated closing costs and a survey is not required just to purchase property.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the purchase of real property. The motion carried by the following vote with Vice-Mayor Yates absent.

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

5. CONSENT AGENDA:

It was noted that some corrections were made to the minutes and if approved, they will be approved as corrected. There was no public comment.

Following a comment regarding Item 5.D., that the maintenance was not included in the price, confirmation was provided that maintenance was included in the first year but a maintenance fee will be charged for subsequent years.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Consent agenda. The motion carried by the following vote with Vice-Mayor Yates absent.

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

- A.** [17-1520](#) Approval of Minutes for the July 11, 2017 Commission Regular Meeting; November 13, 2017 Commission Special Meeting.
- B.** [17-1508](#) Cash Receipts Summary - October 2017
- C.** [17-1294](#) Utilization of City of Sarasota, Florida RFP No.15-33BK with Action Labor of Florida, LLC for School Crossing Guard services at the unit rates/per hour fee schedule. This is an approved FY 18 budgeted item.
- D.** [17-1303](#) Sole Source Procurement of Software, Training, Annual Maintenance and Professional Services from Superior, LLC in an estimated budgeted amount of \$295,508.87 which includes contingency in the amount of \$5,000.00.

- E. [17-1440](#) Water and Wastewater Standard Developer Agreement Between the City of North Port and Veda 1 Development, LLC.
- F. [17-1464](#) Community Development Block Grant Sub-Recipient Agreement between Sarasota County, Florida and the City of North Port, Florida to fund staff salaries for General Services Department, Social Services Division, in the amount of \$54,000. Contract Number B-17-UC-12-0014.
- G. [17-1465](#) Utilize the Florida Sheriffs Association & Florida Association of Counties Cooperative Bid No. FSA17-VEH15.0, Specs #15 and #50, to purchase one (1) replacement Vac Truck consisting of a 2018 Peterbilt chassis from Rush Truck Centers of Florida for \$115,203.00 and a 2018 Vac-Con body from Southern Sewer Equipment Sales for \$342,345.94, for a total estimated price of \$457,548.94. This vehicle purchase was approved in the fiscal year 2018 budget.
- H. [17-1474](#) Award for RFB No. 2018-14, Pine Park Flexi-Pave Walking Paths to Peak Power Services, Inc. in the amount of \$98,608.80 plus an estimated construction contingency of \$10,000 for estimated budgeted construction cost of \$108,608.80.
- I. [17-1483](#) First Amendment to the Agreement between the Southwest Florida Water Management District (SWFWMD) and the City of North Port for Aquifer Storage and Recovery (ASR) Permanent Facilities (N833).
- J. [17-1484](#) Utilize the State of Florida Department of Management Services Agriculture and Lawn Equipment Contract No. 21100000-15-1 to purchase one (1) tractor for the Utilities Department in the estimated amount of \$36,309.71 from Deere & Company. This equipment purchase was approved in the fiscal year 2018 budget.

6. PUBLIC COMMENT:

Public comment was held 8:25 p.m. - 8:27 p.m.

Buddy Hughes: a time frame for building projects; and the Venice zip code for West Villages.

Subsequent to public comment; (1) an update was provided concerning the progress of an assisted living facility on Greenwood Avenue and it was stated that the firm is awaiting approval of State funding; (2) it was reported that the engineering firm for the Popeyes development has proposed a list of corrective actions to get the project moving again.

7. COMMISSION COMMUNICATIONS:

After a request for a consensus regarding information about food trucks as a discussion item, Mayor Carusone suggested incorporating that with a local business conversation and schedule a meeting in January, 2018 at the soonest.

Commissioner McDowell requested a consensus regarding a policy to turn abandoned homes into assets for affordable housing; moving property from City coffers to a program

such as New Paradigm Foundation in Englewood, Florida. Following a discussion, the request was modified that Commissioner McDowell work with the City Manager and Staff to draft a policy. A consensus was not needed.

Commissioner Luke: (1) after a report regarding an email from an IslandWalk resident requesting the City's noise Ordinance be changed to include faulty HVAC or pool pump units, Neighborhood Development Services Director Williams provided an overview of the City's limitations to enforce noise, the inherent difficulties when homes are spaced close together, the Homeowners' Association's part in alleviating friction between neighbors; options available to a contractor in placing units in different locations to mitigate noise; and due to the close proximity of the homes, no one could comply with the Ordinance. He will schedule follow-up discussions with West Villages: (2) suggested that next year, to reconsider the City's participation in the Mayor Feeds the Hungry Program; (3) Sarasota County approved the Property Assessed Clean Energy (PACE) program it as suggested to have a future discussion regarding North Port opting-in; (4) recommended Commission participation in the City's Poinsettia Parade this year and stated that Caddy Carts offered a rental deal on their vehicles.

After a request, City Manager Lear provided an update regarding hiring a Fire Chief and Police Chief.

Mayor Carusone (1) voiced a concern, and it was reported that the stop sign on Aiden Lane is located on private property and the City cannot intervene regarding moving it to a different location; (2) attended the National League of Cities Conference; (3) will be on medical leave next week.

Vice-Mayor Yates was absent.

There was a consensus to schedule a Special Meeting to discuss the Unified Land Development Code that references food trucks, and also separate Codes to discuss zoning a piece of property for local home-based businesses to sell certain days of the week; make amendments to the Code and thereafter, Staff will bring back the amendments as an Ordinance for first and second reading.

8. ADMINISTRATIVE AND LEGAL REPORTS:

City Attorney Slayton: Nothing to report.

City Manager Lear: (1) stated that the pool heater at the YMCA pool is broken and a replacement is estimated to cost \$12,600, was not a budgeted item for this year, but if Commission approval is granted, the funds will be taken from the General Fund and a budget amendment is not required. He will reach out to the Gulf Coast Foundation for possible monetary help; (2) reported that the Sun Herald will host a meeting at West Villages on November 30, 2017 and the Commission, as well as the City Manager were invited. He suggested that he attend to listen but will not provide opinion and only answer factually-based questions. Subsequent to a discussion, it was agreed that the Commissioners will not attend and the City Manager will relay the reasons at the meeting.

There was a consensus to take \$12,600 from the General Fund and fix the YMCA pool heater.

There was a consensus that only the City Manager attend the Sun Herald's Round Table Meeting and report his findings to the Commission.

City Clerk Adkins: (1) requested direction regarding the first Commission meeting in March, 2018; (2) due to the electronic equipment being updated in Chambers, it was requested to move the January 4, 2018 Commission Special Meeting to room 244. Discussion ensued, and it was decided to move the agenda items scheduled for January 4, 2018 to the Regular Meeting on January 9, 2018; (3) if an additional meeting is needed, room 244 will be available on January 4, 2018.

There was a consensus to schedule a Commission Special Meeting the first meeting in March, 2018 from 9:00 a.m. to 11:30 a.m. for Pay Plan Incentives and from 12:30 p.m. to 4:00 p.m. for a discussion regarding Advisory Boards, and break for lunch and stop at 5:00 p.m.

There was a consensus to move the agenda items scheduled for January 4, 2018 to the Regular Meeting on January 9, 2018.

9. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Regular Meeting at 9:23 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

Attest: _____
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2018.