



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Regular Meeting

### *CITY COMMISSIONERS*

*Linda M. Yates, Mayor*  
*Vanessa Carusone, Vice-Mayor*  
*Christopher B. Hanks, Commissioner*  
*Jill Luke, Commissioner*  
*Debbie McDowell, Commissioner*

### *APPOINTED OFFICIALS*

*Peter Lear, City Manager*  
*Amber L. Slayton, Interim City Attorney*  
*Patsy Adkins, City Clerk*  
*Kathryn Peto, Deputy City Clerk*

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Tuesday, July 25, 2017

6:00 PM

CITY COMMISSION CHAMBERS

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**Amended #3 Item 5.A. TIME CERTAIN 6:00 P.M. replaced agreement, added redline version and removed 6.E. .Amended #2 Item 4.D. replacing Resolution No. 2017-R-18 Item 5.A. added attachment 4. and Item 5.D. replacing Reciprocal License Agreement, Amended**

### **MINUTES APPROVED AT THE 01-09-18 MEETING.**

#### **CALL TO ORDER/ROLL CALL**

The North Port City Commission Regular Meeting was called to order at 6:00 p.m. in City Chambers by Mayor Yates.

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

#### **The Pledge of Allegiance was led by Commissioner Luke.**

The presence of Ms. Alicia Tighe, representing Congressman Bill Nelson's office, was acknowledged.

#### **1. APPROVAL OF AGENDA – COMMISSION**

*A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve the Agenda as presented, with the Time Certain Item, as well as pulling Item 5.F. for a future Workshop or a Special Meeting as determined by staff. The motion carried by the following vote:*

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

#### **5. GENERAL BUSINESS:**

- A. [17-1231](#) TIME CERTAIN 6:00 P.M. (or shortly thereafter) Discussion and possible approval of the interlocal funding agreement between the City of North Port and the West Villages Improvement District regarding Spring Training Financing Obligations.

City Manager Lear provided a brief overview of the agenda item. Thereafter, Interim City Attorney Slayton stated that the Agenda was amended today to include an updated version of the Agreement,. The previously numbered Section 7, relating to limitation of liability was removed and the subsequent paragraphs were renumbered accordingly.

Questions regarding the Agreement: (1) an explanation was provided concerning the benefits paying a lump sum contribution of the City's funding portion instead of annual payments; (2) following a question, it was stated that the State is expected to grant approval of the Braves' stadium within the next few weeks, and the bonds will be issued by December, 2017, both of which will occur prior to the provisions specified in number iv, in the last Whereas paragraph on page 2 of the Interlocal Agreement; (3) subsequent to concern regarding an apparent substantive change in North Port's annual contribution between the Letter of Intent and the Interlocal Agreement, it was stated that: [a] removing number iv of the Whereas paragraph will resolve the concern by eliminating the bridge funding statement; and [b] due to North Port's contribution of \$4.7 million, West Villages will reduce their bond request by that amount and there will be no negative affect of the State's approval of the Application; (4) it was stated that clarifying language can be added to Section 4 of the document to state that the West Villages Improvement District (WVID) will pursue damages if any party terminates the Development Agreement; (5) after it was stated that the City's contribution of \$4.7 million will be funded from the One-Cent Surtax money, the One-cent Surtax Fund was explained; (6) confirmation was provided that because the City is funding its portion in one lump sum, up front, any City liability for bond repayment is removed; (7) after it was stated that the Development Agreement has not been provided yet for review, concern was expressed that several operative agreements referred to in that contract which affect the City have not been completed; (8) it was confirmed that Sarasota County has not yet executed an Interlocal Agreement with WVID; (9) it was stated that the Atlanta Braves has agreed in theory to North Port's changes in the License Agreement but the language has not been finalized; (10) both Section 2.A., and Section 12 include language stating the City has no further financial obligation or other liability beyond the agreed contribution; (11) it was suggested to revise the verbiage in Section 4, subsection A, of the Interlocal Agreement, changing "but only to the extent" to "including but not limited to the extent" and the other party would have to agree to that change; (12) after a concern, it was suggested to revise the verbiage at the end of Section 5, to state: "the remedies survive the termination of the Agreement" unless the Commission directs that it be extended for the full 30 years or extend it until the termination of the five operative agreements. Additionally, the Letter of Intent does not require in what order the Agreements are approved nor does it specify a specific date; (13) after a concern, it was stated that a delay in signing the Interlocal Agreement until after the Development Agreement is signed may negatively affect the overall financing plan; (14) after it was stated that prior to releasing \$4.2 million, the matter needs to be resolved pertaining to the two parcels on the property that will be privately owned and taxable, clarification was provided that Section 3.A.i., states that the City's obligation to pay is expressly contingent upon the five conditions, the first of which is the Stakeholders' approval and execution of the Development Agreement and if any party fails to approve and/or execute the Agreement the City's contribution to pay would not be triggered; (15) it was stated that the Development Agreement will be approved before the first contribution payment by North Port on December 1, 2017, and the City will not make any payments until all five conditions have been met; (16) clarification was provided that

the City's contribution of \$4.7 million was negotiated down from \$5 million and is the lowest settlement that could be reached. In addition, the \$4.7 million could not be offset easily by waiver of some City fees because the General Fund would then have to reimburse the Building Fund to make them whole again; (17) following a concern pertaining to the last sentence of Section 6 in the Letter of Intent, it was confirmed that, legally, the City is not obligated to provide waivers or other funding or credits if it is not in the best interest of the City to do so.

**PUBLIC COMMENT:**

Rich Suggs; Peter Bartolotta; Fred Tower: in support of the Atlanta Braves.

Elliot Corn; Dan Lobeck; Pete Pedersen; Connie Brunni; Robert Zabler: concerns regarding the Braves project.

Following a request, Interim City Attorney Slayton suggested the following language change to the Interlocal Agreement. Adding to the end of Sections 4.A., and 4.B., "In case of any such termination, WVID agrees to pursue all legal means for all remedies available at law to recover damages from ALBC." Additionally, the Commission could modify Section 5, to read: "This Interlocal Agreement shall become effective as of the effective date and shall continue until the termination of all operative agreements which shall include collectively, the following agreements: i. This Agreement, ii. The Development Agreement, iii. The Non-relocation Agreement, iv. The City License Agreement, v. the Developer License Agreement, vi. the County and WVID Interlocal Agreement, vii. The Deed Restriction, viii. the Spring Training Program Agreement, and ix. any other Agreements deemed necessary by the Parties to memorialize the Terms and Conditions set forth in the Terms Sheet."

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve the Interlocal Funding Agreement with West Villages Improvement District with following amendments: (1) removing iv, in the last Whereas, on page 2; and (2) adding the language that has been entered into the record constructed by the Interim City Attorney in Section 4 and 5.***

Discussion ensued: (1) the motion provided assurance that North Port's interests will be protected as other Agreements are approved; (2) the up-front contribution saves money in the long run; (3) funding will not burden tax payers because the City will be utilizing Surtax revenue; (4) emphasis should be focused on the positive aspects of this economic opportunity for North Port; (5) the funding source could be used to build a hospital, which would create the same economic drivers; (6) every contract approved by the Commission must be thoroughly scrutinized; (7) Mayor Yates supported the Atlanta Braves coming to North Port and the accompanying opportunities for all concerned, but opposed the motion for the following reasons: [a] the financial numbers in the Study were unsatisfactory and incomplete; [b] when fees are not collected by a property owner and when those fees are removed, the burden rests on residents as well as businesses; [c] other cities in Sarasota County do not have an obligation to provide municipal services to the Braves' facility and providing those services create a major impact on North Port; [d] the City should not make decisions as if it were a private corporation; [e] all other Agreements, details and information, are needed prior to the Interlocal Agreement so the complete outcome is known prior to conferring a check; (8) Commissioner McDowell will not support the motion for the following reasons: [a] the City had a requirement in the Letter of Intent to include clarifying language in the documents that followed, which would absolve the City of North Port of any kind of liability and Section 4 of the Interlocal Agreement contradicts that; [b] our responsibility to tax payers is to be prudent stewards of their money; [c] the Braves facility will be receiving services and not paying for them.

***A vote on the motion was taken and the motion carried by the following vote with Mayor Yates and Commissioner McDowell dissenting for reasons stated:***

**Yes:** 3 - Vice-Mayor Carusone, Commissioner Hanks and Commissioner Luke

**No:** 2 - Mayor Yates and Commissioner McDowell

## **2. ANNOUNCEMENTS**

**A. [17-1233](#)** Current Vacancies for Boards and Committees.

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

**B. [17-1234](#)** Upcoming Expiration Dates for Boards and Committees.

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

## **3. PUBLIC COMMENT:**

PUBLIC COMMENT 7:45 P.M. - 8:00 P.M.

Rochelle Munroe: the North Port Senior Center.

Sam George: the Medical Hospital Task Force.

Vivek Babbar; Mike Mundella: Plantation landscaping, Item 5.I.

From a follow-up question, it was stated that currently, the yellow portion on the map of Plantation Boulevard is not being mowed or landscaped by the Plantation Community Development District (CDD).

Recess 8:00 p.m. - 8:12 p.m.

## **4. PUBLIC HEARINGS:**

**A. [17-1212](#)** Ordinance 2017-22, second reading, modifying the City-Wide Fee Schedule for Fiscal Year 2017-2018.

City Clerk Adkins read Ordinance No. 2017-22 into the record by title only and City Manager Lear provided a brief overview. There was no public comment.

Discussion ensued: (1) after the minutes of a previous Commission meeting were cited, where it was determined that under Parks and Recreation Fees, the subheading City Organized Special Events/Activities should be City Sponsored Special Events/Activities, it was determined to leave the phrase as it stands in the current Fee Schedule; (2) the three items that were changed in the Ordinance included: [a] adding a 50% reduction in the re-inspection in Section 5; [b] special detail assignments for police officers was clarified to mean per officer, per hour; [c] adding "seasonal" for Utilities Fees, Reinstatement of Existing Seasonal Service; (3) Vice-Mayor Carusone opposed the Ordinance for the following reasons: [a] North Port's facility fees and use of facilities are higher than the rest of the area, making it unaffordable for City residents; [b] the rates are charged piece-meal; [c] it is her opinion that the business license fees are unreasonable and unsupported; (4) clarification was provided that once staff has obtained an analysis of rental fees, a Commission meeting will be scheduled for further discussion.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2017-22. The motion carried by the following vote with Vice-Mayor Carusone dissenting for reasons stated:***

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

**No:** 1 - Vice-Mayor Carusone

**B. [17-1211](#)**

Petition No.GEN-17-048, Ordinance No.2017-13, first reading, Amendments to Chapter 46, Article II, Division 2, Noise, Section 46-40 and Section 46-42 of the Code of the City of North Port, Florida to exempt planned developments from the noise regulations as it pertains to pumps, air conditioning or air handling equipment.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to read Ordinance No. 2017-13 by title only. The motion carried by the following vote:***

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

City Clerk Adkins read Ordinance No. 2017-13 into the record by title only and City Manager Lear provided a brief overview. There was no public comment.

Questions ensued: (1) it was stated that front and rear set-backs are larger than side set-backs and more easily accommodate air conditioning units; (2) a 7.5-foot setback is the normal set-back on a single family residence, and planned developments have a 14-foot setback.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor Carusone, to continue Ordinance No. 2017-13 to the September 12, 2017 Commission Regular Meeting for second reading. The motion carried by the following vote:***

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

**C. [17-1210](#)**

Resolution 2017-R-26, Notice of Intent to Adopt Regulations Relating to the Use of the City's Rights-of-Way for Above-Ground Communications Facilities

City Clerk Adkins read Resolution No 2017-R-26 into the record by title only and City Manager Lear provided a brief overview of the agenda item, noting that the only difference is a change in the Resolution number. There was no public comment.

Questions ensued: (1) it was stated that the City's Resolution was previously denied by the Commission on May 23, 2017 and the State Legislative Bill was signed by the Governor on June 23, 2017; (2) clarification was provided regarding the difference between a regular cell tower and micro-towers; (3) clarification was provided that no new Applications for micro-towers have been submitted; (4) the goal is to provide an Ordinance to the Commission by January, 2018 that will address staff's recommendations for the rates, terms, fees, and amendment(s) to the Unified Land Development Code (ULDC); (5) the definition and limitation was explained regarding "colocating" small wireless facilities; (6) clarification was provided that on June 28, 2017 staff met to discuss how to move forward in case the Governor approved the Bill; (7) the City will abide by the parameters of Section 11 of the State Statute, defines the ways in which a municipality can deny a proposed collocation of a small wireless facility in the public rights-of-way of the proposed collocation; (8) staff will formulate a process of approval that will apply to companies who want to put a small cell facility above ground in

the right-of-way; (9) clarification was provided that the City met the notice requirements under the State Statutes and the Sunshine Law, therefore the body of the Resolution's text could be modified, as determined by the Commission, to specifically relating to the use of the right-of-way for above the ground communications facilities.

***A motion was made by Commissioner Luke, seconded by Vice-Mayor Carusone, to approve Resolution No. 2017-R-26, Notice of Intent to Adopt Regulations Relating to the Use of the City's Rights-of-Way for Above-Ground Communications Facilities adding to the body of this Resolution, the definition pertaining to small wireless facilities, per Chapter 2017-136 of Florida Laws.***

Discussion ensued: (1) Mayor Yates voiced concerns that: [a] progress has been too slow regarding moving the City's legislation forward from where it should have been; [b] the Federal Guidelines grant staff authority to deny applications that are inappropriate; [c] the motion limits what improvements could be made to the current services; (2) clarification was provided that narrowing the verbiage only prohibits the small wireless facilities until January, 2018; (3) Vice-Mayor Carusone opposed the motion because it did not narrow down or limit the expansion of services that do not currently exist; (4) following a question, it was stated that City Manager Lear has a meeting with Comcast tomorrow and will provide the results of that conversation at the 2:00 p.m. Commission Special Meeting.

***A vote was taken on the motion and the motion carried by the following vote with Mayor Yates and Vice-Mayor Carusone dissenting for reasons previously stated:***

**Yes:** 3 - Commissioner Hanks, Commissioner Luke and Commissioner McDowell

**No:** 2 - Mayor Yates and Vice-Mayor Carusone

**D. 17-0963**

**Resolution No. 2017-R-18 Designating Dog-Friendly Areas in Specified City Parks**

City Clerk Adkins read Resolution No. 2017-R-18 into the record by title only and General Services Director Pfundheller provided a brief overview. There was no public comment.

Discussion and questions ensued: (1) it was stated that the calls pertaining to violations will initially go to the Parks & Recreation Department, who will route the calls to the proper entity; (2) the public needs to be self-regulating with their pets; (3) it was suggested to start a pilot program first, starting with parks that don't cater to picnics or playgrounds; (4) staff did not recommend including parks with programmed sports, due to the nature of the activities there, and the Environmental Park and Oaks Park were not recommended due to their sensitive nature; (5) it was stated that Sarasota County has reported no significant problems with parks that are near bodies of water; (6) the City's littering sign can be modified to include additional information; (7) confirmation was provided that enforcement of littering is under police jurisdiction.

***A motion was made by Vice-Mayor Carusone, seconded by Mayor Yates, to approve Resolution No. 2017-R-18, amending it to include all originally recommended parks to the list; to implement sign changes to include a fine for littering and correct phone numbers.***

***A motion was made by Vice-Mayor Carusone, seconded by Mayor Yates, to amend the motion to direct staff to eliminate the first three Paw Points and keeping the last Paw Points that speaks about disposal helping to protect the waterway and keep our parks clean. The motion carried by the following vote:***

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

Commissioner McDowell stated that parks were designed for people not for dogs; a place safe for their children that is free of inconsiderate individuals with their dogs. This should be a pilot program.

***There was a vote on the main motion, as amended, to approve Resolution No. 2017-R-18, amending to include all originally recommended parks to the list; to implement sign changes to include a fine for littering and correct phone numbers; and to direct staff to eliminate the first three Paw Points and keeping the last Paw Points that speaks about disposal helping to protect the waterway and keep our parks clean. The motion carried by the following vote with Commissioner McDowell dissenting for reasons stated:***

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

**No:** 1 - Commissioner McDowell

***There was a consensus to direct staff to update the Commission monitoring pros and cons of the program.***

Recess 9:45 p.m. - 10:00 p.m.

## **5. GENERAL BUSINESS:**

### **B. [17-1224](#) Discussion and direction regarding a hospital in North Port**

City Manager Lear provided an update about the hospital.

#### **PUBLIC COMMENT:**

Jim Blucher; Sam George; Kevin Dilulla: the hospital in North Port.

Following public comment, clarification was provided regarding the timing and approval process for a hospital application to the State. The ten-year exclusivity clause was explained as it applied to a hospital provider's return on investment.

Questions ensued: (1) concern was expressed regarding the need to move forward with negotiations with UHS, and work toward a January submittal with the intent of a win-win commitment for everyone; (2) Interim City Attorney Slayton will review in detail, the exclusivity clause in the Letter of Intent (LOI); (3) no negotiations have been held with any company but there was an evaluation of one of the proposals in the backup material; (4) the Medical Hospital Task Force will meet on August 3, 2017 and will review the LOI from each provider.

#### **PUBLIC COMMENT**

Fred Tower: Florida Hospital was the name of the hospital provider with whom they have been working.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to have staff present all of the information from tonight's meeting to the Medical Hospital Task Force in their August meeting; to bring back their analysis of each, in a special meeting to be scheduled sometime in September with this issue and to invite all parties to come to the Commission for presentation. The motion carried by the following vote:***

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

***There was a consensus to hear General Business Item 5.E. next.***

E. [17-1236](#) Articulation Agreement with Hodges University and the City of North Port.

City Manager Lear provided a brief overview of the agenda item. There was no public comment.

Questions ensued: (1) the opportunity is open to all area law enforcement agencies; (2) the discounted rate is offered to every employee of every law enforcement agency in Florida for the accelerated baccalaureate programs.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the Articulation Agreement with Hodges University and the City of North Port. The motion carried by the following vote:***

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

Subsequent to a concern regarding time, it was stated that this meeting may be continued, however, the meeting should be noticed to meet the Sunshine Law requirements and the City Code requires a 48-hour advance notice. Interim City Attorney Slayton will research the issue more thoroughly.

C. [17-1232](#) Discussion and possible action regarding the City of North Port 2018 State Legislative Priorities

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

Discussion ensued regarding the importance of Home Rule will be emphasized in the Legislative Priorities; (2) it was suggested to combine the two bullet points under the Home Rule heading.

***There was a consensus to direct City Manager Lear to consolidate the Home Rule heading in the Legislative Priorities into one paragraph statement.***

It was suggested: (1) to consolidate the Opposition paragraphs to capture those things; (2) to consolidate the redundancies in the Infrastructure paragraph and leave the Opposition paragraph; (3) to consolidate both drafts and make sure the Lobbyist draft includes the priorities listed in the Staff draft; (4) River Road should be identified specifically; (5) to address the issue of communications in the City's rights-of-way.

***There was a consensus to incorporate the pieces of the Staff Legislative Priorities that were left out of the Lobbyist Legislative Priorities regarding identifying River Road.***

***There was a consensus to work in the right-of-way issue pertaining to small wireless cell towers.***

City Manager Lear will make the changes, forward it to Mayor Yates for review and to present at the Annual Legislative Conference on December 6, 2017.

Following a concern, it was suggested to schedule a future agenda item to discuss the Home Rule Exemption.

D. [17-1185](#) Discussion and possible action to extend the Reciprocal License Agreement with the North Port Area Chamber of Commerce

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

Discussion ensued: (1) the Platinum Level name was clarified to state that those who pay \$5,000 are Platinum Level Members and those who pay \$5,000 in-kind, are Community Partner Members; (2) following a concern, City Manager Lear suggested approving the Reciprocal License Agreement as presented and work with the Chamber's new version to make sure the benefits match in the two documents.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve the extension of the Reciprocal License Agreement with the North Port Area Chamber of Commerce. The motion carried by the following vote:***

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

- F. [17-1209](#) Review and discuss City of North Port Administrative Code, Article V - Camping

***REMOVED FROM THE AGENDA TO BE SCHEDULED FOR A FUTURE WORKSHOP OR SPECIAL MEETING.***

- G. [17-1230](#) Discussion and possible action regarding the Annual Performance Evaluation of the City Clerk.

Mayor Yates provided an overview of the item. There was no public comment.

A brief discussion ensued concerning the timing of the increase in the City Clerk's salary. Appreciation was voiced to the City Clerk for her exceptional performance and thereafter, City Clerk Adkins expressed gratitude for the support of the Commission and the City Clerk's Department staff.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve a 3% increase to the City Clerk's Contract to be effective on the anniversary date. The motion carried by the following vote:***

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

- H. [17-1221](#) National Estuary Program letter of support and funding.

Commissioner McDowell introduced the agenda item. There was no public comment.

***There was a consensus to send the letter of support to the National Estuary Program.***

Discussion ensued: (1) the responsibilities and work carried on by the Charlotte Harbor National Estuary Program (CHNEP) were explained; (2) subsequent to a question of relevance as to benefits received by North Port, CHNEP will be contacted and invited to do a presentation in October or November.

No action was taken regarding the requested donation increase.

***There was a consensus to move to the Consent Agenda.***

## **6. CONSENT AGENDA:**

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve the Consent Agenda Items A through D. The motion carried by the following vote:***

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

- A. [17-1235](#) Approval of Minutes for the March 28, 2017 Commission Regular Meeting; April 6, 2017 Commission Workshop; April 25, 2017 Commission Regular Meeting; May 10, 2017 Commission Regular Meeting.
- B. [17-1225](#) Appointment of Sam George to the Medical Hospital Task Force.
- C. [17-1213](#) Disposition of surplus assets by an appropriate fashion per Chapter 2 Article VIII Sec. 2-419 (d) of the City Code set forth in F.S. 274.06.
- D. [17-1107](#) Technology Service Agreement Amendment No. 2 with Sarasota County for a recurring annual fee of \$11,527.68.
- E. [17-1218](#) Approval of Group Medical Insurance Renewal for Fiscal Year 2018.

***THIS ITEM WAS PULLED FROM THE AGENDA.***

## **5. GENERAL BUSINESS:**

***There was a consensus to move General Business Items L. and M. to the first Thursday meeting in September.***

- I. [17-1226](#) Discussion and possible action regarding Plantation Boulevard (from Panacea to Toledo Blade.)

Commissioner McDowell provided an overview of the agenda item and voiced concerns regarding the current lack of upkeep on the roadway.

Questions ensued: (1) the City owns the road and the street lights on Plantation Boulevard, but did not accept maintenance responsibility for the landscaping; (2) property owners include Huntington National Real Estate Investments, LLC, and Woodland Community Development District; (3) the right-of-way portion owned by the Huntington group was dedicated to the City as a public road but they retained the responsibility for maintenance; (4) at a previous meeting, the Commission approved a one-time abatement of the maintenance of the Huntington and Woodland portions and both parties have paid for the work.

### **PUBLIC COMMENT**

Nick Trolli: mowing on Plantation Boulevard.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to abate the roadway of Plantation Boulevard, between Panacea Boulevard and Toledo Blade Boulevard, prior to school opening, and invoice once again, shut down the road, and hold the CDD and others accountable for the lack of maintenance. Subsequently, the motion and second were withdrawn.***

Clarification was provided that Plantation Boulevard is a dedicated public road and cannot be shut down

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to abate the Plantation Boulevard, from Panacea Boulevard to Toledo Blade Boulevard, prior to school opening and invoice all those accountable for the lack***

***of maintenance.***

Discussion continued: (1) how to compel accountability for landscaping responsibilities; (2) Commissioner Luke stated the road is utilized as a connector from Haberland Boulevard for many people and she questioned why the City did not acquire the landscape maintenance in the first place and could not support the motion.

***A motion was made by Commissioner McDowell, to amend the motion to direct staff to keep the fire hydrants and light poles cleared until we can reach a final resolution. There was no second and the motion failed.***

Discussion ensued: (1) following a request to amend the motion, clarification was provided that staff will continue to do the abatement and invoice them accordingly; (2) it was suggested to craft a Resolution to address the piece that is not resolved, taking on landscaping for the rest of the portions.

***A vote was taken and the motion carried by the following vote with Commissioner Luke dissenting for reasons stated.***

**Yes:** 4 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks and Commissioner McDowell

**No:** 1 - Commissioner Luke

Mayor Yates passed the gavel to Vice-Mayor Carusone.

***A motion was made by Mayor Yates, seconded by Commissioner McDowell, to bring back the CDD portion of Plantation Boulevard for the City to take the maintenance on.***

Vice-Mayor Carusone opposed the City taking on Plantation Boulevard. Commissioner Hanks stated the City should not charge for something the City should have been doing all along.

***A motion was made by Commissioner McDowell, seconded by Mayor Yates, to amend the motion, to have the Resolution include that the acceptance would be contingent upon the invoice being paid for all abatement. The motion carried by the following vote with Vice-Mayor Carusone and Commissioner Hanks dissenting for reasons stated.***

**Yes:** 3 - Mayor Yates, Commissioner Luke and Commissioner McDowell

**No:** 2 - Vice-Mayor Carusone and Commissioner Hanks

***There was a vote on the main motion, as amended, to bring back the CDD portion of Plantation Boulevard for the City to take the maintenance on; and to have the Resolution include that the acceptance would be contingent upon the invoice being paid for all abatement. The motion carried by the following vote with Vice-Mayor Carusone dissenting for reasons stated.***

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

**No:** 1 - Vice-Mayor Carusone

Commissioner McDowell agreed that the City should not take over Plantation Boulevard, and the only reason she supported the motion was due to the Commission reversing its 2015 decision to take over the landscaping.

Vice-Mayor Carusone passed the gavel back to Mayor Yates.

- J. [17-1228](#) Discussion and possible action, regarding an Artist painting a mural on the outside of the wall at the Senior Center for decorative appeal to the Center.  
This item will be discussed during the Budget meeting on Thursday.  
**No action was taken on this item.**
- K. [17-1229](#) Discussion and possible action regarding purchasing 'North Port' flags for the 41 Corridor to fly the majority of time, then, switch out with the American Flag during the National Holiday times.  
This item will be discussed during the Budget meeting on Thursday.  
**No action was taken on this item.**
- L. [17-1239](#) Recognize Mayor Yates as a recipient of the 2017 Home Rule Hero Award.  
**THIS ITEM WAS MOVED TO THE SEPTEMBER 7, 2017 SPECIAL MEETING.**
- M. [17-1240](#) Presentation of Certificates of Completion to Commissioner Chris Hanks and Commissioner Jill Luke.  
**THIS ITEM WAS MOVED TO THE SEPTEMBER 7, 2017 SPECIAL MEETING.**

## **7. PUBLIC COMMENT:**

Public comment was held 12:05 a.m. - 12:06 a.m.  
Nick Trolli: four-lanes to the Salford Boulevard intersection.

## **8. COMMISSION COMMUNICATIONS:**

Commissioner Hanks: Suggested that the Commission could be more responsible about following-up with staff to be more prepared at Commission meetings.

Commissioner Luke: (1) suggested having a discussion regarding Advisory Boards; (2) after stating that Charlotte County Board of County Commissioners wants to have a joint meeting with the Commission in October, City Clerk Adkins reported that Charlotte County was contacted but a response has not been received.

Mayor Yates: (1) received a letter requesting that the City support to the Mayor's Feed the Hungry Program and requested consensus to sign and return it; (2) attended the Manasota League of Cities meeting; (3) following a comment regarding some communication information from the Council of Governments, City Clerk Adkins and City Manager Lear have an appointment to discuss the topic.

Vice-Mayor Carusone: nothing to report.

Commissioner McDowell: nothing to report.

***There was a consensus that Mayor Yates will sign the letter supporting the Mayor's Feed the Hungry Program.***

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

There were no reports provided by the City Manager, City Attorney, or City Clerk.

**10. ADJOURNMENT:**

Mayor Yates adjourned the North Port City Commission Regular Meeting at 12:13 a.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.