



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Pete Emrich, Mayor
Barbara Langdon, Vice Mayor
Jill Luke, Commissioner
Debbie McDowell, Commissioner
Alice White, Commissioner

APPOINTED OFFICIALS

Jerome Fletcher, City Manager
Amber L. Slayton, City Attorney
Heather Faust, City Clerk

Tuesday, July 12, 2022

6:00 PM

City Commission Chambers

CALL TO ORDER

Mayor Emrich called the meeting to order at 6:01 p.m.

ROLL CALL

Present: 5 - Mayor Pete Emrich, Vice Mayor Barbara Langdon, Commissioner Jill Luke, Commissioner Debbie McDowell and Commissioner Alice White

Also Present

City Manager Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Faust, Recording Secretary Amanda Baker, Fire Chief Scott Titus, Parks and Recreation Director Sandy Pfundheller, Recreation Supervisor Shelby Mendelson, Marketing and Engagement Coordinator Laura Ansel, Aquatic Facilities Manager Patricia Sturgess, Business Services Coordinator Cheryl Greiner, Aquatics Supervisor Devon Poulos, Recreation Supervisor Hugo Montenegro, Planner II Noah Fossick, and Planning Manager Lori Barnes

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Barbara Langdon.

1. APPROVAL OF AGENDA

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

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

2. PUBLIC COMMENT:

Valdy Olender: organizational chart, City Charter, United States Code, and Florida Constitution.

Jeffrey Scott: July 11, 2022 Commission Workshop takeaways.

3. ANNOUNCEMENTS

- A. [22-3160](#) Current Vacancies and Upcoming Expirations for Advisory Boards and Committees

Ms. Faust read the announcements into the record.

4. CONSENT AGENDA:

Mayor Emrich announced the item.

Mr. Fletcher noted no items were pulled from the Consent Agenda for discussion.

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

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

- A. [22-3092](#) Approve Professional Consulting Services - Continuing Services Contracts for City of North Port General Planning Services No. 2022-13-01 through 2022-13-05 for City of North Port Planning and Zoning Division, Neighborhood Development Services Department, with Hole Montes, Inc., RVI Planning + Landscape Architecture, Inc., Pritchette Steinbeck Group, Inc., S&ME, Inc., and Kimley-Horn and Associates, Inc.

This item was approved on the Consent Agenda.

- B. [22-3121](#) Accept the Cash Receipts Summary Report for May 2022.

This item was approved on the Consent Agenda.

- C. [22-3123](#) Approve Construction Contract No. 2022-26 - Water Pipeline Bridge Replacements- Haberland/Woodhaven/N. Toledo Blade with Spectrum Underground, Inc. in the Amount of \$340,604.85 with a Contingency of \$54,941.00, for a Total Amount of \$395,545.85.

This item was approved on the Consent Agenda.

- D. [22-3157](#) Approval of Peter Bedard as the North Port Resident on the Sarasota County Citizen Advisory Committee for School Facility Planning To Serve a Three-Year Term from July 12, 2022, to July 12, 2025.

This item was approved on the Consent Agenda.

- E. [22-3161](#) Approval of Art Bilski for a Second Term as a Regular Member on the Charter Review Advisory Board, to Serve a Term from July 12, 2022, to July 12, 2024.

This item was approved on the Consent Agenda.

- F. [22-3126](#) Approval of Minutes for the June 2, 2022 and June 7, 2022 Commission Regular Meetings, and the June 21, 2022 Commission Special Meeting

This item was approved on the Consent Agenda.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [22-3154](#) Parks & Recreation Department 2022 Annual Departmental Overview of Activities.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Department staff provided a presentation including national accreditation, vision, mission, strategic pillar, department at-a-glance, leadership backgrounds, provided amenities, health, partnership, safety, environmental, economic, community building, and star powers.

Commission discussion took place regarding gratitude to staff, Master Plan contents, program linkage, importance of the department, and special events.

There was no public comment.

6. PUBLIC HEARINGS:

ORDINANCES - First Reading:

- A. [ORD. NO. 2022-06](#) An Ordinance of the City Of North Port, Florida, Rezoning ± 15.64 Acres Located in Section 12, Township 39 S, Range 21 E of Sarasota County and Further Described in Instrument No. 2019102990 in the Official Records of Sarasota County, from Commercial General District (CG) Classification to Planned Community Development District (PCD) Classification; Amending the Official Zoning Map; Providing for Findings; Providing for Filing of Approved Documents; Providing for Severability; Providing for Conflicts; And Providing an Effective Date. (QUASI-JUDICIAL)

Mayor Emrich announced the item, stated this is a quasi-judicial hearing, and requested a motion to direct the City Clerk to read the Ordinance by title only.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

Ms. Faust read the Ordinance by title only and swore in those wishing to provide testimony.

Ms. Slayton explained the quasi-judicial procedure.

Commissioner McDowell disclosed a phone conversation and follow-up e-mail with Mary Moffat on March 2, 2022 regarding development processes and e-mail correspondence on April 1, 2022 regarding the Planning and Zoning Advisory Board (PZAB) meeting, e-mail correspondence with Mr. and Mrs. Lucas regarding the PZAB meeting, e-mail correspondence to staff, July 7, 2022 agenda briefing with staff, and meeting with Mr. Boone and Mr. Barnhart in early 2022 regarding Toledo Village.

Commissioner White disclosed a phone conversation with Robert Ryan regarding the rezoning petition and agenda briefing with staff.

Mayor Emrich disclosed agenda briefing with staff.

Vice Mayor Langdon disclosed a meeting with Mr. Boone and Mr. Barnhart, agenda briefing with staff, and follow-up conversation with Mr. Yarborough.

Commissioner Luke disclosed an office meeting with Mr. and Mrs. Moffat regarding the June 21, 2022 PZAB meeting and quasi-judicial procedure, review of the PZAB meeting regarding the rezoning petition, conversation with staff regarding following procedure in the Comprehensive Plan, conversations with City Attorney's Office regarding quasi-judicial proceedings, June 27 meeting with Tammy Shaw regarding various properties within the City, e-mail correspondence with aggrieved parties, agenda briefing with staff, and July 11 voice mail from Robert Ryan.

Commissioner McDowell disclosed a phone conversation with Robert Ryan regarding a separate parcel.

Ms. Faust noted there were six aggrieved parties and noted requests were included in the backup material.

Jackson Boone, on behalf of Applicant, being duly sworn, provided a presentation including aerial and zoning maps, zoning designations including Commercial General (CG), Planned Community Developments (PCD), Residential Single-Family (RSF), and Agricultural (AG), property location, Activity Center 4 future land use designation, purpose of the first reading, Activity Center zoning designation, consistency with the Comprehensive Plan, Unified Land Development Code (ULDC) specifications regarding PCD zoning designations within Activity Centers, water and sewer connectivity extensions funding, staff report content regarding property rezoning, future potential property development, maximum building height, lot coverage, residential density, special exceptions, additional mitigation factors in PCD zones, Development Master Plan (DMP) approvals, and future land use element goals.

Mr. Fossick, being duly sworn, provided a presentation including rezoning application, existing and proposed zoning maps, acreage, future land use elements and designations, Activity Center 4 permitted uses and intentions, noticing requirements and advertisements, petition distributions, plan approval by City Staff, consistency with Florida Statutes, Comprehensive Plan, and ULDC, purpose of rezone petition, and PZAB and staff recommendations.

Mary Jude Moffat, Aggrieved Party, being duly sworn, spoke to residence location,

neighborhood character needs, development impact, quality of life concept, connectivity within neighborhoods, aesthetic enhancements, transit facilities, property area location, future land use elements, possible land use developments, other mixed-use development proposals in the area, interchange being a gateway into the City, staff report findings, future land use goals, wetland use, Comprehensive Plan goals, distance to non-residential developments and public transportation, Camoin study, population and residential growth, and number of units.

Kevin Moffat, Aggrieved Party, being duly sworn, spoke to residence location, adequate housing options, impact fee revenue, estimated costs for water/sewer connectivity, population growth, economic growth and development, Camoin study, action plan matrix, staff report findings, future land use elements, and PZAB meeting.

Lois Rose, Aggrieved Party, being duly sworn, spoke to residence location, future land use elements, economic development component, Comprehensive Plan elements, and requiring the parcel to be zoned PCD.

Joshua Wichers, Aggrieved Party, being duly sworn, spoke to the economic development component, PZAB meeting, Comprehensive Plan goals, possible commercial developments, and flexibility of rezoning.

Craig Beal, Aggrieved Party, being duly sworn, spoke to the proposed development entries, future roadway lane map, current box culverts, and flooding concerns.

Mr. Boone provided a rebuttal regarding development master plan (DMP) discussion, CG land uses, and compliance with Comprehensive Plan and ULDC.

Jeffrey Boone, on behalf of Applicant, being duly sworn, spoke to aggrieved parties' presentations and work in helping the City achieve its potential.

Mr. Fossick provided a rebuttal regarding the purpose of the first reading, ULDC procedure, expanding the economic development possibilities, and Comprehensive Plan requirements.

Ms. Barnes, being duly sworn, provided a rebuttal regarding CG zoning designation, Activity Center future land use, Camoin study adoption and inconsistencies, building height limitations, and buffering and landscaping regulations.

Ms. Moffat provided a rebuttal regarding business proposals.

Mr. Moffat provided a rebuttal regarding building height limitations, planned community development content, Boone Law Firm litigation, and possible future commercial developments.

Ms. Rose provided a rebuttal regarding initially zoning the property as CG.

Mr. Wichers provided a rebuttal regarding staff report being objective.

Mr. Beal provided a rebuttal regarding Ordinance 2019-25.

Recess was taken from 8:16 p.m. until 8:30 p.m.

There were no additional ex-parte communications.

PUBLIC COMMENT:

Carmine Miranda: being duly sworn, expressed opposition for Ordinance No. 2022-06.

Susan Balmer: being duly sworn, expressed opposition for Ordinance No. 2022-06.

Bob Moffat: being duly sworn, expressed opposition for Ordinance No. 2022-06.

Rick Greene: being duly sworn, expressed opposition for Ordinance No. 2022-06.

Donna Macey: being duly sworn, expressed opposition for Ordinance No. 2022-06.

Commission questions and discussion took place regarding high-density and medium-density housing in Activity Center 4, mixed-use examples, residential allowance in CG, PCD and CG definitions and requirements, City Code requirements for rezoning to PCD, Parcel Identification number (PID) vs. Instrumental No., Comprehensive Plan requirements, permitted and prohibited uses, highest allowable density and intensity, economic development priority, promoting balance of urban development, provisions in the Comprehensive Plan, current percentages for commercial and residential uses, acreage requested to rezone, residential use special exception, change of land use vs. rezoning, PZAB, requirements for a rezone, highest intensity zoning, Camoin study not taking development of regional impact (DRI) into account, inability to find other adequate sites for the proposed development, implementation of economic development, parcel zoning history, and reason for rezoning petition.

Ms. Moffat had no closing argument.

Mr. Moffat provided a closing argument regarding rezoning intentions and highest density and intensity.

Ms. Rose provided a closing argument regarding instrument number within the Ordinance title block, percentage of allowed high density, light industrial development, Comprehensive Plan rezone requirements, and the rezone application.

Mr. Wichers had no closing argument.

Mr. Beal provided a closing argument regarding Sarasota Technical College parcel and shovel-ready properties.

Staff provided a closing argument regarding highest intensity, administering and enforcing local government policies, rezoning approval preceding master plan submission, competent and substantial evidence, consistency with the Comprehensive Plan and ULDC, Camoin study, compatibility provisions within the Comprehensive Plan and ULDC, and PCD building height regulations.

Jackson Boone provided a closing argument regarding purpose of the Ordinance, consistency with Comprehensive Plan and ULDC, implementing zoning for Activity Center future land use, permitted uses and special exceptions, similarities and differences between CG and PCD, and DMP approval.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to deny Ordinance No. 2022-06, and find that based on the competent substantial evidence one or more of the requirements of the City of North Port Comprehensive

Plan and Unified Land Development Code Section 1-33.E(1) have not been met, including:

B. The relationship of the proposed change to the existing land use pattern is, in effect, adverse to the public interest, health, safety, and general welfare.

E. There are no relevant changed or changing conditions that make the passage of the proposed zoning necessary.

M. There are no substantial reasons why the property cannot be used in accord with existing zoning.

O. The proposed use causes a decrease in level of service and concurrency in any area listed in chapter 5, or causes adverse effects on the health, safety and welfare of the citizens of North Port; and it is possible to find other adequate sites in the City for the proposed use in districts already permitting this use that would maintain the adopted level of service and concurrency levels as listed in Chapter 5, or adequate services for the health, safety and welfare of the citizens of North Port.

Commission discussion took place regarding gratitude to applicant, staff, and aggrieved parties, additional requirements being added to the motion, and maintaining the parcels as CG.

The motion carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

Recess was taken 10:04 p.m. until 10:20 p.m.

B. [ORD. NO. 2022-17](#)

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Appendix A - City Fee Structure, to Change Certain Fire Rescue, Parks and Recreation, Facility Rental, and Utility Fees; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and requested a motion to direct the City Clerk to read the Ordinance by title only.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

Ms. Faust read the Ordinance by title only.

Mr. Fletcher introduced the item and noted adjustments to be made including \$2 paper bill effective October 1, 2023 and \$3 paper bill effective October 1, 2024.

Commission questions and discussion took place regarding clarifying organized youth group fees and camping youths with adults fees under Facilities section and gratitude to staff.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to

continue Ordinance No. 2022-17 to second reading on September 13, 2022.

A motion to amend was made by Commissioner McDowell, seconded by Commissioner Luke, to add "with the adjustment to paper bill fees to \$2 per bill effective October 1, 2023 and \$3 per bill effective October 1, 2024." The motion to amend carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

The main motion as amended carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

RESOLUTION:

- C. [RES. NO. 2022-R-39](#) A Resolution of the City Commission of the City of North Port, Florida, Authorizing the Purchase of +/- 17.31 Acres of Real Property Located on Pan American Boulevard and Described as Portions of Sections 29, 30, 31 and 32, Township 39 South, Range 21 East, A Portion of Real Property Bearing Sarasota County Property Appraiser Parcel Identification Number 0996001000; Incorporating Recitals; Providing For Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by title only.

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding adding "easements being approved at time of closing" to the Resolution.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve Resolution No. 2022-R-39 as presented. The motion carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

RESOLUTION - First Reading:

- D. [RES. NO. 2022-R-40](#) A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-22 for Sanitary Trailer Rental for Warm Mineral Springs in the amount of \$60,000; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and requested a motion to direct the City Clerk to read the Resolution by title only.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to direct the City Clerk to read the Resolution by title only. The motion carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to continue Resolution No. 2022-R-40 to second reading on July 26, 2022. The motion carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

7. GENERAL BUSINESS:

A. [22-3127](#) Discussion and Possible Action Regarding the Approval of the June 6, 2022 Commission Workshop Minutes

Mayor Emrich announced the item.

Ms. Faust introduced the item.

There were no Commission questions or discussion.

Mayor Emrich requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the June 6, 2022 meeting minutes as presented with the recommended changes. The motion carried on the following vote:

Yes: 5 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner McDowell and Commissioner White

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

B. [22-2504](#) Vice Mayor Langdon's Report

Vice Mayor Langdon will report at the next Commission meeting.

- A. [22-2502](#) Mayor Emrich's Report
Mayor Emrich will report at the next Commission meeting.
- C. [22-2505](#) Commissioner Luke's Report
Commissioner Luke reported on activities and events attended.
- D. [22-2506](#) Commissioner McDowell's Report
Commissioner McDowell will report at the next Commission meeting.
- E. [22-2507](#) Commissioner White's Report
Commissioner White reported on activities and events attended.

10. ADMINISTRATIVE AND LEGAL REPORTS:

Mr. Fletcher had nothing to report.

Ms. Slayton had nothing to report.

Ms. Faust had nothing to report.

11. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 10:36 p.m.

City of North Port, Florida

By: _____
Pete Emrich, Mayor

Attest: _____
Heather Faust, City Clerk

These minutes were approved on the ____ day of _____, 20__.