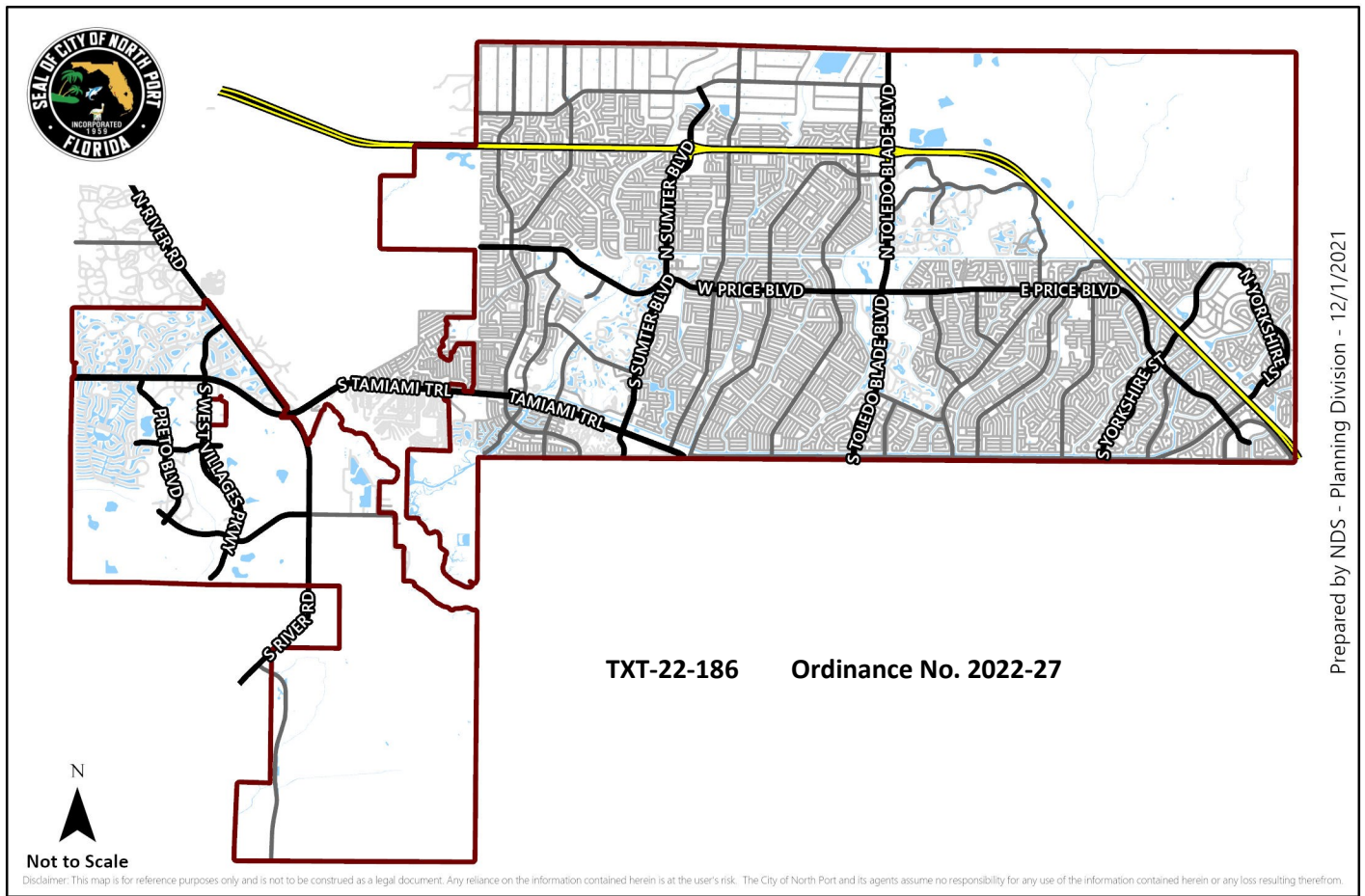




# STAFF REPORT

## Proposed Amendments to Public Art Regulations (Chapter 59 ULDC) Ordinance 2022-27 (TXT-22-186)

- From:** Lori Barnes, AICP, CPM, Planning & Zoning Manager  
**Thru:** Alaina Ray, Neighborhood Development Services Director  
**Thru:** Jason Yarborough, ICMA-CM, Assistant City Manager  
**Thru:** A. Jerome Fletcher II, ICMA-CM, MPA, City Manager  
**Date:** November 3, 2022



**PROJECT:** Ordinance 2022-27, Proposed Revisions Public Art Regulations  
**REQUEST:** Consider proposed ULDC text amendments (TXT-22-186)  
**APPLICANT:** City of North Port  
**LOCATION:** Activity Centers for Required Public Art; City-Wide for Voluntary Public Art

## I. BACKGROUND

On June 14, 2010, the North Port City Commission adopted Ordinance No. 2010-14 establishing public art regulations which are codified in Chapter 59 of the Unified Land Development Code. (See Exhibit A, Public Art Regulations per Ordinance 2010-14).

On December 8, 2020, the City Commission held a discussion regarding the City's Public Art Contribution and voted unanimously on a motion to adjust the art fund fee for the collection from developments within activity centers to require art valued at \$0.40 per square-foot of construction costs, capping it at \$150,000.00. (See Exhibit B, December 8, 2020 City Commission Meeting Minutes).

On April 26, 2022, the City Commission discussed and consented to (1) approve the Commission agreement from December 8, 2020, regarding the formula to calculate the fee, adding a 25% incentive for developers if they place the art themselves, and (2) direct the City Manager to work with the City Attorney and Staff to bring back an ordinance for first reading. (See Exhibit C, April 26, 2022 City Commission Meeting Minutes).

The Planning & Zoning Division reviewed Chapter 59 of the Unified Land Development Code and found the general requirements for public art subjective, and therefore recommends measurable public art standards as provided in the draft ordinance. In addition, based on City Commission discussion regarding their involvement in reviewing and approving public art, the Planning & Zoning Division recommends mandatory public art, instead of an incentive, for specific development types within Activity Centers where compliant public art is approved administratively based on measurable standards; noncompliant art requires a recommendation from the Art Advisory Board prior to presentation for City Commission consideration. (See Exhibit D, Companion Draft Ordinance No. 2022-28, Amendment to Chapter 4, City Code, Art Advisory Board).

## II. DATA & ANALYSIS

### FLORIDA STATUTES

#### **FLA. STAT. §166.041 Procedures for adoption of ordinances and resolutions**

The notice requirements pursuant to this Statute have been met and are detailed in Section IV of this Staff Report.

Staff concludes that the ordinance for the text amendment to the ULDC has been properly noticed.

### COMPREHENSIVE PLAN

#### **Future Land Use Element: Activity Centers, Goal 2, Objective 2**

GOAL 2: To promote an intensive mixture of employment, goods and services, and residential uses in Activity Centers; to promote a wide variety of residential and employment alternatives; to achieve the highest standards of quality in the urban environment; and to provide a balanced and healthy tax base.

Objective 2: The City shall continue to amend its Unified Land Development Code to provide up-to-date standards, including intensity and density standards, urban design standards, public art, internal/external connectivity, architectural styles, site design standards, mixture of uses, civic/public facilities, pedestrian friendly design standards, amenities and uses, and gateway criteria for Activity Centers to achieve the desired and

economically feasible mixture of land uses. The City may support changes in state legislation that create new funding sources which may be appropriate to fund projects within any activity center.

Staff concludes that, by providing up-to-date, measurable standards for Public Art in Activity Centers, the revisions proposed in Ordinance 2022-27 to the ULDC Chapter 59 are consistent with the Comprehensive Plan Future Land Use Element Objective 4.

**Future Land Use Element: Neighborhoods City Wide, Objective 4**

Support the City's diversity of neighborhoods by implementing targeted development and planning strategies for neighborhoods. This can be accomplished through methods including the establishment of City-wide and neighborhood specific policies addressing development and redevelopment efforts, safety, stability, property values, mobility and aesthetic controls including street trees, public art, and entry features.

Staff concludes that the revisions proposed in Ordinance 2022-27 to the ULDC Chapter 59 support neighborhoods by providing for public art in Activity Centers, consistent with the Comprehensive Plan Future Land Use Element Objective 4.

**Recreation and Open Space Element: Policy 3.2:**

The City shall support the creation of a privately-administered endowment fund for the planting of street trees/landscaping along City roadways. This fund may also be used to acquire and place public art along roadways. The fund shall consist of contributions from developers and private donations and endowments.

Despite the referenced policy provision allowing the use of a privately-administered endowment fund which may be used to acquire and place public art along roadways, the initial Public Art Ordinance 2014-10 created a separate Public Art Fund. Staff concludes that the revisions proposed in Ordinance 2022-27 to the ULDC Chapter 59 are consistent with the Comprehensive Plan Recreation and Open Space Element Policy 3.2.

**Economic Development Element: Policy 5.2.3:**

The City will continue to require all new development in all Activity Centers to provide public art, or contribute financially for the acquisition of public art within the City.

Notwithstanding the referenced policy option for development to contribute financially to the acquisition of public art, stricter provisions may be provided in the Unified Land Development Code. When regulations differ from those imposed by the City, Federal or State regulations, law or statute, the *most restrictive* or imposing the higher standards shall apply. Staff concludes that the revisions proposed in Ordinance 2022-27 to the ULDC Chapter 59 are consistent with the Comprehensive Plan Economic Development Element Policy 5.2.3.

## ULDC

### ULDC Sec. 1-12—Amendments.

This section of the ULDC authorizes amendments to the zoning regulations in the ULDC from time to time and provides the procedures for such amendments. The proposal meets the requirements for the initiation and notice for the amendment. Further, public hearing and action from Planning and Zoning Advisory Board and City Commission is planned due process.

Staff concludes that the proposed text amendment is consistent with ULDC Sec. 1-12—Amendments.

## III. PUBLIC NOTICE & HEARING SCHEDULE

### PUBLIC NOTICE

Ordinance 2022-27 was advertised in a newspaper of general circulation within the City of North Port on September 20, 2022, pursuant to the provisions of Section 166.041(3)(a), Florida Statutes, Section 7.01(c) of the Charter of the City of North Port, and Chapter 1, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC), as amended (Exhibit E).

### PUBLIC HEARING SCHEDULE

<b>Planning and Zoning Advisory Board Public Hearing</b>	<b>November 3, 2022 9:00 AM or as soon thereafter</b>
<b>City Commission 1st Reading Public Hearing</b>	<b>November 8, 2022 10:00 AM or as soon thereafter</b>
<b>City Commission 2nd Reading Public Hearing</b>	<b>November 22, 2022 6:00 PM or as soon thereafter</b>

## IV. RECOMMENDED ACTION

Find the amendments to Chapter 59 of the Unified Land Development Code proposed via TXT-22-186 consistent with the Comprehensive Plan and approve Ordinance 2022-27.

## V. ALTERNATIVE ACTIONS

- Denial of Ordinance 2022-27.
- Approval of Ordinance 2022-27 with changes to draft language.

## VI. EXHIBITS

<b>A</b>	Public Art Regulations (per Ordinance 2010-14)
<b>B</b>	December 8, 2020 City Commission Meeting Minutes
<b>C</b>	April 26, 2022 City Commission Meeting Minutes
<b>D</b>	Companion Draft Ordinance No. 2022-28, Amendment to Chapter 4, City Code, Art Advisory Board
<b>E</b>	Public Notice

## Chapter 59

# PUBLIC ART REGULATIONS

### Sec. 59-1. Title.

This chapter shall be known and may be cited as the "Public Art Regulations" of the City of North Port, Florida.

### Sec. 59-2. Relationship to Comprehensive Plan.

The Public Art regulations in this chapter implement the Goal 2, Objective 2 and Policy 2.5.6 and Objective 4 of the Future Land Use Element of the City of North Port Comprehensive Plan which states respectively: "To promote an intensive mixture of employment, goods and services, and residential uses in Activity Centers; to promote a wide variety of residential and employment alternatives; to achieve the highest standards of quality in the urban environment; and to provide a balanced and healthy tax base," and "The City shall continue to amend its Land Development Code to provide up-to-date standards, including intensity and density standards, urban design standards, public art, internal/external connectivity, architectural styles, site design standards, mixture of uses, civic/public facilities, pedestrian friendly design standards, amenities and uses, and gateway criteria for Activity Centers to achieve the desired and economically feasible mixture of land uses. The City may support changes in State legislation that create new funding sources which may be appropriate to fund projects within any activity center."

Policy 2.5.6: AC #5, "Complete a pattern book which will provide design guidelines within AC #5. This book shall illustrate pedestrian features such as sidewalks, street trees, lighting, and benches. A particular theme would be in place that would be used in choices of colors and public art."

Objective 4: "Support the City's diversity of neighborhoods by implementing targeted development and planning strategies for neighborhoods. This can be accomplished through methods including the establishment of City-wide and neighborhood specific policies addressing development and redevelopment efforts, safety, stability, property values, mobility and aesthetic controls including street trees, public art, and entry features."

### Sec. 59-3. Intent.

The intent of this chapter is to ensure the commitment of the City to the aesthetic enrichment of the community through the private and public acquisition of works of art so that citizens and visitors to the City will be afforded an opportunity to enjoy and appreciate works of art. The requirements of this chapter shall be construed to promote the aesthetic values of the entire community, to encourage the preservation and protection of works of art. These provisions are consistent with and implement Florida Statute 187.201(18)b1, 2, and 4. The legislative finding is that works of art, architectural enhancement and special landscape treatments must be an integral part of the City of North Port, if the City is to exemplify the quality of life embodied in the Comprehensive Plan, Planning Framework, Policy 3 that states "The City should develop design guidelines which will guide development and define the individual character of each activity center."

### Sec. 59-4. Applicability.

These regulations shall apply to all new developments in all Activity Centers within the City of North Port and all petitions filed as Development Master Plan (DMP), Subdivision Construction Plan (SCP) or Major Site Plan (MAS)

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that are located within Activity Centers, and apply to the City for development to construct or make improvements.

**Sec. 59-5. General requirements.**

- A. Existing developments shall be required to adhere to these public art regulations pursuant to subsection (B) below if the existing development is substantially improved or enlarged.
- B. All new developments that exceed two hundred fifty thousand dollars (\$250,000.00) in construction value to a multi-family, mixed-use or commercial building shall be required to do one (1) of the following:
  - (1) Contribute an amount equal to one-half ( $\frac{1}{2}$ ) of one percent (1%) of the first fifty million dollars (\$50,000,000.00) in construction cost for the project for a maximum contribution of two hundred fifty thousand dollars (\$250,000.00) to the City Public Art Account.
    - (a) When a project is to be constructed in phases, the maximum contribution pursuant to this section shall be two hundred fifty thousand dollars (\$250,000.00) for the entire phased project.
  - (2) Provide public art or public works of art on the development site provided that:
    - (a) The value of such public art or public works of art shall be equal to or greater than one-half ( $\frac{1}{2}$ ) of one percent (1%) of the construction costs for the project if the construction costs are less than fifty million dollars (\$50,000,000.00). The value of such public art or works of art shall be at least two hundred fifty thousand dollars (\$250,000.00) if construction costs are fifty million dollars (\$50,000,000.00) or more; and
    - (b) Such public art or public work of art shall be approved by the City Staff prior to placement on the site. The City Staff shall be authorized to approve proposed public art or public work of art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art or a public works of art be in existence and subject to examination at the time of its approval by the City Staff.
    - (c) Provided, however, that buildings or portions of buildings that include attainable housing units as defined by the City Commission, shall not be required to conform to the requirements of this section.
    - (d) Provided, however, that building permits for individual housing condominium units shall not be required to conform to the requirements of this section.
    - (e) Provided, however, that the County shall not be required to conform to the requirements of this section so long as the County provides public art, upon the construction of its public buildings, in conformity with the County public art program and so long as the public art proposed by the County is approved by the Board of County Commissioners after receiving and considering the comments and recommendations of the City Public Art Committee.
    - (f) All works of public art located on private parcels shall be installed outside of any and all buildings and completely visible from the adjacent public right-of-way.
  - (3) To provide public art or public works of art in a public place on a lot or parcel other than the lot or parcel proposed for development provided that:
    - (a) The value of such public art or works of art shall be equal to or greater than one-half ( $\frac{1}{2}$ ) of one percent (1%) of the construction costs if the construction costs are less than fifty million dollars (\$50,000,000.00). The value of such public art or works of art shall be at least two hundred fifty thousand dollars (\$250,000.00) if construction costs are fifty million dollars (\$50,000,000.00) or more; and

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- (b) Such public art or public work of art is approved by City Staff or City Commission, prior to placement on the site. The site for the placement of public art shall be approved by the City Commission pursuant to paragraph (c) below. The City Staff shall be authorized to approve proposed public art or public works of art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art or a public work of art be in existence and subject to examination at the time of its approval by the City.
  - (c) Such public art or public works of art is located in a public place off the development site which is approved by the City Commission after receiving the recommendation of the Public Art Committee.
- (4) All works of art provided in accordance with subsections (2) and (3) above and located on private property shall be and remain the sole property of the private land owner. The private property owner shall also have the sole responsibility for maintenance and insurance of such works of art. All works of art provided in accordance with subsection (3) above and located on city owned property shall be and remain the sole property of the city.
  - (5) Any property owner may choose to dedicate the public art or public works of art to the City, the land upon which the art is placed shall also be dedicated to the City. The dedication shall be approved by the City Commission prior to the City taking over maintenance and insurance.
    - (a) If a property owner chooses to dedicate the public art or public works of art to the City, an access easement shall be granted to the City.
    - (b) The City has the right to accept or reject the dedication of public art and the land upon which the art is placed.
    - (c) If the City agrees to accept the dedication of public art and the land upon which the art is placed, the property owner shall transfer the property and title to the land and the public art to the City by legal apparatus.
  - (6) The above requirements shall not be applied to public buildings in the event the source of funding or other statute or regulation applicable to the development project prohibits art as an object of expenditure of funds.

#### **Sec. 59-6. Removal or replacement.**

Removal or replacement of any approved work of art is prohibited. After a work of art has been approved by the City Staff and/or City Commission in accordance with Sec. 59-5, such work of art shall be retained on site in its approved location and condition and shall not be removed without prior approval of the City Staff and/or City Commission of a reasonably equivalent replacement work of art.

#### **Sec. 59-7. Additional work of public art.**

Additional works of art on the same lot or parcel may be permitted after review and approval by City Staff and/or City Commission. After public art which meets the requirements of this division has been installed on a development site, nothing herein shall be construed to prohibit the installation and placement of additional works of art on site, if all other regulations of this Unified Land Development Code are met.

#### **Sec. 59-8. Public art account.**

There is hereby created a public art account which shall consist of all contributions received pursuant to Sec. 59-5(B)(1), cash grants to the city for public art projects from governmental or private sources, and all other funds donated to the City for the provision of public art by private parties. The public art account shall be used solely for

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the selection, acquisition, transportation, installation, maintenance and promotion of works of art to be displayed in the City and all expenditures from the account shall be approved by the City Commission after the recommendation of City Staff. Any works of art purchased with such funds shall be and remain the sole property of the City. The public art account shall be kept in an interest bearing account, separate from general revenues and all accrued interest shall be deposited in the public art account. The cost of insurance for public art located on property owned by the city shall be paid from the city's general fund.

**Sec. 59-9. Application for certificate of occupancy.**

Developments required to provide public art in accordance with this article shall:

- (1) If the developer chooses the option of a contribution to the art account, the property owner or developer shall make the contribution as provided for in Sec. 59-5(B)(1), prior to the issuance of a certificate of occupancy.
- (2) If the public art has not been created, produced or rendered, then at the same time as the application for a certificate of occupancy is submitted to the City, the property owner or developer shall submit to City Staff:
  - (a) A written description, of the process by which the artist(s) were or will be selected;
  - (b) A proposed schedule for the creation, completion and installation of the approved art at the development site;
  - (c) The location where the public art is to be installed;
  - (d) Deposit with the City Finance Department in the form of cash or cashier's check the amount of one hundred fifteen percent (115%) of the value of the public art, as required in Sec. 59-5(B)(2) or (3).
- (3) The application for a certificate of occupancy shall certify that such submittal to the City and the required deposit has been made. Either prior to or subsequent to the issuance of the certificate of occupancy, the City Staff shall review all documentation submitted by the property owner or developer, including photographic examples of existing work of the proposed artist and such other documentary material as may be requested by the City Staff. The City Staff shall approve, approve with conditions or deny the installation of the public art according to the standards set forth in Sec. 59-10 and shall submit a report to the applicant and City Commission if applicable.
- (4) Upon installation, the City shall certify that the art work is properly installed according to the plans and specifications previously submitted and approved.
- (5) The City shall not issue a certificate of occupancy until the public art is properly installed, or an extension of time for the installation has been granted by the department responsible for land development services, or the funds deposited with the Finance Department have been forfeited to the City, as provided for in this section.
- (6) If the public art has been created, produced or rendered, concurrently with an application for a building permit, the property owner or developer shall:
  - (a) Submit graphic, photographic or architectural renderings;
  - (b) A description of the proposed public art which is to be installed at the development site or other public place;
  - (c) The location where the public art is to be installed; and
  - (d) An independent appraisal of the value of the art work, to the City Staff or other evidence of value.



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- (7) The application for a certificate of occupancy shall certify that such submittal to the City Staff has been made. The cost of the appraisal shall be the sole responsibility of the property owner or the developer.
  - (8) Prior to the issuance of a certificate of occupancy, the City Staff shall approve, approve with conditions or deny the installation of the public art according to the standards set forth in Sec. 59-10.
    - (a) No building permit shall be issued prior to the approval of the public art by the City Staff and/or City Commission.
  - (9) Upon installation, the City shall certify that the art work is properly installed according to the plans and specifications previously submitted and approved. The City shall not issue a certification of occupancy until the public art is properly installed or an extension of the time up to one (1) year for the installation has been granted by the department responsible for land development services. Any such extension shall be conditioned upon the property owner or developer depositing with the City Finance Department, in the form of cash or cashier's check, the amount of one hundred fifteen percent (115%) of the value of the public art, as required in Sec. 59-5(B)(2) or (3).
  - (10) Funds of the property owner or developer deposited with the finance department, as provided for in Sec. 59-5(B)(2) or (3), shall be released when the City certifies to the finance director that the public art has been installed as required.
  - (11) If the public art has not been installed as required herein and any extensions for such installation, if any, have elapsed, the City shall petition the City Commission for authorization to forfeit all monies deposited with the finance department. The City Commission shall order such deposit forfeited by the property owner or developer, if it determines, after notice to the property owner or developer, that the public art was not installed as required by this section.

### **Sec. 59-10. Standards for approval.**

- A. The City Staff and/or City Commission shall be governed by the following mandatory and non-mandatory criteria in the exercise of their discretion to approve, approve with conditions or deny the proposed installation of public art as required by this division. The City Staff and/or City Commission shall find that each element of the mandatory criteria has been satisfied. In addition, the City Staff shall determine whether or not the proposed installation of the public art, on balance, comports generally with the elements of the non-mandatory criteria.
  - (1) Mandatory criteria.
    - (a) The proposed public art conforms to the definition of public art as set forth in Chapter 61 of this Unified Land Development Code;
    - (b) The proposed public art meets or exceeds the value requirements of Sec. 59-5;
    - (c) The proposed public art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;
    - (d) The proposed public art does not present a safety hazard to the public;
    - (e) The proposed public art serves to further the City's goal of promoting cultural diversity;
    - (f) The proposed public art enhances the intent of the zoning district where it is to be located;
    - (g) The proposed public art is supportive of the City's vision and goals;
    - (h) The proposed public art is appropriate to the site;
    - (i) Signs or other encroachments are or should be set back a certain distance from the proposed public art and adhere to the appropriate sections of this Unified Land Development Code.

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- (2) Non-mandatory criteria.
    - (a) The proposed public art is of exceptional quality and enduring value;
    - (b) The proposed public art serves to further the City's goal of promoting a broad range of artistic styles and media from traditional to contemporary works of art in order to maintain an overall balance within the city;
    - (c) The proposed public art should be installed at the proposed location on a site or at a different location;
    - (d) Staff shall consider if the proposed public art requires extraordinary maintenance, such as any special servicing due to periodic adjustment, repainting, or repair or replacement of moving parts;

### **Sec. 59-11. Procedures.**

Public art shall be provided as part of pedestrian amenities and it shall be the responsibility of the developer to submit plans for public art for final approval by the City Staff and/or City Commission.

- A. The developer shall include plans in accordance with the regulations which apply to the specific type of development and shall include the integration of type and location of public art to be reviewed by the City Staff and/or City Commission.
- B. The developer shall submit three (3) pieces of art for consideration by the City Staff and/or City Commission.

### **Sec. 59-12. Local preference.**

Preference shall be given to a "local artists." Proposers desiring to receive preference as a local artist will be required to affirmatively state and provide documentation as set forth in the solicitation in support of their status as a local artist. Any proposer who fails to submit sufficient documentation with their proposal shall not be granted local preference consideration.

- A. "Local artist" means an artist that maintains a physical business or personal address located within the limits of Sarasota County, Charlotte County or Desoto County for a period of six (6) months or more before the proposal submission date, from which the artist operates or performs business.
  - (1) Post office boxes may not be used to establish a physical business address.
- B. "North Port local artist" means a local artist that has maintained a primary physical business or personal address located within the limits of the City for a period of six (6) months or more before the proposal submission date, from which the proposer operates or performs business.
  - (1) Post office boxes may not be used to establish a physical business address.
- C. If the art work submitted is between a local artist and a non-local artist, the local artist shall receive the preference. If the art work submitted is between two (2) North Port local artists and both are acceptable in accordance with the mandatory and non-mandatory criteria, the property owner may choose the art work to be installed.

### **Sec. 59-13. Interpretation.**

Interpretations of this chapter shall be made by the City Manager or designee.

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**Sec. 59-14. Conflicts.**

Whenever the requirements of these regulations differ from those imposed by the City, Federal or State regulations, law or statute, the most restrictive or imposing the higher standards shall apply.

**Sec. 59-15. Appeals.**

- A. All decisions of the City Staff concerning public art and placement made pursuant to this section shall be appealed to the City Commission within thirty (30) days of the oral rendering of such decision.
- B. Any person aggrieved by the City Manager or designee's interpretation of this chapter may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals' decision, may be appealed to the Circuit Court of Sarasota County within thirty (30) days of such decision.
  - (1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

**Sec. 59-16. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286



Meeting Minutes - Final  
City Commission Regular Meeting

CITY COMMISSIONERS

Jill Luke, Mayor

Pete Emrich, Vice Mayor

Barbara Langdon, Commissioner

Debbie McDowell, Commissioner

APPOINTED OFFICIALS

Jason Yarborough, Interim City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

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Tuesday, December 8, 2020

10:00 AM

City Commission Chambers

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CALL TO ORDER

Mayor Luke called the meeting to order at 10:00 a.m.

ROLL CALL

**Present:** 4 - Mayor Jill Luke, Vice Mayor Pete Emrich, Commissioner Barbara Langdon and Commissioner Debbie McDowell

**Also Present:**

Interim City Manager Jason Yarborough, City Attorney Amber Slayton, City Clerk Heather Taylor, Assistant City Manager Cari Branco, Planning Division Manager Nicole Galehouse, Planner III Alison Christie, Planner I Rhea Lopes, Parks & Recreation Director Sandy Pfundheller, Assistant Public Works Director Monica Bramble, Fleet Manager Kenneth Rappuhn, Economic Development Manager Mel Thomas, Police Chief Todd Garrison, and Recording Secretary Ida Goodman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Police Officer Fegan.

1. APPROVAL OF AGENDA

*A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the agenda as presented. The motion carried by the following vote:*

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

2. PUBLIC COMMENT:

Heather Weller - Request for vacation of easement.

The City Attorney addressed the commenter's rights and clarified her comment is not captured for the quasi-judicial hearing.

Ed Lungren - Concerns for those occupying an abandoned home and gratitude to the

North Port Police Department.

### **3. ANNOUNCEMENTS**

- A. [20-2981](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees

Ms. Taylor read the announcements into the record.

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

Mr. Yarborough announced items pulled for discussion.

***A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the Consent Agenda pulling Item No. 20-2864 and Item No. 20-2959 for discussion. The motion carried by the following vote:***

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

- A. [20-2759](#) Approve the Sole Source Platform Activation Agreement Between the City of North Port and Guardian Alliance Technologies, Inc., a Free Electronic Pre-Screening Program with On Demand Charges as Utilized.

***This item was approved on consent.***

- B. [20-2786](#) Approve the Amended Tenant Lease Agreement with Jewish Family and Children Service of the Suncoast, Inc. for Suite B110 and B111 at the Family Service Center.

***This item was approved on consent.***

- C. [20-2809](#) Approve the Utilization of the Florida Sheriff Association's Contract FSA20-VEL28.0 to Purchase One (1) 2021 Ford F-250 Pickup Truck and One (1) 2021 Ford Explorer for the Utilities Department from Duval Ford, LLC in the estimated amount of \$67,686.

***This item was approved on consent.***

- D. [20-2870](#) Approve the Utilization of the GSA Contract Nos. GS-07F-0031W and GS-07F-0231N to Purchase Two (2) Message Boards and Three (3) Light Towers for the North Port Police Department from Millenium Products, Inc. in the Estimated Amount of \$56,975

***This item was approved on consent.***

- E. [20-2813](#) Approve the Utilization of the Florida Sheriff Association's Contract FSA20-VEL28.0 with Garber Chrysler-Dodge Truck, Inc. and the City of Cape Coral Contract CON-PW18-10MM with Lightning Wireless Solutions, Inc. for the Purchase of Two (2) 2021 Dodge Durangos and Emergency Vehicle Associated Equipment and Graphics for the Port Police Department for an estimated total of \$108,299.10

*This item was approved on consent.*

- F. [20-2864](#) Approve the Disposition of Surplus Assets in an Appropriate Fashion Pursuant to Chapter 2 Administration, Article VIII Procurement, Section 2-419, Disposition of City Assets and Property (d), (1) of the Code of the City of North Port, Florida

Mr. Rappuhn spoke to upgrades on vehicles still in service, and the possibility of vehicles receiving upgrades and ultimately going to auction.

Discussion ensued regarding service record of police vehicles going to auction, vehicles waiting arrival of the new vehicles before going to auction, determining unsafe vehicles and still upgrading when in use, developing better communication between the Police Department and Fleet, company utilized to auction vehicles, and Fleet spreadsheet on vehicle information.

***A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Item No. 20-2864. The motion carried by the following vote:***

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

- G. [20-2889](#) Approve the Disposition of Surplus Assets in an Appropriate Fashion Pursuant to Chapter 2 Administration, Article VIII Procurement, Section 2-419, Disposition of City Assets and Property (d), (1) of the Code of the City of North Port, Florida.

*This item was approved on consent.*

- H. [20-2906](#) Approve the Annual Water Demand Projections for Submission to the Peace River Manasota Regional Water Supply Authority

*This item was approved on consent.*

- I. [20-2928](#) Approve Contract No. 2021-10 with Thompkins Contracting Inc. in the Amount of \$1,464,266.92, with a Contingency of \$146,427.00, for a Total Project Cost of \$1,610,693.92 for the San Mateo Potable Water Main Project.

*This item was approved on consent.*

- J. [20-2929](#) Accept the Cash Receipts Summary Report for October 2020

*This item was approved on consent.*

- K. [20-2791](#) Appoint James Scheidel for his Second Term as a Regular Member to the Parks & Recreation Advisory Board to Serve a Two-Year Term from December 8, 2020, to December 8, 2022.

*This item was approved on consent.*

- L. [20-2959](#) Appoint Peter Bartolotta as the Alternate I Member on the Charter Review Advisory Board to Serve a Term from December 8, 2020, to December 8,

2022

Ms. Taylor introduced the item.

Ms. Taylor read the following public comment into the record:

Peter Bartolotta - Email to Commission.

Kathy Garrity - Recommending approval of Peter Barlotta's appointment.

Mr. Taylor provided clarification on the current and upcoming vacant positions on the Charter Review Advisory Board.

**A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to appoint Peter Bartolotta as an Alternate Member of the Charter Review Advisory Board. The motion carried by the following vote:**

**Yes:** 3 - Mayor Luke, Vice Mayor Emrich and Commissioner Langdon

**No:** 1 - Commissioner McDowell

Commissioner McDowell spoke to her reasons for dissent noting past conversations with Mr. Bartolotta regarding the Charter Review Advisory Board, and the Charter process that she felt was not in alignment with his application.

- M. [20-2982](#) Approve the Minutes for the November 5, 2020 Commission Special Meeting and November 11, 2020 Commission Special Emergency Meeting

*This item was approved on consent.*

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

- A. [20-2970](#) Presentation on the Economic Development Market and Feasibility Study

Ms. Thomas provided a presentation including Camion 310 Associates as the consultant selected to develop the study and scope of work, components of the study, existing conditions and inventory analysis, economic opportunity analysis, market opportunity analysis, feasibility testing, the study's results and recommendations, and adopting/implementing the plan.

Discussion ensued regarding completion timeline, approved agreement for consultant, previous Economic Development Strategic Plan, North Port Strategic Plan, and opportunities for citizen input.

Alex Trammer, Camoin 310 Associates, attending by phone, clarified the process for obtaining citizen input.

**6. PUBLIC HEARINGS:**

**PETITIONS:**

- A. [CC](#)  
[GEN-20-200](#) Approve West Villages Improvement District (WVID) Consent to Acquisition of Real Property for a Stormwater Pond Adjacent to the Southwest Wastewater Reclamation Facility

Ms. Galehouse introduced the item.

*A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Petition CC GEN-20-2020 as presented. The motion carried by the following vote:*

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

**B. [CC](#) [DMP-20-075](#) Approve Development Master Plan for Toledo Blade Medical Office Complex (QUASI-JUDICIAL)**

Ms. Taylor introduced the item and swore in all those wishing to provide testimony.

Commissioners reported having no ex parte communication.

Steven Salenborg, Project Manager Banks Engineering on behalf of American Momentum Bank, being duly sworn, provided an overview of the development, noting that all requirements will be met, and requested approval.

Ms. Chirstie, being duly sworn, provided an overview of the project, noting that all requirements will be met and all notification requirements have been met, and staff has reviewed and is recommending approval with conditions as noted in the backup material.

There were no aggrieved parties, rebuttals or public comment.

Ms. Chirstie clarified the condition listed from Solid Waste was mislabeled, and Mr. Salenborg noted that Courage Way is privately owned and part of a previous plat.

There were no closing arguments and Mayor Luke closed the public hearing.

*A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve DMP-20-025, Development Master Plan for Toledo Blade Medical Office Complex with the following conditions:*

*1. The discharge to Toledo Blade cannot exceed the amount permitted in the Environmental Resource Permit (ERP) 44031797.003 drainage analysis for Toledo Blade Boulevard.*

*2. Catch basins/manhole in the inverted drive aisle should be avoided in the later Major Site Development (MAS) design.*

*3. Before Florida Department of Environmental Protection (FDEP) permits will be signed, North Port Utilities requires the following:*

*A. Four complete sets of FDEP permit applications (water and sewer) and four sets of construction plans, both sets of items shall be signed and sealed by the engineer of record.*

*B. One engineer certified (sealed) estimate for the cost of utility construction.*

*C. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction costs for projects \$0 to \$2 million, plus 2.5% of utility construction cost over \$2 million. The minimum fee is \$250.00.*

*4. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval.*

*5. Irrigation systems shall be designed and constructed to meet reuse standards. This does not mean reuse is available but it must be installed at City standards so when reuse becomes available nothing needs to be changed out, i.e. the color of piping.*

*6. Provide the Utility Department with floor plans and plumbing riser drawings for each building so meter sizes and capacity fees can be calculated. Meter and*



*capacity fees shall be paid prior to issuance of the building permit.*

*7. Prior to utility site construction the Development Order, Department of Environmental Protection permit, and Department of Health permit shall be posted at the project site, and provided at the preconstruction meeting.*

*8. A developer agreement shall be negotiated with the Utility Department and approved by the Utility Director and City Staff prior to FDEP or Florida Department of Health (FDOH) permits being signed and released.*

*The motion carried by the following vote:*

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

### **ORDINANCE - Second Reading**

- C. [ORD. NO. 2020-39](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code, Chapter 53 - Zoning Regulations, Section 53-6, Section 53-15, Sections 53-178 Through 53-186, and Section 53-240 to Remove the Neighborhood Commercial High Intensity (NC-HI) District, Remove the Neighborhood Commercial Low Intensity (NC-LI) District, Establish the Neighborhood Commercial (NC) District and Modify that District's Requirements for Permitted Principal Uses and Structures, Prohibited Uses and Structures, Special Exceptions, Design Standards, Buffer Zone and Landscaping, Bicycle and Pedestrian Amenities; Amending Section 61-3, Definitions and Word Usage; Providing for Conflicts; Providing for Severability; Providing for Codification; Providing an Effective Date

Ms. Taylor read the Ordinance by title only.

Ms. Galehouse reviewed the requested changes and provided clarification on the 24-hour operation of vending machine prohibitions, and noted vending machines were included in retail sales.

Ms. Christie spoke to the City Arborist addressing the visibility issues with buffers noting that trees would not make a difference depending on how the trees were planted.

There was no public comment.

Discussion ensued regarding definition of Development Order, timeline of the Development Order for the approved Development Master Plan (DMP) at Ponce De Leon Boulevard and Biscayne Drive, Development Order process was clarified, non-conforming/conforming development improvement plan, removing MRL1 from line 149 and in other places in the document, process for landscape buffering amendment following an approved DMP, defining the lot coverage as defined in the North Port City Code, and protection and maintenance responsibility of landscaping buffer until maturity.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Ordinance No. 2020-39 as presented with a few clean ups and scrivener errors as mentioned. The motion carried by the following vote:***

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

- D. [ORD. NO. 2020-40](#) An Ordinance of the City of North Port, Florida, Restating, Amending, and Repealing Portions of Chapter 66, Article III, of the Code of the City of North Port, Florida, Relating to the Road Maintenance Rehabilitation Program, the Road Rehabilitation Fund, and the Construction Traffic Road Fee; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the Ordinance by title only.

Ms. Bramble introduced the item.

There was no public comment.

***A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Ordinance No. 2020-40 as presented. The motion carried by the following vote:***

**Yes:** 3 - Mayor Luke, Vice Mayor Emrich and Commissioner Langdon

**No:** 1 - Commissioner McDowell

Commissioner McDowell spoke to her reasons for dissent regarding the language written for the waivers and the rates in place since 2006.

### **ORDINANCE - First Reading**

- E. [ORD. NO. 2021-09](#) An Ordinance of the City of North Port, Florida, Amending Section 34-55 of the Code of the City of North Port, Florida, Relating to Mobile Food Vendors and Ice Cream Trucks; Amending Appendix A - City Fee Structure; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing and Effective Date

***A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to read Ordinance No. 2021-09 by title only. The motion carried by the following vote:***

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

Mr. Taylor read the Ordinance by title only.

Ms. Galehouse introduced the item.

Discussion ensued regarding North Port Business Tax receipt requirements, current and possible food truck permitted locations, other possible permitted locations, regulations for allowing food trucks on private property, timeline for use on private property, and allowing food trucks at Warm Mineral Springs (WMS).

Ms. Pfundheller clarified that the current management vendor does not allow food onsite, the intention to provide food service upon completion of the building renovations, and current contract to allow selling of food by the WMS Springs management.

Discussion continued regarding WMS management having exclusive food rights, staff contacting WMS management to allow for food trucks, and criteria and controlled area of current contracted management company.

Ms. Slayton noted that the contract for the WMS management company needs to be reviewed prior to allowing or requesting food trucks at WMS.

***There was a consensus for staff to discuss and the City Attorney to review any contractual conflicts regarding food trucks at Warm Mineral Springs.***

Discussion continued regarding extending the timeline for allowing food trucks on private property and design standards for non-residential areas, liability issues for food trucks allowed overnight, and purpose of allowing food trucks a one day timeframe to be on private property.

***There was a consensus for staff to review options for extended timeframe for food trucks on private property.***

***A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to continue Ordinance No. 2021-09 for second reading on January 26, 2021 to include the two consensus that were given regarding reviewing the length of time a mobile unit is on private property and review of the Warm Mineral Springs legal contract and the agreement with the management team. The motion carried by the following vote:***

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

## **RESOLUTIONS:**

- F. [RES. NO. 2020-R-39](#) A Resolution of the City of North Port, Florida, Vacating Utility and Drainage Easements for Lots 1, 2, 37, and 38, Block 513, Eleventh Addition to Port Charlotte Subdivision; Providing for Findings; Providing for Filing of Approved Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.(QUASI-JUDICIAL)

Ms. Taylor read the Resolution by title only and swore in all those wishing to provide testimony.

Commissioners reported having no ex parte communications.

John Guin, being duly sworn and representing property owners John and Ashlee Donlan, provided an overview and requested approval.

Ms. Lopes, being duly sworn, introduced the item, provided an overview, noted that all requirements have been met and staff is recommending approval.

There were no aggrieved parties, public comment, applicant or staff rebuttals.

Clarification was provided regarding the one dissenting vote on the Planning and Zoning Advisory Board when approving the petition.

There were no closing arguments and the public hearing was closed.

***A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Resolution No. 2020-R-39 as presented. The motion carried by the following vote:***

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

G. [RES. NO. 2020-R-40](#)

A Resolution of the City of North Port, Florida, Vacating Utility and Drainage Easements for Lots 14, 15, 16, and 17, Block 1476, 30th Addition to Port Charlotte Subdivision; Providing for Findings; Providing for Filing of Approved Documents; Providing for Conflicts; Providing for Sand Providing an Effective Date. (QUASI-JUDICIAL)

Ms. Taylor read the Resolution by title only and swore in all those wishing to give testimony.

Commissioners reported having no ex parte communication other than previous general public comment.

Heather Weller, being duly sworn, testified that she is the daughter of the property owner, has Power of Attorney over the property, provided an overview and requested approval.

Ms. Lopes, being duly sworn, provided an overview, spoke to all requirements being met, and that staff is recommending approval.

There were no aggrieved parties, rebuttals or public comment.

Clarification was provided regarding the one dissenting vote on the Planning and Zoning Advisory Board when approving the petition.

In closing arguments staff emphasized the request to be approved was the partial vacation of easement.

Ms. Weller noted that another survey was requested and there are no plans for building on the vacant lot.

Mayor Luke closed the public hearing.

***A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Resolution No. 2020-R-40 as presented. The motion carried by the following vote:***

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

H. [RES. NO. 2020-R-41](#)

A Resolution of the City of North Port, Florida, Accepting Ownership of a Donated Parcel of Real Property Located on Flagler Street and Described as Lot 5, Block 613, 14th Addition to Port Charlotte Subdivision, Parcel Identification Number 096806130; Providing for Filing of Documents, Providing for Conflicts, Providing for Severability; and Providing an Effective Date

Ms. Taylor read the Resolution by title only.

Ms. Branco introduced the item.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Resolution No. 2020-R-41 as presented. The motion carried by the following vote:***

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

- I. [RES. NO. 2020-R-45](#) A Resolution of the City of North Port, Florida, Calling for a Special Election on March 9, 2021 to Fill the Office of Commissioner, District Seat 1 made Vacant by the Resignation of David Iannotti; Providing Findings; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the Resolution by title only and introduced the item noting the qualifying dates from December 28, 2020 at 8:00 a.m. to December 31, 2020 at 5:00 p.m..

There was no public comment.

Discussion ensued regarding inability of the Commission or the Governor to appoint a Commissioner until the Special Election according to the North Port Charter, and eligible District 1 candidate requirements to register for the Special Election including a signed petition of 25 qualified voters supporting the registration of the candidate.

***A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Resolution No. 2020-R-45 as presented. The motion carried by the following vote;***

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

It was noted that the Special Election will be held on March 9, 2021.

Recess was taken from 12:06 p.m. to 1:00 p.m.

## **7. GENERAL BUSINESS:**

- A. [20-2600](#) Discussion and Possible Action Regarding the Equity Study Report with Recommendations on City's Business Tax Receipts as Provided by the Community Economic Development Advisory Board

Ms. Slayton spoke to the memorandum provided to the Commission regarding the business tax.

Mayor Luke clarified the Community Economic Development Advisory Board (CEDAB) recommendations and Florida Statute requirements.

Discussion ensued regarding CEDAB recommendations without the knowledge of Florida Statutes, following up with CEDAB for recommendations considering Florida Statutes, and the CEDAB recommendations regarding business tax in regards to number of employees not permitted in Florida Statutes.

***There was a consensus for this item to come back before the Commission following Community Economic Development Advisory Board input with consideration of Florida Statutes.***

Discussion continued regarding timeline for CEDAB input, process for CEDAB recommendations, the ability to have a quorum for CEDAB meetings with COVID-19 concerns, and quorum requirements.

***There was a consensus for the Community Economic Development Advisory Board to provide recommendations to the Commission by February, 2021.***

B. [20-2968](#)**Discussion and Possible Action Regarding the City's Public Art Contribution Program**

Ms. Lopes introduced the item and provided a presentation of the backup material and method of determining the public art contribution rates, scenarios for establishing public art contribution rates for each activity center, information on how to establish the level of service for public art for each activity center, average cost of each public art piece, activity center art contributions and requirements, and collection methods for public art requirements.

Discussion ensued regarding the requirements for public art, public art fund contributions versus developers providing public art equaling same value as the required contribution, documentation and parameter for providing public art, scenario-based public art contribution calculations ranking the scenarios as provided, contribution calculations based on square-footage of the development, developer total development fee requirements, activity center design standards, process for determining the public art fund fees, capping the contribution to the public art fund, and Mayor Luke's suggested ranking of the contribution scenarios.

***There was a consensus to have staff provided further information on public art fund fees and how they are calculated.***

Discussion ensued regarding revenues from 2005 Public Art Fund, determining public art fund fees by square footages, review of scenario 2A, 2B and 2C requirements, reducing the piece of art contribution, fair and equitable requirement in reducing the public art requirement and previous developer contribution, timeline for developing public art, City developing public art location and maintenance requirements, current public art fund balance, process for developing public art, previous fees versus current fees, Art Advisory Board recommendations, reducing the public art fee requirements, scenario 2B based on square-footage and changing the limit to \$125,000.00, and current public art fee requirements based on construction costs.

Mr. Yarborough clarified that with a multi-lot site, the last developer would be required to submit the public art fee for the entire lot.

Ms. Galehouse spoke to the timeline for public art contributions and overall site fee for the location of the new hotel project.

Discussion continued regarding determining the public art fee based on the square footage with a cap and approving scenario 2B capping at \$150,000.00 for each building prior to a Certificate of Occupancy (CO) being issued.

Mayor Luke passed the gavel to Vice Mayor Emrich.

***A motion was made by Mayor Luke, seconded by Commissioner Langdon, to adjust the art fund fee for the collection from developments with activity centers using Scenario 2B, 40 cents per square-foot for construction, capping it at \$150,000.00, to be input into the Unified Land Development Code. The motion carried by the following vote:***

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

Vice Mayor Emrich passed the gavel back to the Mayor Luke.

Discussion ensued regarding timeline for proposed public art fee to take effect.

- C. [20-2984](#) Discussion and Possible Action Approving the Design and Placement of a Mural at Quality TV Sales and Service Located at 14212 Tamiami Trail, North Port, Florida.

Mr. Yarborough introduced the item.

Discussion ensued regarding promoting The First 1000 Days of a Child's Life theme and drawing of the suggested mural provided in the backup material.

Mayor Luke distributed a drawing of the suggested mural placement on the Quality TV sales building.

Discussion continued regarding placement of the suggested mural, and code requirements for an outside art display.

Ms. Taylor read the following public comment into the record:

Mike Morales - Mural on the Quality TV Sales building.

Discussion ensued regarding the dollar amount cap for the proposed mural, possible funding sources, Gulf Coast Community Foundation funding, current art fund amount, artist explanation of the proposed mural, maintenance and preparation requirements of an outdoor mural, and City matching the Gulf Coast Community Foundation funding to allow doubling the size of the proposed mural to enable better public viewing.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the location of Quality TV Sales using the First 1000 Days mural of the child on the swing as presented with the Gulf Coast Foundation donation and the City of North Port donating up to \$10,000.00 from the Art Fund to enlarge the mural to fit the entire wall as the artist sees fit with spacing around the edges.***

Discussion continued regarding the public anticipation of the mural and the Morales' family contributions to North Port.

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

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

Discussion ensued regarding thanking the Gulf Coast Foundation and Quality TV for their contributions to North Port, timeline of the completion of the mural, and scheduling an event acknowledging the mural when complete.

Mayor Luke passed the gavel to Vice Mayor Emrich.

***A motion was made by Mayor Luke, seconded by Commissioner McDowell, to schedule a recognition ceremony upon the completion of the mural to honor all participants that made the mural possible emphasizing children. The motion carried by the following vote:***

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

Vice Mayor Emrich passed the gavel back to Mayor Luke who requested donations of scaffolding when the development of the mural begins.

## **8. PUBLIC COMMENT:**

Gid Pool - Parks & Recreation and South Polo Association use of the Aquatic Center.

**9. COMMISSION COMMUNICATIONS:**

Commissioner McDowell reported she had attended the Manasota League of Cities meeting and will be presenting their priorities at the delegation meeting.

Vice Mayor Emrich had nothing to report.

Commissioner Langdon had nothing to report.

Mayor Luke reported she attended the Sarasota County Economic Development Corporation post-election conference virtually.

**10. ADMINISTRATIVE AND LEGAL REPORTS:**

Mr. Yarborough had nothing to report.

Ms. Slayton had noting to report.

Ms. Taylor noted that the Convocation of Government meeting needs only three 3 representatives to attend in person and others can attend virtually, pictures of the Commissioners will be taken after the special election, and requested input on the current voting system.

It was noted that Mayor Luke, Vice Mayor Emrich and Interim City Manager Yarborough will be attending the Convocation of Government meeting in person.

**11. ADJOURNMENT:**

Mayor Luke adjourned the meeting at 2:25 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Gisele "Jill" E. Luke, Mayor

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

Minutes approved at the Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.





# 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 Taylor, City Clerk*

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Tuesday, April 26, 2022

6:00 PM

City Commission Chambers

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### **CALL TO ORDER**

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

### **ROLL CALL**

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

### **Also Present**

City Manager Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Taylor, Recording Secretary Amanda Baker, Deputy Fire Chief Nick Herlihy, Police Chief Todd Garrison, Parks and Recreation Director Sandy Pfundheller, Assistant Parks and Recreation Tricia Wisner, Planner II Noah Fossick, Marketing and Engagement Coordinator Laura Ansel, Public Works Director Chuck Speake, and Assistant Neighborhood Development Services Director Derek Applegate

### **PLEDGE OF ALLEGIANCE**

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

### **1. APPROVAL OF AGENDA**

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

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

### **2. PUBLIC COMMENT:**

Ms. Taylor read the following e-comments into the record:

Richard Beaver: expressed support of installing weather alert systems.

## PUBLIC COMMENT:

Joan Morgan: You Are Not Alone and Victims' Rights Vigil events.

Valdy Olender: public comment time limit, Charter policy, elected positions, and taxes.

Jeffrey Scott: Commission ethics and non-profit organizations.

**3. ANNOUNCEMENTS****A. [22-2723](#) Current Vacancies and Upcoming Expirations for Boards and Committees**

Ms. Taylor read the announcements into the record.

**4. CONSENT AGENDA:**

Mayor Emrich announced the item.

Mr. Fletcher noted items to be pulled from the Consent Agenda for discussion.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the Consent Agenda, pulling Item Nos. 22-2630 and 22-2624 for discussion. The motion carried on the following vote:***

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

**A. [22-2293](#) Approve the Award of Funds from the Special Event Assistance Program to the Kiwanis Club of North Port in Support of a Pet Expo to be Held on April 30, 2022, in the Amount of \$277.50 to Cover the Costs of City Fees and Resources.**

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

**B. [22-2294](#) Approve the Award of Funds from the Special Event Assistance Program to the Kiwanis Club of North Port in Support of a Family Fishing Clinic to be Held on June 18, 2022, in the Amount of \$114 to Cover the Costs of City Fees and Resources.**

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

**C. [22-2629](#) Approve the Award of Funds from the Special Event Assistance Program to the Kiwanis Club of North Port in Support of a Victim's Rights Vigil to be Held on April 29, 2022, in the Amount of \$162 to Cover the Costs of City Fees and Resources.**

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

- D. [22-2630](#) Approve the Award of Funds from the Special Event Assistance Program to the People for Trees in Support of Tree Fair 2022 to be Held on April 30, 2022, in the Amount of \$223 to Cover the Costs of City Fees and Resources.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner White spoke to abstaining due to being the Director of People for Trees.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Item No. 22-2630 as presented. The motion carried on the following vote:***

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

**Abstain:** 1 - Commissioner White

- E. [22-2574](#) Approve the Tenant Lease Agreement Between the City of North Port and North Port Meal's on Wheels, Inc., for Suite B110 at the Family Service Center

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

- F. [22-2580](#) Approve First Amendment to the NetDocuments Software as a Service Agreement, Amending the Date of the Renewal Term to Coincide with the Start of the City's Fiscal Year at No Additional Cost to the City

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

- G. [22-2585](#) Approve the Community Development Block Grant Subrecipient Agreement Between Sarasota County, Florida and the City of North Port, Florida for the Renovation of Lift Stations 29, 45 and 73

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

- H. [22-2624](#) Approve the Earth Networks Order Form and Attachment 1 - Terms and Conditions to Provide and Install a Sferic Siren Weather Alert System at the North Port Aquatic Center.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to existing weather alert systems, amending the agreement to include Atwater Park, Narramore Park, and Warm Mineral Springs (WMS) and funding options.

Discussion took place regarding park needs and funding options.

Ms. Pfundheller spoke to budgeting, WMS construction and system requirements for

functionality, and responded to questions regarding temporary systems.

Ms. Wisner responded to questions regarding connectivity at Atwater Park and Narramore Park.

Discussion continued regarding time frame for WMS construction, review of system requirements, and timeline for obtaining information.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Item No. 22-2624 as presented. The motion carried on the following vote:***

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

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Manager and Staff to come back with information on installing a weather alert system at Atwater Park, Narramore Park, and Warm Mineral Springs including cost, funding options, and Information Technology concerns, prior to the June budget workshops. The motion carried on the following vote:***

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

- I. [CC CTA-22-058](#) Approve the Consent by the City of North Port, Florida to the Acquisition of Real Property by the West Villages Improvement District for Tract 417A of the Renaissance at West Villages, Phases 2B and 2C Plat.

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

- J. [22-2710](#) Approval of Mark Mousty for a Second Term as a Regular Member of the Zoning Board of Appeals, to Serve a Three-Year Term from April 26, 2022, to April 26, 2025.

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

- K. [22-2722](#) Approval of Minutes for the April 4, 2022 Commission Workshop, April 4, 2022 Commission Special Meeting, April 5, 2022 Commission Joint Meeting with the Art Advisory Board, and April 7, 2022 Commission Regular Meeting

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

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

- A. [22-2224](#) Presentation of the Parks & Recreation Advisory Board Annual Report for Fiscal Year 2021 and Review of Future Goals.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Parks and Recreation Advisory Board Chair Jim Scheidel and Vice Chair Nicole Everett provided a presentation including current members, board roles and responsibilities, FY

2021-2022 projects, initiatives, events, and activities, and FY 2022-2023 goals and considerations.

Commission discussion took place regarding value and appreciation of the board.

Ms. Wisner answered questions regarding public input for ideas regarding Parks and Recreation.

There was no public comment.

## **6. PUBLIC HEARINGS:**

### **ORDINANCE - Second Reading:**

- A. [ORD. NO. 2022-07](#) An Ordinance of the City Of North Port, Florida, Adopting the Village I Village District Pattern Plan (West Villages) for a ±898.00 Acre Area Located to the West of Preto Boulevard, to the South of Future Manasota Beach Road, and to the North and East of the City of North Port City Limits; Amending the Unified Land Development Code, Chapter 53, Article XVIII-V Village, Section 53-214 to Incorporate the Pattern Plan by Reference; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (QUASI-JUDICIAL)

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

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

Commissioner McDowell disclosed conducting a site visit and e-mail correspondence regarding legislative text stating all changes had been made.

There were no ex-parte communications from Commissioner White or Mayor Emrich.

Vice Mayor Langdon disclosed a conversation with the Applicant regarding workforce housing.

Commissioner Luke disclosed conducting a site visit and e-mail correspondence regarding legislative text stating all changes had been made.

Ms. Taylor noted there were no aggrieved parties.

Phillip DiMaria, Kimley-Horn, being duly sworn, provided a presentation including request for document changes, introduction, background, Commission-directed amendments, index map, village plan, conceptual rendering, mixed-use example, mixed-use residential example, development standards, Village I District Pattern Plan (VDPP) requirements, and community goals.

Mr. Fossick, being duly sworn, provided a presentation including recommended legislative action text and additional change to the Ordinance title block to incorporate "also known as Wellen Park".

There was no rebuttal from the Applicant or Staff.

There was no public comment.

Commission questions took place regarding backup material reflecting the changes, landscaping for boulevards and additional boulevards, difference between median and public frontages vs. roadways and right-of-ways, scrivener's error in the Whereas clause pertaining to the Planning and Zoning Advisory Board (PZAB) action report date, open space percentage, environmentally-sensitive wetlands, and wetland and open space acreage.

Ms. Slayton spoke to the format of the VDPP and Ordinance title block, and requested Commission allow the City Attorney's office to work with Neighborhood Development Services (NDS) to maintain consistency throughout the Ordinance.

There was no closing argument by Staff or the Applicant.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2022-07 as amended to incorporate the Commission directed amendments from the first reading, a scrivener's error in the first Whereas clause correcting the Planning and Zoning Advisory Board meeting date to read March 17, 2022, and for the City Manager to work with Neighborhood Development Services and the City Attorney to update the name change for consistency throughout the Ordinance. The motion carried on the following vote:***

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

**B.** [ORD. NO. 2022-08](#)

An Ordinance of the City Of North Port, Florida, Adopting the Village K Village District Pattern Plan (West Villages) for a ±636.00 Acre Area Located to the East of West Villages Parkway, to the South of Future Manasota Beach Road, and to the North and West of the City Of North Port City Limits; Amending the Unified Land Development Code, Chapter 53, Article XVIII – V Village, Section 53-214 to Incorporate the Pattern Plan by Reference; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (QUASI-JUDICIAL)

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

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

Commissioner McDowell disclosed conducting a site visit and e-mail correspondence regarding legislative text stating all changes had been made.

There were no ex-parte communications from Commissioner White or Mayor Emrich.

Vice Mayor Langdon disclosed a conversation with the Applicant regarding workforce housing.

Commissioner Luke disclosed conducting a site visit and e-mail correspondence regarding legislative text stating all changes had been made.

Ms. Taylor noted there were no aggrieved parties.

Phillip DiMaria, Kimley-Horn, being duly sworn, provided a presentation including request for document changes, introduction, background, Commission-directed amendments, index map, village plan, conceptual rendering, mixed-use example, mixed-use residential example, development standards, Village K District Pattern Plan (VDPP) requirements, and community goals.

Mr. Fossick, being duly sworn, provided a presentation including recommended legislative action text and additional change to the Ordinance title block to incorporate "also known as Wellen Park".

There was no rebuttal from the Applicant or Staff.

There was no public comment.

Commission questions took place regarding school parcel acreage.

Ms. Slayton requested Commission allow the City Attorney's office to work with Neighborhood Development Services (NDS) in correcting the Ordinance to maintain consistency throughout the Ordinance.

There were no closing arguments by Staff or the Applicant.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2022-07 as amended to incorporate the Commission directed amendments from the first reading and for the City Manager to work with Neighborhood Development Services and the City Attorney to update the name change for consistency throughout the Ordinance. The motion carried on the following vote:***

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

Recess was taken from 7:15 p.m. until 7:25 p.m.

### **RESOLUTION - Second Reading:**

- C. [RES. NO. 2022-R-17](#) A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-2022 for an Additional Planner III Full Time Equivalent in the Amount of \$46,832; Providing for Findings; 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. Taylor read the Resolution by title only.

Mr. Fletcher introduced the item.

There was no Commission discussion.

PUBLIC COMMENT:

Jeffrey Scott: governmental labor costs

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to approve Resolution No. 2022-R-17 as presented. The motion carried on the following vote:***

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

**D.** [RES. NO. 2022-R-18](#)

A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-2022 for two Grants Coordinator Full Time Equivalents in the Amount of \$35,110; Providing for Findings; 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. Taylor read the Resolution by title only.

Mr. Fletcher introduced the item.

There was no Commission 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 approve Resolution No. 2022-R-18 as presented. The motion carried on the following vote:***

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

**E.** [RES. NO. 2022-R-19](#)

A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-22 for Project Manager Full Time Equivalent in the Amount of \$60,585; Providing for Findings; 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. Taylor read the Resolution by title only.

Mr. Fletcher introduced the item.



There was no Commission 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 approve Resolution No. 2022-R-19 as presented. The motion carried on the following vote:***

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

**F.** [RES. NO. 2022-R-20](#)

A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-2022 for a Legislative Analyst .75 Full Time Equivalent in the Amount of \$14,633; Providing for Findings; 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. Taylor read the Resolution by title only.

Mr. Fletcher introduced the item.

Commissioner McDowell stated she cannot approve the start date being July 1, 2022.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner McDowell to approve Resolution No. 2022-R-20 as amended, changing the start date from July 1, 2022 to October 1, 2022. The motion failed for lack of a second.***

***A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve Resolution No. 2022-R-20 as presented. The motion carried on the following vote:***

**Yes:** 4 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke and Commissioner White

**No:** 1 - Commissioner McDowell

Commissioner McDowell dissented for reasons stated.

**G.** [RES. NO. 2022-R-21](#)

A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-2022 for a Development Technician Full Time Equivalent in the Amount of \$14,350; Providing for Findings; 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. Taylor read the Resolution by title only.

Mr. Fletcher introduced the item.

There was no Commission discussion.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Resolution No 2022-R-21 as presented. The motion carried on the following vote:***

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

- H. [RES. NO. 2022-R-24](#) A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District and Capital Improvement Budget for Fiscal Year 2021-2022 for Police Vehicles in the amount of \$139,900, for a Fire Engine in the amount of \$734,872, and for the Legacy Trail Project P22DPB in the amount of \$33,500; Providing for Findings; 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. Taylor read the Resolution by title only.

Mr. Fletcher introduced the item.

Ms. Williams spoke to amending the fire engine amount to read \$743,872.

Discussion took place regarding updated payment option, interest accrued, and staff recommendation.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Resolution No. 2022-R-24 as amended, changing the fire engine amount to \$743,872. The motion carried on the following vote:***

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

## **7. GENERAL BUSINESS:**

- A. [22-2570](#) Approve the Display of the Roseate Spoonbill Sculpture in the Arched-Out Area of the Lobby on the Second Floor of City Hall Per the Recommendation of the Art Advisory Board.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Ms. Ansel spoke to board recommendation, review of other locations, cost estimate for installation, and art fund balance.

Tony Kelly, Art Advisory Board Chair, spoke to placement of the sculpture.

Commission questions took place regarding mobile mounting, structure height, estimated time for installation, structure size, emergency panel clearance, structure orientation and placement, and alternate location options.

There was no public comment.

Mayor Emrich requested a motion.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Manager to work with Staff and Mr. Kelly to find a location for the sculpture using the first floor alcove and the second floor arched-out area and to bring back additional information for Commission final decision.***

***A motion to amend was made by Vice Mayor Langdon, seconded by Commissioner Luke, to strike "the first floor alcove and the second floor arched-out area" and add "all of City Hall". The motion to amend carried on the following vote:***

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

***The main motion as amended carried on the following vote:***

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

**B. [22-2735](#)**

**Discussion and Possible Action Regarding Art Fund Contributions Required for New Development per Section 59-5 of the City of North Port Unified Land Development Code.**

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Discussion took place regarding prior Commission discussion and action, incentivizing developers to purchase and place art, incentive percentage considerations, and art fund balance.

There was no public comment.

Mayor Emrich requested a motion.

***A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve the Commission agreements from the December 8, 2020 formula to calculate, adding a 25% incentive for developers if they place the art themselves.***

Discussion took place regarding first reading ordinance.

***A motion to amend was made by Commissioner McDowell, seconded by Commissioner Luke, to add "and direct the City Manager to work with the City Attorney and Staff to bring back an Ordinance for first reading". The motion to amend carried on the following vote:***

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

***The main motion as amended carried on the following vote:***

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

**C. [22-2741](#)** Discussion and Possible Action Regarding Community Economic Development Advisory Board Memorandum Dated March 22, 2022 Regarding Board Composition and Term Lengths

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commission discussion took place regarding requests from the board, board activity, current board membership, the need for additional information, benefits of longer terms, workshop discussion, residency requirements, joint meeting, and reviewing all advisory boards in a workshop.

There was no public comment.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Manager to send a memorandum to the Community Economic Development Advisory Board thanking them for recommendations, informing them of Commission discussion, and noting there will be future discussion. The motion carried on the following vote:***

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

**8. PUBLIC COMMENT:**

There was no public comment.

**9. COMMISSION COMMUNICATIONS:**

**A. [22-2476](#)** Mayor Emrich's Report

Mayor Emrich reported on events and activities attended.

**B. [22-2477](#)** Vice Mayor Langdon's Report

Vice Mayor Langdon reported on events, activities, and tours attended.

**C. [22-2478](#)** Commissioner Luke's Report

Commissioner Luke reported on events and activities attended.

**D. [22-2479](#)** Commissioner McDowell's Report

Commissioner McDowell reported on events and activities attended.

Discussion took place regarding scheduling a joint meeting with Charlotte County

Commission regarding the I-75 interchange project.

E. [22-2480](#) Commissioner White's Report

Commissioner White reported on events and activities attended.

**10. ADMINISTRATIVE AND LEGAL REPORTS:**

A. [22-2742](#) City Manager Report

Mr. Fletcher reported on budget presentation updates and the online budget tool.

B. [22-2725](#) City Attorney Report

Ms. Slayton had nothing to report.

C. [22-2752](#) City Clerk Report

Ms. Taylor had nothing to report.

**11. ADJOURNMENT:**

Mayor Emrich adjourned the meeting at 9:08 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Pete Emrich, Mayor

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

These minutes were approved on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.



# City of North Port

## ORDINANCE NO. 2022-28

1           **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, REPEALING AND REPLACING**  
2           **CHAPTER 4, ARTICLE III OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA RELATING**  
3           **TO THE ART ADVISORY BOARD; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS;**  
4           **PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN**  
5           **EFFECTIVE DATE.**

6  
7           **WHEREAS**, on June 14, 2010, the North Port City Commission adopted Ordinance No. 2014-10 establishing  
8           the Art Advisory Board and specifying membership, meetings, and powers and duties, which ordinance is  
9           codified in Chapter 4, Article III of the Code of the City of North Port, Florida; and

10  
11           **WHEREAS**, on October 25, 2022, the City Commission repealed and replaced Chapter 59, Public Art, of  
12           the Unified Land Development Code pursuant to Ordinance No. 2022-28; and

13  
14           **WHEREAS**, the City Commission finds that clarification of the membership, meetings, and powers and  
15           duties as provided in Sec. 4-123(b)(8) is necessary for efficient and effective board function; and

16  
17           **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare  
18           of the citizens of the City of North Port, Florida.

19  
20           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

21  
22           **SECTION 1 – FINDINGS**

23  
24           1.01     The above recitals are true and correct and are incorporated in this ordinance by reference.

25  
26           **SECTION 2 – REPEAL AND REPLACE CHAPTER 4, ARTICLE III. - ART ADVISORY BOARD**

27  
28           2.01     Article III, entitled “Art Advisory Board,” of Chapter 4 of the Code of the City of North Port, Florida  
29           is repealed and replaced in its entirety as follows:

30           “...  
31           **CHAPTER 4 – BOARDS AND COMMISSIONS**  
32           ...  
33           **ARTICLE III. – ART ADVISORY BOARD**

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**Sec. 4-120. Establishment.**

The art advisory board is hereby created and established.

**Sec. 4-121. Membership.**

The art advisory board shall consist of seven regular members, two youth members, and two alternate members.

**Sec. 4-122. Meetings.**

The art advisory board shall meet once each quarter. The chairperson may call for a special or emergency meeting to address special issues or public art applications.

**Sec. 4-123. Powers and duties.**

(a) The art advisory board shall:

- (1) Serve as an information resource to and advise the city commission on acquisitions, commissions, installation, placement, maintenance, preservation, protection, decommissions, removal, and replacement of art in public places in the city.
- (2) Review public art to be placed on private property in activity centers when the public art does not comply with the general requirements in chapter 59 of the Unified Land Development Code.

(b) The art advisory board shall advise the city commission regarding:

- (1) Installation and rotation of art exhibits at city-owned facilities; the art advisory board will also install and rotate the exhibits.
- (2) The acquisition, donation, selection, installation, and placement of public art in public places.
- (3) Public art fund expenditures per chapter 59 of the Unified Land Development Code.
- (4) Recommended local artists to create artwork for public places.
- (5) The maintenance, preservation, and protection of existing artwork in public places.
- (6) The removal or replacement of artwork in public places.
- (7) Efforts to increase public awareness and support of art in public places.
- (8) Provide a recommendation to the city commission regarding public art applications where public art departs from the general requirements in chapter 59 of the Unified Land Development Code.

82  
 83 (c) The art advisory board shall perform other duties as directed by the city commission related  
 84 to acquiring, commissioning, installing, placing, maintaining, preserving, protecting,  
 85 decommissioning, removing, and replacing public art in public places and raising public  
 86 awareness of art.”  
 87

88 **SECTION 3 - CONFLICTS**

89  
 90 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in  
 91 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.  
 92

93 **SECTION 4 – SEVERABILITY**

94  
 95 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,  
 96 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be  
 97 deemed a separate, distinct, and independent provision and will not affect the validity of the  
 98 remaining portions of the ordinance.  
 99

100 **SECTION 5 – CODIFICATION**

101  
 102 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any  
 103 additional codification information and notations appear in *italics*. These editorial notations are  
 104 not intended to appear in the codified text.  
 105

106 **SECTION 6 – EFFECTIVE DATE**

107  
 108 6.01 This ordinance takes effect immediately upon adoption.  
 109

110 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public  
 111 session on October 11, 2022.  
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113 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in  
 114 public session on October 25, 2022.  
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116 CITY OF NORTH PORT, FLORIDA  
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120 \_\_\_\_\_  
 121 PETE EMRICH  
 122 MAYOR

123 ATTEST

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 126 \_\_\_\_\_  
 127 HEATHER FAUST, MMC  
 128 CITY CLERK



129  
130 APPROVED AS TO FORM AND CORRECTNESS  
131  
132  
133 \_\_\_\_\_  
134 AMBER L. SLAYTON, B.C.S.  
135 CITY ATTORNEY

**CITY OF NORTH PORT  
NOTICE OF  
PROPOSED AMENDMENT  
TO THE CITY OF NORTH PORT  
UNIFIED LAND DEVELOPMENT CODE**

Notice is hereby given that the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) will hold a public hearing for consideration of amendments to the Unified Land Development Code via **TXT-22-186 on Thursday, October 6, 2022, at 9:00 a.m.** or as may be continued thereafter.

A Public Hearing for the first reading of Ordinance No. 2022-27 will be held before the North Port City Commission on **Tuesday, October 11, 2022, at 10:00 a.m.**, or as soon thereafter as the matter may be heard to consider Ordinance No. 2022-27.

The second and final reading by the City Commission will be on **Tuesday, October 25, 2022, at 6:00 p.m.** or as may be continued at the discretion of the Commission. The proposed amendment to the Unified Land Development Code regulations is described as follows:

**Ordinance No. 2022-27:** An Ordinance of the City of North Port, Florida, repealing and replacing Chapter 59 of the Unified Land Development Code regarding public art; providing for findings; providing for conflicts; providing for severability; providing for an effective date

All Public Hearings will be held in the **North Port City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida, 34286.**

All interested parties are invited to appear and be heard in respect to this Ordinance at the public hearings in the City Hall Commission Chambers. Written comments filed with the Planning and Zoning Advisory Board will be heard and considered and will be made a matter of public record at this meeting. These public hearings may be continued from time to time as announced at the hearings, as may be found necessary. The file pertinent to Ordinance 2022-27, TXT-22-186, may be inspected by the public at the Neighborhood Development Services Department, Planning and Zoning Division, and in the City of North Port City Clerk's Office, 4970 City Hall Boulevard, North Port, Florida 34286, during regular business hours.

NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER IS MADE OF THESE MEETINGS. ACCORDINGLY, ANY PERSON WHO MAY SEEK TO APPEAL A DECISION INVOLVING THE MATTERS NOTICED HEREIN WILL BE RESPONSIBLE FOR MAKING A VERBATIM RECORD OF THE TESTIMONY AND EVIDENCE AT THESE MEETINGS UPON WHICH ANY APPEAL IS TO BE BASED (SEE F.S.S. 286.0105).

**NOTE:** PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE 48 HOURS IN ADVANCE OF THE MEETING (SEE F.S.S. 286.26).

**NONDISCRIMINATION:** The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status in administration of its programs, activities or services.

**AMERICAN WITH DISABILITIES ACT OF 1990** - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

/s/  
Heather Faust, MMC  
City Clerk

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**Publish:** September 20, 2022