



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

Tuesday, January 25, 2022

6:00 PM

City Commission Chambers

Amended

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, Fire Division Chief Nick Herlihy, Deputy Police Chief Chris Morales, Interim Public Works Director Chuck Speake, Interim Planning and Zoning Director Alison Christie, Planner II Noah Fossick, Economic Development Director Mel Thomas, Market Research Analyst Randy Bowling, Neighborhood Development Services (NDS) Director Alaina Ray, and Finance Director Kimberly Williams

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Interim Public Works Director Chuck Speake.

1. APPROVAL OF AGENDA

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

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

2. PUBLIC COMMENT:

There was no public comment.

3. ANNOUNCEMENTS

- A. [22-2184](#) 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 no items were pulled.

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

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

- A. [22-2019](#) Approve the Bradenton Police Department Subrecipient Agreement for the High Intensity Drug Trafficking Areas Program (HIDTA) to Bring Law Enforcement Together and Assist with Funding Involved with Narcotics Related Investigations.

This item was approved on the Consent Agenda.

- B. [22-2048](#) Approve the Community Development Block Grant Sub-Recipient Agreement between Sarasota County, Florida and the City of North Port, Florida for North Port Social Service Case Management to fund staff salaries for the Social Services Division, in the amount of \$55,000. Contract Number B-21-UC-12-0014.

This item was approved on the Consent Agenda.

- C. [22-2094](#) Approve the Third Modification to the Sub-Grant Agreement Between the Division of Emergency Management and the City of North Port for the City Hall Generator Project Extending the Period of Agreement to November 30, 2022

This item was approved on the Consent Agenda.

- D. [22-2082](#) Approval of Deedee Gozion as a Regular Member on the Art Advisory Board, to Serve a Two-Year Term From January 25, 2022, to January 25, 2024.

This item was approved on the Consent Agenda.

- E. [22-2083](#) Approval of James Hersh as a Regular Member on the Parks and Recreation Advisory Board, to Serve a Term from January 25, 2022, to January 25, 2024.

This item was approved on the Consent Agenda.

- F. [22-2172](#) Appointment of Paul Kaskey as the Regular Member Appointed by the Commission on the Firefighters' Pension Board of Trustees to Serve a Two-Year Term from January 25, 2022, to January 25, 2024.

This item was approved on the Consent Agenda.

- G. [22-2174](#) Approval of Minutes for the January 3, 2022 Commission Special Meeting and the January 6, 2022 Commission Regular Meeting

This item was approved on the Consent Agenda.

5. PUBLIC HEARINGS:

PETITION:

- A. [CC](#)
[DMP-21-265](#) Development Master Plan, Woodlands Parcel E, DMP-21-265 Located Southwest of Panacea Boulevard and east of Cypress Falls Development Master Plan, Woodlands Parcel E, DMP-21-265 (QUASI-JUDICIAL)

Mayor Emrich announced the item, stated this is a quasi-judicial hearing, and opened the public hearing.

Ms. Taylor read the Petition title and swore in those wishing to provide testimony.

Commissioner McDowell disclosed requesting a copy of the traffic impact study and the environmental survey.

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

Commissioner Luke disclosed receiving copies of the traffic impact study and environmental survey.

Ms. Taylor noted there were no aggrieved parties.

Stickland Smith, Civil Engineer for Heidt Design, LLC, being duly sworn, provided a presentation including location map, number of units, utilities approval, access points, future land use, site connectivity, future development, lot sizes, requested waivers, Planning and Zoning Advisory Board (PZAB) recommendation, requested opportunity to offer concessions to waivers if needed, review and consistency, and request for approval.

Mr. Fossick, being duly sworn, provided a presentation including site location, current zoning and future land use, number of units, site size, open space, access points, neighborhood meeting and noticing requirements, requested waivers, consistency with Comprehensive Plan and Unified Land Development Code (ULDC), and staff's recommendation.

There were no rebuttals from Applicant or Staff.

There was no public comment.

Commission questions took place regarding affordable home options, type of single-family homes being proposed, installation of left and right turn lanes, existing left

turn lane, installation of right turn lane during construction of access road, and timeline for waivers to be listed on order of approval based on commission approval.

Ms. Christie, being duly sworn, provided information regarding reflection of waivers and conditions, and Development Master Plan (DMP) sheet update by the Applicant.

Commission questions continued regarding location of park, required park acreage, open space, specifics of waivers relevant to bike lane and sidewalk requirements, amenity center review and requirements, number of proposed units, land preservation, and open space and park requirements.

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 Luke, seconded by Vice Mayor Langdon, to approve DMP-21-265 with the following conditions and waivers and find that, based on the competent substantial evidence, the Development Master Plan meets the standards in Section 53-7 of the Unified Land Development Code.

Conditions:

- 1. The Florida bonneted bat survey should be submitted prior to start of construction.***
- 2. Before FDEP permits will be signed, North Port Utilities requires the following:***
 - a. Four complete sets of DEP 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.***
- 3. 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.***
- 4. Irrigation systems shall be designed and constructed to meet reuse standards.***
- 5. Prior to utility site construction the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting.***
- 6. A developer agreement shall be negotiated with the Utility Department and approved by the Utility Director and City Staff prior to DEP or DOH permits being signed and released.***
- 7. The stormwater management system design and floodplain impact/compensation analysis must meet all state and local regulations in the later infrastructure (INF) application.***
- 8. All proposed projects or developments must comply with the Florida Fire Prevention Code (FFPC), 7th Edition (NFPA 1 – Fire Code, 2018 Edition with State of Florida Amendments) and the City of North Port Unified Land Development Code (ULDC), Chapters 25, 37 and 60 as outlined prior to formal submittal.***
- 9. Emergency Access Plans (EAP) for Fire Apparatus Access must be submitted for review and approval prior to commencement of all new construction as outlined in Florida Fire Prevention Code (FFPC), 7th Edition (NFPA-1 Fire Code, 2018 Edition), § 1:18.1.3 and § 60-10(A-C) of the City of North Port's Unified Land Development Code (ULDC).***
- 10. Emergency Access from Cedar Grove Phases 2A and 2B out through Panacea Boulevard shall be maintained as previously agreed and approved upon by the***

Developer, the City of North and North Port Fire Rescue.

11. Per § 60-11 A(4) of the City of North Port's Unified Land Development Code (ULDC), the Engineer of Record must submit drawings clearly indicating vehicle stacking and turning radii of all roads, entrances, cul-de-sacs and parking lots.

12. Per § 60-11 A(3) of the City of North Port's Unified Land Development Code (ULDC), the Engineer of Record must submit drawings to all gated entrance driveways to accommodate pre-entry vehicular stacking of not less than three (3) cars, provide a turn-around area, and be designed such that emergency vehicles do not have to leave the travel-way to negotiate any roads, turns or gates.

Waivers:

1. Allow for an average of 0.4-foot candles for sidewalk areas adjacent to roadways.

2. Allow for a minimum lot area of 4,600 square feet for single-family detached lots and 3,450 for single-family attached lots.

3. Allow for a minimum lot frontage of 40-feet for single-family detached and 30-feet for single-family attached lots.

4. Allow for a maximum lot coverage of 55%, where the maximum lot coverage is 50%.

5. Allow for a 50-foot right-of-way for local guttered streets as opposed to the 60-feet.

6. Allow for a 10-foot multi-modal path to be constructed on one side of the entrance roads in lieu of the bike lanes to minimize wetland impacts on the entrance roads.

7. Allow street trees to be counted towards the minimum tree canopy requirements.

8. Allow for a 10-foot multimodal pathway to be constructed on one side of the entrance roadway only in lieu of two 5-foot sidewalks on both sides of the roadway.

The motion carried on the following voice vote:

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

No: 2 - Commissioner White and Commissioner McDowell

RESOLUTION:

B. [RES. NO. 2022-R-09](#)

A Resolution of the City Commission of the City of North Port, Florida Vacating a Portion of the Rear Maintenance Easement for Lot 27, Block 1608, Thirty-Second Addition to Port Charlotte Subdivision; Providing for Findings; Providing for Recording; Providing for Conflicts; Providing for Severability; 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 Resolution by title only.

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

There were no ex-parte communications.

Ms. Taylor noted there were no aggrieved parties.

Mr. and Ms. Bucko, Co-applicants, both being duly sworn, provided an overview of the

request including proposed land use, surveys conducted, and City inspection determination.

Mr. Fossick, being duly sworn, provided a presentation including easement vacation, future land use, approval from utilities entities, noticing requirements, legal review, and staff's recommendation.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions took place regarding permitting process, surveys conducted on the property, survey errors, contractor errors, and inspections.

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 Luke, seconded by Vice Mayor Langdon, to approve Resolution No. 2022-R-09 as presented. The motion carried on the following voice vote:

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

RESOLUTION - Second Reading:

C. [RES. NO. 2021-R-56](#) A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-2022 for Staffing Needs for the Neighborhood Development Services Department in the Amount of \$696,570 and Police Vehicle for Sworn Supervisor in the Amount of \$57,000; 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 and provided clarification regarding the modified amount on the budget amendment.

Discussion took place regarding using staff vacancy savings for temporary staffing.

Ms. Williams spoke to temporary staff funding.

Discussion ensued regarding temporary vs. full-time staffing, amended funding amount, using temporary agencies to assist in staffing, and advertising and hiring vacant positions.

There was no public comment.

Mayor closed the public hearing and requested a motion.

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

approve Resolution No. 2021-R-56 as reflected in the agenda backup document titled "Draft Resolution with Recommended Changes".

Discussion took place regarding using staff savings and hiring full-time staff.

The motion carried on the following voice vote:

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

Recess was taken from 7:31 p.m. until 7:45 p.m.

ORDINANCE - First Reading:

- D. [ORD. NO. 2022-02](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code Relating to the Permitted and Prohibited Uses in Activity Center Number 1 (Mediterranea), Activity Center Number 2 (Heron Creek), Activity Center Number 3 (Gateway), Activity Center Number 4 (Panacea), Activity Center Number 5 (Midway), and Activity Center Number 8 (The Gardens); Amending Chapter 55 – Activity Center Design Regulations; Amending Section 61-3 – Definitions and Word Usage; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

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

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to direct the City Clerk to read Ordinance No. 2022-02 by title only. The motion carried on the following voice vote:

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

Ms. Taylor read the Ordinance by title only.

Mr. Fletcher introduced the item.

Ms. Christie provided a presentation including prior Commission directions, clarification of additional City staff changes and recommendations made since the October 7, 2021 meeting including adding permitted uses and definitions for new and revised terms, and reviewed Commissioner-provided points including the official change of Activity Center names, Planning and Zoning Advisory Board (PZAB) review date correction, changing "truck stop" to "travel center", prohibiting establishments selling to other businesses, not including the last mile category, interpretation conflict with "warehousing" and "wholesaling" in Activity Center 1, permitting post offices in all Activity Centers, hospital development in Activity Center 2, permitting retail in Activity Centers 3 and 8, eco-tourism in Activity Center 3, permitting outside parking in Activity Center 4, placing non-profit organizations under special exceptions, and second row setback.

There was consensus to change the name "truck stop" to "travel center" but keep the definition.

Discussion took place regarding wholesale establishments and last mile distribution centers, issues with large-scale distribution centers, and researching sizing of small and medium scale distribution centers.

There was consensus to direct staff to research distribution centers and warehouses in all Activity Centers.

Discussion took place regarding post offices being allowed in all Activity Centers, and post offices being classified as government use.

There was consensus for staff to review and provide feedback where government use is allowed in Activity Centers.

Discussion took place regarding allowing hospitals in Activity Center 2.

There was consensus to allow hospitals in Activity Center 2.

Discussion took place regarding specific retail development being allowed in Activity Center 3, directing staff to review "retail services" to bring back to Commission, and limiting one quadrant of Activity Center 3 to outdoor recreation.

There was consensus to add retail services in Activity Center 3 with Economic Development bringing back a definition and proposals for retail services.

Discussion took place regarding classifying one quadrant of Activity Center 3 to be only for eco-tourism, breaking Activity Center 3 into subsections, amending the Comprehensive Plan to include subsections, and staff conducting research to classify one quadrant.

There was consensus for staff to review options for Northwest quadrant of Activity Center 3 to be reserved as an environmentally sensitive area, and add the definition of eco-tourism.

Discussion took place regarding permitting hospitals in Activity Center 4, parking and storage of construction equipment not including semi parking, requirements of outdoor storage in Activity Center 4, and adding retail sales to Activity Center 8.

There was a consensus to add retail sales to Activity Center 8.

Discussion took place regarding non-profit developments permitted in Activity Center 8 in the current Code.

There was consensus to remove #23 and #25 from the current Code for Activity Center 8 off the permitted use.

Discussion took place regarding the conflict between wholesaling and light industrial, light industrial being in the second row definition of Activity Center 1, allowing staff to research the Code to ensure there are no other conflicts within the light industrial definition, and removing wholesale establishments from prohibited uses.

There was consensus for staff to review all definitions for prohibited and permitted uses to ensure there is no conflict with emphasis on Activity Center 1, and to potentially move wholesale establishments from prohibited uses.

Discussion took place regarding second row definition being inconsistent, using the term in Activity Centers 1, 5, and 8, matching the second row distance to the intent of the Activity Center, and maintaining the 250-foot buffer for the arterial roads but reducing the connector and side roads to a 150-foot buffer.

There was consensus for staff to review the definition of second row and provide additional options.

Discussion took place regarding adding general office use and definition to Activity Centers 1-5 and 8.

There was consensus to add general office use and definition to Activity Centers 1-5

and 8.

Ms. Thomas provided clarification regarding truck stop and travel center definitions.

Discussion took place regarding combining the definitions for truck stop and travel center and having staff bring back a definition to cover both.

There was consensus for staff to review the definitions of travel center versus truck stop and bring back an appropriate recommendation for the definition.

Discussion continued regarding clarification in line 63 as to whether open and outdoor storage is prohibited or special exception, reviewing the Ordinance to locate the verbiage in other areas, and maintaining items that are neither permitted or prohibited as special exception.

Ms. Ray spoke to the clause in the Ordinance that defines special exception and the standard language for zoning Ordinances.

Discussion continued regarding breweries not being on the prohibited list in Activity Center 1.

Mr. Bowling spoke to breweries being listed as a special exception in Activity Center 1.

Discussion continued regarding commercial recreation not being listed as permitted in Activity Center 3.

Ms. Ray explained why commercial recreation is considered a special exception in Activity Center 3.

Discussion continued regarding commercial recreation being permitted in Activity Centers 1, 4, 5, and 8, and concerns with recreation establishments being visible on arterial roadways.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to add "commercial recreational establishments" to the permitted principal uses in Activity Center 3. The motion carried on the following voice vote:

Yes: 4 - Mayor Emrich, Commissioner Luke, Commissioner White and Commissioner McDowell

No: 1 - Vice Mayor Langdon

Vice Mayor Langdon dissented due to her belief that permitting commercial recreation to Activity Center 3 would negatively affect the "small city" appearance.

Discussion continued regarding the pros and cons of permitting a travel center in Activity Center 3, and staff recommendation to permit a travel center in Activity Center 3.

A motion was made by Commissioner McDowell to add travel center to permitted use in Activity Center 3. The motion failed for lack of a second.

Discussion continued regarding current developer interest in building a travel center in Activity Center 4, and Activity Center 3 being the entrance to the City.

Ms. Christie explained verbiage pertaining to "recreation active passive" in Activity Center 3, and stated the definitions for active recreation, passive recreation, and commercial recreation establishment will be brought back for a larger discussion.

Discussion continued regarding Activity Center 3 being a commercial interchange, residential not being included in the percentages in Activity Center 3, and requirements for permitting residential in Activity Center 3.

Staff responded to Commission questions regarding definitions of distillery pub and winery pub, "on-site consumption" being left off microdistillery and microwinery, and the need for special licenses for those businesses.

There was consensus to direct staff to review adding "on-site consumption" to microdistillery and microwinery.

Discussion continued regarding adding "indoor/outdoor" to the definition of "commercial recreation establishment" on line 364, inaccurate dates on lines 439-443, adding a definition for "park", and Chapter 55 of the Unified Land Development Code (ULDC) not containing parks.

Ms. Slayton explained this Ordinance pertains to permitted and prohibited uses, and the definitions to be added are directly related to uses.

Ms. Christie spoke to park not being directly referenced to Chapter 55.

Discussion continued regarding expanding the definition of "drive-thru" to include "quick-service retail", quick-service being a part of retail, and the definition of "drive-thru" not being specific to restaurants.

PUBLIC COMMENT:

Marty Black: ULDC rewrite, architectural controls, landscaping and buffering requirements, setback requirements, and lot developments

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2022-02 to second reading to a date to be determined including all provided consensuses. The motion carried on the following voice vote:

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

Commissioners expressed their gratitude to staff and wished Ms. Christie well in her future endeavors.

6. GENERAL BUSINESS:

A. [22-2180](#) Discussion and Possible Action Regarding Designating "No Wake" Zones in City Canals

Mayor Emrich announced the item.

Commissioner White spoke to boat usage in the canals, absence of "no wake" signs, and extensive damage and erosion to banks.

Discussion took place regarding areas in need of "no wake" signage, and staff resources and funds available to assist in patrolling and enforcing the violations.

Deputy Chief Morales spoke to Florida Fish and Wildlife Commission (FWC) having the

ability and means to patrol the canals once signage is put in place.

Discussion continued regarding constant patrolling, signs being for educational purposes, damage the wakes cause to weirs and pilings, access points from canals into lakes, banning all gas-powered engines from canals with the exception of government-owned vessels, and directing staff to research options and solutions and bring back for Commission discussion.

A motion was made by Commissioner White, seconded by Vice Mayor Langdon, to direct staff to review options for prohibiting combustible recreational vehicles on waterways. The motion carried on the following voice vote:

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

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

A. [22-2187](#) Commissioner McDowell - Monthly Report

Commissioner McDowell reported on the Convocation of Governments (COG) referendum presentation, North Port High School community partner event, and affordable housing webinar.

Mr. Fletcher spoke to the Sarasota County School Board working with staff and the North Port Chamber of Commerce to settle on a location to provide the referendum presentation.

Discussion took place regarding the referendum presentation taking place in Commission Chambers, inviting local schools to a Commission meeting, and the School Board meeting taking place in May, differences between affordable vs. workforce housing.

Commissioner White reported on the Chamber luncheon, Suncoast Bistro, and Child Protective Center on Peace River Road.

Commissioner Luke reported on the Fire Department retirement event, COG meeting, ribbon cuttings, City Manager's State of the City, Kid Kelly Boxing, Economic Development Corporation (EDC) Task Force meetings, Suncoast Bistro, Kaleidoscope of the Arts event, spoke on the Rawlings Show, and Teen Court.

Vice Mayor Langdon reported on the COG meeting, Metro Planning Organization (MPO) meeting, and Florida Department of Transportation (FDOT) expressing interest in the Camoin study.

Mayor Emrich reported on the COG meeting, City Manager's State of the City, MPO meetings, and Herbie Ives' 100th birthday.

9. ADMINISTRATIVE AND LEGAL REPORTS:

A. [22-2178](#) City Manager Report on Commission Directives

Mr. Fletcher reported on the COG meeting and a draft letter to be signed by Mayor Emrich supporting Suncoast Technical College (STC) receiving State funding.

Discussion took place regarding the previously submitted letter of support regarding STC receiving State funding.

There was consensus for Mayor Emrich to sign the letter of support regarding Suncoast Technical College receiving State funding.

B. [22-2030](#) City Attorney Report

Ms. Slayton did not have a report.

C. [22-2185](#) City Clerk Report

Ms. Taylor did not have a report.

10. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 10:16 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__.