



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Jill Luke, Mayor

Pete Emrich, Vice Mayor

Barbara Langdon, Commissioner

Debbie McDowell, Commissioner

Alice White, Commissioner

APPOINTED OFFICIALS

Jason Yarborough, Interim City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Tuesday, May 11, 2021

10:00 AM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

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

Also Present

Interim City Manager Jason Yarborough, Assistant City Manager Cari Branco, City Attorney Amber Slayton, Assistant City Clerk Adrian Jianelli, Recording Secretary Amanda Baker, Finance Director Kimberly Ferrell, Fire Chief Scott Titus, Planner Alison Christie, Police Chief Todd Garrison, Public Works Director Julie Bellia, Public Works Assistant Director Monica Bramble Engineering Manager Michael Acosta, and Assistant Director of Parks and Recreation Tricia Wisner.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Recording Secretary Amanda Baker.

1. APPROVAL OF AGENDA

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the agenda moving Item No. 21-0652 after Announcements. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

Anonymous: spoke on the interest of City services matter and the benefits for Wellen Park to remain in the City.

**B. [ORD. NO.
2021-26](#)**

An Ordinance of the City of North Port, Adopting City Commission Policy No. 2021-08 Related to the Inventory, Disposal, and Acquisition of Real Property; Providing for Findings; Providing for Conflicts, Providing for Severability; and Providing an Effective Date

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

A motion was made by Vice mayor Emrich, seconded by Commissioner Langdon, to direct the Assistant City Clerk to read the Ordinance by title only. The motion carried by the following vote:

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

Ms. Jianelli read the Ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Branco provided a brief summary to include a procedure of outline of inventory, disposal, and acquisition of property, neighborhood focal points, review of commission policy, environmental or archeological studies, property the City sells or acquires, affordable housing lots, ownership of two commercial properties, and requested language on handling commercial properties.

Discussion took place regarding reason for duplicating information in the City Manager's Policy and the Code.

Ms. Slayton reviewed the difference between City Manager administrative policies and Commission policies, and noted this is a commission policy being established by Ordinance per Florida Statutes 166.045-1C.

Ms. Branco answered questions on determination of reserved, used properties or city surplus, 27 surplus properties, designation of property, memorandums to the departments on lot donations, yearly structure on lot donations, exchanged property, and remaining properties reserved for swapping or exchanging.

Arlena Dominic, America Acquisitions, spoke on surplus, swapping and exchange of properties, benefits of selling or exchange, ownership of lots, City flexibility, criteria's, future building, and exchange criteria.

Discussion ensued on adding prioritization steps under policy and procedure A.

There was consensus to have staff add prioritization steps under Policy and Procedure 2A.

Discussion took place regarding Line 12 includes acquire, accept and exchange real property, does not include selling property on Line 12, 17 and 18 to be included. Line 29 and 30 is discussion on selling.

Ms. Slayton read Line 9 through 11 to include sale, exchange, donation, or acquire properties.

There was consensus to have staff add "in conveyance" and "selling" in Line 12, 17 and 18.

Discussion took place regarding responsibility of an environmental study cost, donated

properties, value of properties, cost of general property, and environmental, historical or archeological value.

Ms. Bramble spoke on parcels of land, cultural resource assessment, environmental wetland and wildlife survey, location of parcels, elements of parcels, and cost of acreage.

Ms. Christie spoke on lot surveys, price range by firm hired, and site locations.

Discussion took place regarding studies done on City owned parcels, donating lands, responsibility of survey cost, selling property, environmental value impacts, environmental situations, purchasing to develop, due diligence period, litigation, purchasing for preservation or development, and creek properties.

Ms. Christie spoke on cultural resource assessment test for archeological and historical resources.

There was consensus that no studies be completed by the City or donator for properties donated.

There was consensus that no study be needed for purchased or swapped properties for environmental preservation but if the purchaser swap is made for development reasons an environmental and cultural study is needed prior to proceeding in development.

Discussion took place on environmental studies, responsible party of decision making, along creek properties, surplus lots, illegal dumping, development stages, and litigation.

Ms. Belia spoke on planning and zoning levels, resources, wetland maps utilization, single and commercial lots, arborist checking for wildlife, Unified Land Development Code (ULDC) re-write, single family assessment required, archeological map, property identification numbers, formal assessment, cultural resource study and archeological studies, and final disposition of assets by City Manager.

Ms. Slayton stated any sale/purchase has the final decision by Commission.

There was consensus that if the City purchases/swaps for preservation there is no survey needed.

Discussion took place regarding Page 2A surplus of property made available to public, responsibility of cost on associated and legal fees for change of ownership, process, purchaser responsible for any associated cost, closing cost and title insurance.

Ms. Slayton stated the previous City Manager did not offer title insurance and title insurance must be issued.

Discussion continued on cost, policies, Commission direction for purchases, budget amendment, and negotiations.

Ms. Slayton stated appraisals are not part of the closing cost and the buyer is responsible for closing costs.

Discussion ensued on 2B notifications and City Manager will notify the residential owner by certified mail for available parcels, City surplus property inventory, intent to sell, keeping surplus properties, tax collections, annual determinations for selling or keeping and of any interest in the adjacent properties placing a timeline.

There was consensus that in step three labeled surplus it will state after being

deemed offered to the adjacent owners it will become surplus and come back to Commission yearly in the report for the Commission to determine what to do.

Discussion took place regarding selling City owned commercial property, add leasing language, selling to non-profit organizations, selling options, property taxes, and government entities.

Ms. Bramble requested direction from Commission on distinctions on commercial and residential properties that is not needed.

Discussion continued on selling options, collecting taxes, non-profit organizations, creating jobs, leasing options, housing, property appraisal and tax collectors, leasing options, property taxes, and selling commercial to commercial.

There was consensus of any City owned commercial property wanting to be purchased that the City Manager is to bring forth to the Commission.

Discussion took place regarding location of parcels, road and drainage district, section Proceeds of Sale take out the last sentence, escheated lots fund, land and future projects, roads and parks fund, unrestricted funds, and funds specifically designated purposes.

Ms. Ferrell spoke to escheated lots fund and is an unrestricted fund, recommendations to go to general fund into the fund balance, and Capital Improvement Plan (CIP) funds.

Ms. Slayton suggested taking out reference portion to the Finance Director due to Commission can not direct the Finance Director.

There was consensus to change all proceeds of sale will be allocated by the Commission pursuant to the direction of the Commission.

Discussion took place regarding creating a separate account, tree funds are in the general fund, creating a real estate policy, explanation of Page 2 Line 57 as well as process and timeline for the land owners, include language on donated lands on Commission policy, Line 97 City will not exchange any property more than market value appraisal, hiring for appraisals, 100,000 Law, Line 86 and 87 in more likely made be advantageous for the City missing a word to be addressed by staff, City Managers policy first line selling under the purpose the City Manager policy is established by the City Manager not by the Commission, 2C advantageous worded incorrectly, A1 timeline for the landowners to be outlined in the City Managers policy, and D1 change from vacant property to donated property.

There was consensus to change language on the City Manager policy from Commission "approval" to Commission "review".

There was consensus to change language on City Manager policy D1 from "donate vacant property" to "donate property and affordable housing".

Discussion took place regarding affordable housing parcels.

Ms. Slayton spoke on one specific use to be separated and recommendation to address in the resolution every three years, and designation of municipal uses.

There was consensus for the City Manager to bring back an agenda item for affordable housing with previous resolution within four months timeframe.

Ms. Branco requested second reading to be brought back to Commission in June.

A motion was made by Commissioner McDowell, seconded by Commissioner

White, to continue Ordinance No. 2021-26 to second reading at a date to be determined by the City Manager to capture all consensus given. The motion carried by the following vote:

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

Recess was taken from 2:47 p.m until 3:00 p.m.

C. [ORD. NO. 2021-28](#)

An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2020-21; Transferring \$201,775 from the R&R Road and Drainage District Fund Balance for the Purchase of a Mowermax Tractor Included in Capital Improvement Project R21VEH; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to direct the Assistant City Clerk to read the Ordinance by title only. The motion carried by the following vote:

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

Ms. Jianelli read the Ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Ferrell stated a correction from a previous statement having a separate tree fund, provided a brief overview on a mowermax tractor purchase from the fund balance, and case needs study for the police department from the previous surtax appropriated.

Discussion took place regarding differences between Renewal and Replacement (R&R) Road and Drainage fund, Road & Drainage fund and specified funding accounts and budgeting.

Ms. Slayton stated part of Road & Drainage budget is under the district budget meeting and reviewed in the Regular Commission meeting and once finance completes its analysis determines which meeting does the review.

Mr. Yarborough stated to approve only the police department study and bring back a separate Ordinance for the R&R item.

Discussion took place regarding the police department amendment.

Chief Garrison spoke on the previous direction of Commission and location of stand alone facility.

Ms. Ferrell spoke on budget amendment, additional buildings, location of different facilities, space needs analysis, change of intent of CIP project, and adding a new CIP sheet reflecting the scope.

Discussion continued on additional public safety annex, expansions, distributed model, creating a new CIP, Fund 107 is in R&D district Fund, Fund 322 is the Renewal and