



# 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, February 23, 2021

6:00 PM

City Commission Chambers

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### **CALL TO ORDER**

Mayor Luke called the meeting to order at 6:00 p.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, City Grant Writer Valerie Malingowski, Finance Director Kimberly Ferrell, Fire Chief Scott Titus, Planning Division Manager Nicole Galehouse, Planner Alison Christie, Deputy Police Chief Chris Morales, Economic Development Manager Mel Thomas, Marketing and Business Development Specialist Sondra Guffey, Planner Rhea Lopes, and Zoning Coordinator Sherry Willette-Grondin

### **PLEDGE OF ALLEGIANCE**

There was a time of silent prayer in honor of Utilities Director Rick Newkirk, who is in hospice, and his family.

The Pledge of Allegiance was led by Girl Scout Daisy Troop 326.

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

*A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the agenda reordering the agenda to move Resolution Nos. 2021-R-10 and 2021-R-11 after the Consent Agenda. The motion carried by the following vote:*

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

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

Valdy Olender: City Charter Section 6:02 and concern with police officer locations within

Chambers

Jeffrey Scott: expressed concern with taxation in the City

### **3. ANNOUNCEMENTS**

- A. [21-0286](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees

Ms. Taylor read the announcements into the record.

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

Mr. Yarborough noted items pulled from consent for discussion.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the Consent Agenda pulling Item No. 21-0267 for discussion. The motion carried by the following vote:***

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

- A. [21-0221](#) Approve the Interlocal Agreement Between the City of North Port, Florida and the School Board of Sarasota County, Florida for Law Enforcement Dispatch Services and Related Communications Services

***This Item was approved on Consent.***

- B. [21-0232](#) Approve the First Amendment to Agreement No. 2018-63, for Financial Auditing Services with Mauldin and Jenkins, LLC., Adding Renewal Term of Two Additional Two-Year Terms by Mutual Agreement and Within Budgetary Limitations, at the Same Terms and Conditions, and to Authorize City Manager to Approve all Future Renewals

***This Item was approved on Consent.***

- C. [21-0240](#) Approve the Memorandum of Understanding By and Between the Sarasota County Sheriff's Office and City of North Port, Florida on Behalf of the North Port Police Department for Investigations into Employee Criminal Activity, Use of Deadly Force, and In-Custody Deaths

***This Item was approved on Consent.***

- D. [21-0242](#) Approve the Interagency User Agreement by and Between the Sarasota County Sheriff's Office and the City of North Port, Florida on Behalf of the North Port Police Department for Criminal Justice Information Exchange and Use

***This Item was approved on Consent.***

- E. [21-0243](#) Approve the Interlocal Agreement by and Among the Sarasota County Sheriff's Office and the Police Departments for the City of North Port, New

College, and Sarasota-Manatee Airport Police Authority and the Airport Rescue and Firefighting Department Which Outlines Direct Communication for Immediate and Un-delayed Law Enforcement Response During Active and Imminent Threats to Life

*This Item was approved on Consent.*

- F. [21-0244](#) Approve the Funding Agreement Between Sarasota County, Florida and the City of North Port, Florida for the Sarasota CARES Program Reimbursement

*This Item was approved on Consent.*

- G. [21-0267](#) Approve the Close Out Agreement for Contract No. 2005-261, an Interlocal Agreement Between the City of North Port and Sarasota County Regarding Escheated Real Property

Mayor Luke announced the item.

Mr. Yarborough introduced the item and responded to Commission questions regarding disbursement of monies received, lots that were sold by Sarasota County since 2005, and money placed in current budget.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Item No. 21-0267 as presented. The motion carried by the following vote:***

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

***There was consensus to direct the City Manager to prepare a memorandum or agenda item to discuss escheated lots sold by the County since 2005 and to determine if any funding was used during FY 20/21.***

- H. [CC](#)  
[GEN-20-261](#) Grant Consent to the Acquisition of Real Property by the West Villages Improvement District for Parcel Identification Number 0783012000, Constructed as a Stormwater Pond Adjacent to the West Villages Marketplace

*This Item was approved on Consent.*

- I. [CC](#)  
[CTA-21-009](#) Grant Consent to the Acquisition of Real Property by the West Villages Improvement District for Parcel Identification Number 0783011000, Constructed as Market Way in the Northwestern Corner of the West Villages Marketplace

*This Item was approved on Consent.*

- J. [21-0305](#) Approve Minutes for January 12, 2021 Commission Regular Meeting, January 15, 2021 Convocation of Governments Meeting, February 4, 2021 Commission Special Meeting, February 4, 2021 Special Meeting, and February 9, 2021 Commission Regular Meeting

*This Item was approved on Consent.*

- K. [21-0248](#) Approve Acceptance of the Assistance to Firefighters Grant, if Awarded, from the Federal Emergency Management Agency in an Amount of \$46,445.45 and Authorize the City Manager to Approve and Sign Grant Documents upon Satisfactory Legal Review

*This Item was approved on Consent.*

## **6. PUBLIC HEARINGS:**

### **RESOLUTION:**

- E. [RES. NO. 2021-R-10](#) A Resolution of the City of North Port, Florida, Vacating Utility and Drainage Easements for Lots 12, and 16, Block 870, First Replat in the Sixteenth Addition to Port Charlotte Subdivision; Providing for Conflicts; Providing for Severability; and Providing an Effective Date (QUASI JUDICIAL)

Mayor Luke announced the item and stated it is a quasi judicial hearing.

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

Commissioners did not have any ex parte communications to disclose.

Ms. Taylor stated there were no aggrieved parties.

Joshua Shelton, applicant, being duly sworn, provided a presentation including project narrative, lot location, current utilities, aerial view of property showing vegetation density, unity of title, current survey, plotted trees identified by surveyor, actions taken by property owner, requested easement vacation, removal of two trees if easement is released, sketch and description, and closing including goal for the land and current easement status.

Ms. Willette-Grondin, being duly sworn, provided a presentation including details of petition, purpose of vacation, size of easement to be vacated, receipt of application, unity of title, possible additional site improvements, property zoning, applicable utility agency review, criteria's met, Florida Statute requirements, notice of intent requirements, Unified Land Development Code (ULDC) consistency, City Attorney review of the Resolution, Planning and Zoning Advisory Board (PZAB) recommendation for approval, and staff's recommendation.

There were no rebuttals by the applicant or staff.

There was no public comment.

There were no Commission questions or comments.

There were no closing arguments by staff or the applicant.

Mayor Luke closed the public hearing.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Resolution No. 2021-R-10 as presented. The motion carried by the following vote:***

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

F. [RES. NO. 2021-R-11](#) A Resolution of the City of North Port, Florida, Vacating Utility and Drainage Easements for Lots 5, 6, 16, and 17, Block 1565, 32nd 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).

Mayor Luke announced the item and stated it is a quasi judicial hearing.

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

Commissioners did not have any ex parte communications to disclose.

Ms. Taylor stated there were no aggrieved parties.

Joseph Hankins, applicant, being duly sworn, provided a presentation including lot size, intent for construction of home, lot location, requested easement to vacate, location of home on property, and intent to retain vegetation.

Ms. Lopes, being duly sworn, provided a presentation including application, lots size, unity of title, property zoning and land use designation, utility agency review, requirements met, consistency with Florida Statutes and Unified Land Development Code (ULDC), notice of intent requirements, City Attorney review of the Resolution, Planning and Zoning Advisory Board (PZAB) recommendation for approval, and staff's recommendation.

There were no rebuttals by the applicant or staff.

There was no public comment.

Ms. Lopes responded to questions regarding side easement requirements.

There were no closing arguments by staff or the applicant.

Mayor Luke closed the public hearing.

***A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Resolution No. 2021-R-11 as presented. The motion carried by the following vote:***

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

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

A. [21-0317](#) Mel Thomas: Neighborhood Commercial Development Marketing Inspiration

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Thomas introduced Sondra Guffey.

Ms. Guffey provided a presentation including neighborhood commercial locations, parcel size, prior Commission direction to be proactive, how to accomplish including property research, Commercial Real Estate Summit for Spring of 2021, ongoing ideas, potential locations to focus on, and thinking creatively.

Discussion took place regarding the need for infrastructure.

Public Comment:

Jeffrey Scott: expressed appreciation of the presentation and spoke to creating public trust

### **PUBLIC HEARINGS: Continued**

#### **ORDINANCE - Third Reading:**

- A. [ORD. NO. 2020-27](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Appendix A - City Fee Structure to Change Certain Building, Fire, Police, Parks and Recreation, Facility Rental, Solid Waste, and Road and Drainage Fees; Providing for Severability; Providing for Conflicts; Providing for Codification; and Providing an Effective Date

Mayor Luke announced the item.

Ms. Taylor read the Ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Ferrell spoke to the item including prior Commission direction, recommendation of Version B, and recommendation to postpone until upcoming adoption of fee schedule workshop, and responded to questions regarding minimum impact to the general fund.

Discussion took place regarding removing the 1% charge on credit card use.

Ms. Ferrell recommended going back to fees in original version A presented on July 28, 2020.

There was no public comment.

Mayor Luke closed the public hearing.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Ordinance No. 2020-27 with Appendix A.***

Ms. Slayton recommended providing clarity regarding Appendix A.

***Commissioner McDowell withdrew her motion. Vice Mayor Emrich withdrew his second.***

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Ordinance No. 2020-27 as presented.***

Discussion took place regarding fees for family market on Sumter Boulevard and U.S. 41, eligibility for Achieve Anything discount, and non-profit discount.

Ms. Slayton spoke to ordinance language regarding the discount for non-profits.

Discussion took place regarding daily rate versus hourly rate.

***A motion to amend was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to add to the Road and Drainage fee a daily rate of \$150 with a 50% discount for non-profits.***

Discussion continued regarding number of hours defined in daily rate.

***Commission McDowell withdrew her motion to amend. Vice Mayor Emrich withdrew his second.***

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

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

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

- B. [ORD. NO. 2021-16](#) An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2020-21 by Transferring \$127,151 from the General Fund Balance for Narramore Park Security, the First 1000 Days Mural Project and the North Port Special Election; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Luke announced the item.

Ms. Taylor read the Ordinance by title only.

Mr. Yarborough introduced the item.

There was no public comment.

Mayor Luke closed the public hearing.

***A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Ordinance No. 2021-16 as presented. The motion carried by the following vote:***

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

Recess was taken from 7:34 p.m. until 7:44 p.m.

#### **ORDINANCE - First Reading:**

- C. [ORD. NO. 2021-13](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code, Section 53-213.A.(2) - Village Index Map; Providing for Amendments to the West Villages Index Map for Certain Portions of Village G, Village H, Village I, Village J, and Village K, Including One or

More of the Following: Boundaries, Acreages, Location for Fire Station No. 2, Utility Sites, Roadway Alignments for Manasota Beach Road and West Villages Parkway, Boundaries for Village Centers, and Park Acreages; Providing for Findings; Providing for Adoption; Providing for Filing of Approved Documents; Providing for Severability; Providing for Conflicts; and Providing an Effective Date (QUASI JUDICIAL)

Mayor Luke announced the item and stated it is a quasi judicial hearing.

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

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

**Not Present:** 1 - Vice Mayor Emrich

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

Commissioner Langdon, Vice Mayor Emrich and Mayor Luke did not have any ex parte communications to disclose.

Commissioner McDowell disclosed an email that was provided to the City Clerk for the record.

Katie LaBarr, Stantec, being duly sworn, provided a presentation including specific changes for consideration, and ensuring consistency between the plan and the pattern plan.

Ms. Taylor stated there were no aggrieved parties.

Ms. Christie, being duly sworn, provided a presentation including proposed changes, consistency with Unified Land Development Code (ULDC) and Comprehensive Plan, City Attorney review, public notice, Planning and Zoning Advisory Board (PZAB) recommendation for approval, and staff's recommendation.

There were no rebuttals by the applicant or staff.

There was no public comment.

Ms. LaBarr responded to Commission questions regarding decrease of four acres in Village D.

John Luczynski, Wellen Park, being duly sworn, spoke to village acreage discrepancies, School Board contract timing, Village Center K relocation to Village I, and designation of Neighborhood Center.

There were no closing arguments by staff or the applicant.

Mayor Luke closed the public hearing.

***A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to continue Ordinance No. 2021-13 to second reading on March 2, 2021. The motion carried by the following vote:***

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

- D.** [ORD. NO. 2021-14](#) An Ordinance of the City of North Port, Florida, Adopting the Village J Village District Pattern Plan (West Villages) for a ±631 Acre Area Located to the West of West Villages Parkway, to the South of Future Manasota Beach Road, to the North of the City of North Port, Florida City Limits and to the East of Future Preto Boulevard; 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 Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date (QUASI JUDICIAL)

Mayor Luke announced the item and stated it is a quasi judicial hearing.

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

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

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

Commissioner Langdon, Vice Mayor Emrich and Mayor Luke did not have any ex parte communications to disclose.

Commissioner McDowell disclosed phone call discussion with the Interim City Manager and Planning Manager and an email that was provided to the City Clerk for the record.

Ms. Taylor stated there were no aggrieved parties.

Philip DiMaria, Kimley-Horn, being duly sworn, provided a presentation including change of graphic in Village District Pattern Plan (VDPP), index map, acreage and location, proposed development, conceptual rendering, development standards, site analysis, consistency with Comprehensive Plan and Unified Land Development Code (ULDC), mixed uses, and community goals.

John Lucyznski, Wellen Park, being duly sworn, spoke to jurisdictional wetlands, and location of eagles nest and preservation.

Ms. Christie, being duly sworn, provided a presentation including proposed development, build out specifics, conceptual site plan, development standards, consistency with West Villages Pattern Book, ULDC and Comprehensive Plan, City Attorney review, public notice, Planning and Zoning Advisory Board (PZAB) recommendation for approval and staff's recommendation.

There were no rebuttals by staff.

There was no public comment.

The applicant and staff responded to Commission questions regarding Index Map update,

adding reference to figures within the plan, stacked units in regards to dwelling units, golf cart usage and rentals, Keyway Road possible connection to U.S. 776, typo regarding total number of fire stations, and North Port Station 86 not being mentioned.

Chief Titus, being duly sworn, responded to questions regarding the North Port Fire Station 86.

Further questions were responded to regarding removal of language regarding fee agreement, Fire Station one building diagram, Fire Station designation of mixed use, referenced diagram figure numbers not consistent with the diagrams, and table numbers not mentioned within text.

There were no closing arguments by staff or the applicant.

Mayor Luke closed the public hearing.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-14 to second reading on March 2, 2021 with the following amendments:***

- 1. Correcting the diagram for the Fire Station***
- 2. Correcting scrivener's errors/typos to figures and tables***

Ms. Galehouse, being duly sworn, informed Commission that the corrections will not be made in time prior to posting the March 2, 2021 agenda and stated the agenda will be amended when documents are available.

Discussion took place regarding commercial space.

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

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

Recess was taken from 8:41 p.m. until 8:51 p.m.

## **7. GENERAL BUSINESS:**

- A. [21-0222](#) Discussion and Possible Action Regarding Revision to Section 46, Article V of the Code of the City of North Port Relating to Camping

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Commissioner McDowell spoke to the item including previous Commission discussions and concerns with current camping situations on private property.

Discussion took place regarding Section 59-16(h) of the Code with emphasis on parking on residential lots with the use of living quarters or for camping, and chart provided with Code excerpts from surrounding municipalities.

Ms. Slayton spoke to case law applicable to sleeping/camping on public property and responded to Commission questions regarding alternate sustaining options within the scope.

Discussion continued regarding review of the Ordinance for public and private property, and concerns with sanitation.

Deputy Chief Morales clarified current Code allowance of camping on private property with the permission of the property owner.

Discussion ensued regarding the need for further discussion, placing on a Special Meeting, liability concerns, and alternative options.

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

Theresa LaVelle: concern with outdoor camping on adjacent property

Deputy Chief Morales responded to questions regarding code violation versus law enforcement violations and complaints received for the area of San Maria Circle.

***There was consensus for an item to be placed on a future agenda regarding the topic of camping and to allow Commissioner McDowell to work with Staff and the Police Department on the item.***

**B. [21-0303](#)**

Discussion and Possible Action Regarding Alternative Revenue Sources, Including Public Service Tax on Water Sales, Public Service Tax on Electricity, Public Service Tax on Gas Products, Payment in Lieu of Franchise Fees for Water and Sewer, Payment in Lieu of Franchise Fees for Solid Waste

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Ferrell spoke to revenue sources to include public service tax on water service, public service tax on electricity, public service tax on gas products, and payment in lieu of franchise.

Mr. Yarborough spoke to outsourcing.

Discussion took place regarding eliminating unnecessary spending before increasing taxes, delay discussion until budget process, and user based fee.

Mr. Yarborough spoke to fund balance.

Public Comment:

Victor Dobrin: opposition to tax increases and funding projects that do not add value to the City

Jeffery Scott: expressed concern with tax increases and economic viability

***No action was taken on this Item.***

**8. PUBLIC COMMENT:**

There was no public comment.

**9. COMMISSION COMMUNICATIONS:**

Commissioner McDowell reported on Cub Scouts meeting, Homeless to Home, Police Department Swearing-in Ceremony, First Slavic Church Festival, site visit to COVID vaccination site, Florida League of Cities webinar regarding vacation rentals, and North Port Government and You Class.

Vice Mayor Emrich reported on Metropolitan Planning Organization meeting.

Commissioner Langdon reported on site visit at COVID vaccination site.

Mayor Luke reported on First 1000 Day Mural status, having discussion during the budget regarding Tropicaire Boulevard bus stops and multi-modal amenities on U.S. 41, Wolfstock, Tourist Development Council meeting, Teen Court meeting, Economic Development Council meeting, Chariots Charity Car Show, Police Department Promotions, and Net at Noon for Hampton Inn.

*There was consensus for Mayor Luke to sign the requested Anti-Semitism proclamation.*

**10. ADMINISTRATIVE AND LEGAL REPORTS:**

**A. [21-0313](#) City Manager Commission Update Report**

Mr. Yarborough thanked all involved with the COVID Vaccine event.

Discussion took place regarding sending a letter of thanks to appropriate parties.

**B. [21-0321](#) City Attorney Report**

Ms. Slayton did not have a report.

**C. [21-0319](#) City Clerk Report**

Ms. Taylor did not have a report.

**11. ADJOURNMENT:**

Mayor Luke adjourned the meeting at 9:52 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.