



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

Tuesday, March 2, 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: 4 - Mayor Jill Luke, Vice Mayor Pete Emrich, Commissioner Barbara Langdon and Commissioner Debbie McDowell

Also Present

Interim City Manager Jason Yarborough, Assistant City Manager Cari Branco, City Attorney Amber Slayton, City Clerk Heather Taylor, Fire Chief Scott Titus, Planning Division Manager Nicole Galehouse, Planner Alison Christie, Police Chief Todd Garrison, Public Works Director Julie Bellia, Assistant Public Works Director Monica Bramble, Public Works Operator and Maintenance Manager Chuck Speake, Fleet Manager Kenneth Rappuhn, Emergency Managers Michael Ryan and Eric Tiefenthaler, Stormwater Manager Elizabeth Wong, and Code Enforcement Division Manager Kevin Raducci

PLEDGE OF ALLEGIANCE

There was a moment of silence for Rick Newkirk followed by the Pledge of Allegiance led by Acting Assistant City Manager Julie Bellia.

Ms. Bellia thanked everyone for all they did during Mr. Newkirk's illness and spoke to Mr. Newkirk's dedication and love for the City.

1. APPROVAL OF AGENDA

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

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

2. PUBLIC COMMENT:

There was no public comment.

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 to be pulled from the Consent Agenda for discussion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the Consent Agenda with the exception of Item No. 20-2732 being pulled for discussion. The motion carried by the following vote:

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

- A. [20-2732](#) Approve 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.

Mayor Luke announced the item.

Mr. Rappuhn responded to questions regarding the cost to retrofit the Chevy Impala for use in another department versus auction cost, and process for reutilizing vehicles.

Discussion took place regarding concern with disposing vehicles that are in good condition, police vehicle idle time, use as a pool vehicle, lack of a need for the vehicle, vehicle requests in upcoming budget, and postponing disposal until after budget.

Chief Garrison responded to questions regarding use as a training vehicle.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Item No. 20-2732, removing CID 72942 2016 Chevy Impala for future discussion after budget. The motion carried on the following vote:

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

- B. [21-0223](#) Accept the Cash Receipts Summary Report for December 2020

This Item was approved on consent.

- C. [21-0253](#) Approve Work Assignment 2021-01 with Infrastructure Solution Services, LLC. for \$196,770.00, for the Water Pipeline Bridge Replacements at Haberland Boulevard/Woodhaven/North Toledo Blade Boulevard/Ortiz Boulevard Project

This Item was approved on consent.

- D. [21-0256](#) Approve the Tenant Lease Agreement with Awaken Church for Space at the Community Education Center

This Item was approved on consent.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [21-0310](#) Dennis Ragosta Southwest Florida Management District Overview

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Mr. Raqosta provided a presentation regarding Florida's Water Management Districts including special districts and governing board, areas of responsibility including water supply, water quality, natural systems and flood protection, permits including water use permits, environmental resource permits and well construction permits, data collection, environmental restoration including SWIM projects, district water control structures, funding priorities including sustainable water supply, FARMS, environmental restoration and stormwater improvements, diversification, and reclaimed water facts, provided an update on Legacy Trail, responded to questions regarding well construction permits, septic to sewer funding, and noted he would provide additional information regarding impact of septic systems on water supplies and responded to additional questions regarding funding from Department of Environmental Protection (DEP), and funding options by placing Warm Mineral Springs and Little Salt Springs on Special Springs list.

6. PUBLIC HEARINGS:

ORDINANCE - Second Reading:

- A. [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 this is a quasi-judicial hearing.

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

There was no additional ex parte communications disclosed since first reading

Ms. Taylor stated there were no aggrieved parties.

Katie LaBarr, Stantec, being duly sworn, noted she is available to answer any questions.

Alison Christie, being duly sworn, noted she is available to answer any questions.

There were no rebuttals by the applicant or staff, no public comment, and no commission questions.

Staff had no closing arguments.

Ms. LaBarr expressed thanks for staff's assistance and requested Commission approval.

Mayor Luke closed the public hearing.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Ordinance 2021-13 as presented. The motion carried by the following vote:

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

B. [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 this is a quasi-judicial hearing.

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

There was no additional ex parte communications disclosed since first reading.

Philip DiMaria, Kimley-Horn, being duly sworn, noted a memorandum was emailed to Commissioner's listing scrivener's error updates.

Ms. Christie, being duly sworn, spoke to the provided memorandum.

Ms. Taylor stated there were no aggrieved parties.

There were no rebuttals by the applicant or staff and no public comment.

Discussion took place regarding including changes to index map in the motion, index map inclusion into the document, Commission notifying staff of scrivener's errors prior to hearings, and concern with presenting scrivener's errors to staff prior to quasi-judicial hearings.

Ms. Slayton spoke to ex parte communications and recommended discussing processes outside of the hearing.

Commissioner McDowell noted all scrivener's errors were changed with the exception of the index map.

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 Ordinance No. 2021-14 as presented.

Ms. Slayton confirmed the changes to the index map do not need to be part of the motion.

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 create an agenda item regarding the process of informing staff of scrivener's errors prior to Ordinance first readings for both quasi-judicial and regular hearings.

RESOLUTION:

- C. [RES. NO. 2021-R-05](#) A Resolution of the City of North Port, Florida, Adopting the 2021 Sarasota County Unified Local Mitigation Strategy, with the North Port Floodplain Management Plan Annex, as the Formal Guide for the City of North Port's Hazard Mitigation and Floodplain Management Activities; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date.

Mayor Luke announced the item.

Ms. Taylor read the Resolution by title only.

Mr. Yarborough introduced the item.

Mr. Ryan introduced himself as the City's new Emergency Manager.

Mr. Tiefenthaler provided background on the item including inclusion of Floodplain Management Plan and responded to questions regarding deadline for approval, and reference to guiding document for mitigation efforts.

Ms. Wong responded to questions regarding acquisition of property, and attachments included in the flood study.

Mr. Tiefenthaler noted the projects included in the plan would need to come to Commission for approval.

Ms. Bramble stated there is a scheduled workshop to discuss water control structures.

Mr. Tiefenthaler responded to questions regarding ability to remove projects from the plan.

Discussion continued regarding prior direction regarding Toledo Blade Boulevard extension project.

Chief Titus spoke to project inclusion in the plan and noted he will review and clarify the Toledo Blade Boulevard extension language.

Discussion took place regarding having a future agenda item to discuss the Toledo Blade Boulevard extension

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Resolution No. 2021-R-05 as presented.

A motion was made by Commissioner McDowell to amend the motion to remove the Toledo Blade Boulevard Extension from the North Port Work Plan document. The motion failed due to lack of a second.

The main 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 create an agenda item within six months regarding the Toledo Blade Boulevard Extension.

7. GENERAL BUSINESS:

A. [21-0312](#) Discussion and Possible Action Regarding Roseate Spoonbill Sculpture

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Commissioner McDowell spoke to the item.

Discussion took place regarding repairing the structure and directing staff to determine possible locations.

Ms. Slayton spoke to Chapter 59-6 Unified Land Development Code (ULDC) provisions.

Discussion continued regarding fees paid by the developer, and criteria for new construction.

Ms. Galehouse spoke to conditions within the ULDC regarding art fees received from Walgreens, and funds paid per regulation.

Mr. Speake responded to questions regarding painting the sculpture, and spoke to restoration needs, completion of temporary repair, limited possible locations due to size of sculpture, reduced maintenance by installing overhang, and concern with thinness of wings.

Discussion followed regarding money spent on structure, shortening the post to allow more location options, obligation to Walgreens to replace the art, option to remove and store temporarily, obtaining input from Art Advisory Board, preserving the sculpture pending further discussion, and possible storage locations.

There was consensus to direct staff to remove the Roseate Spoonbill Sculpture and to store it pending further Commission discussion.

Discussion ensued regarding establishing insurance criteria for art within the City and review of criteria and obligations in Chapter 59-6 by the City Attorney.

Mr. Yarborough spoke to the City's responsibility to protect public property.

There was consensus to direct the Art Advisory Board to provide options for a sturdy, low maintenance and more visible replacement art structure at Walgreens on the corner of Price and Sumter Boulevard.

B. [21-0334](#)

Discussion and Possible Action Regarding Impinging Growth and Section 42-22 of the City Code

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Commissioner McDowell spoke to the item including length of time from violation to completion of removal, outstanding liens, and review of code language.

Mr. Raducci spoke to prior impinging growth ordinance, process for notification to property owners, delays with contractor, and responded to questions regarding lien process.

Ms. Slayton spoke to process of civil matter between property owners.

Mr. Yarborough spoke to property owner ability to remove impinging growth from neighboring properties.

Discussion ensued regarding criteria for cutting impinging growth, current lien amounts versus current unpaid liens, negotiating additional contractors and cost associated, hazardous trees, and operational impacts of COVID.

Public Comment:

Mary Jane Hayes: expressed concern with status of neighboring property

Mr. Raducci informed the citizen that an inspector would inspect the property.

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

Judy Leach: concern with code violation submitted by roof mate

Mr. Raducci spoke to process regarding notification to property owners and minimizing conflict between neighbors.

Discussion continued regarding addressing clear zones for trimming.

Mr. Speake responded to questions regarding clearing of drainage and road right-of-ways.

Discussion took place regarding repealing portions of Section 42-22 of the City Code.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct staff to draft an Ordinance repealing Section 42-22 of the City Code language relative to dealing with conflicts between private property owners regarding excessive and impinging growth.

Ms. Bellia spoke to code language and retaining subsection (d) regarding hazardous trees.

Discussion continued regarding homeowner responsibility to remove hazardous trees,

and billing property owner for removals by the City.

The motion carried on the following vote:

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

Recess was taken from 12:32 p.m. until 1:30 p.m.

C. [21-0262](#) Discussion and Possible Action Regarding Pre-Agenda Meetings to Brief the City Commission in a Public Meeting on Upcoming Agenda Items

Mayor Luke announced the item.

Ms. Taylor introduced the item.

Ms. Branco provided a presentation provided a presentation including current process, staff's proposal, meeting logistics, meeting format, pros and cons, comparison to cities with similar population and economic data including total number of meetings and total number of hours, pre-agenda briefing comparable with other local governments, average number of hours per meeting and total number of agenda items, and intent of pre-agenda meetings.

Discussion took place regarding preference to discuss agenda items with Charter Officers, public perception, staff time to attend an additional meeting, cutting Commission brief time with pre-agenda meetings, the need to provide constituents answers, importance of staying on task during meetings and meeting efficiency, time frame between agenda posting and proposed pre-agenda time, types of questions and impact on voting, and suggestion to reserve questioning in meetings to answers needed to determine vote.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue with one on one agenda briefings.

Commissioner McDowell withdrew her motion due to no action being required to continue with current practice. Vice Mayor Emrich withdrew his second.

No action was taken on this Item.

D. [21-0301](#) Discussion and Possible Action Regarding the Criteria for the Reading of Ordinances

Mayor Luke announced the item and spoke to the item including prior Commission discussion, ability to provide public comment online, and ensuring flexibility.

Discussion took place regarding allowing citizens options to address Commission in person, and allowing a caveat for time restraints that by majority of Commission vote requirement may be waived.

Mr. Yarborough spoke to impacts on items by imposing restrictions.

Discussion continued regarding not placing restrictions which will hinder efficiency and productivity, and citizen input and participation.

A motion was made by Commissioner McDowell to have city staff come back with ordinance to codify that one reading for Ordinances be during the day and one reading at night. The motion failed due to lack of a second.

Ms. Slayton recommended establishing policy by Resolution versus Ordinance.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to direct staff to draft a Resolution establishing Ordinance readings to be heard on one evening and one day meeting allowing for flexibility to modify if circumstances require.

Mr. Yarborough spoke to budget ordinance requirements.

The motion carried on the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to the responsibility Commissioners have to be available to citizens and to follow the code even when difficult.

E. [21-0302](#)

Discussion and Possible Action Regarding Advisory Boards Relating to Membership Criteria, On-Boarding or Training, Expectations of Board Members, Their Duties, and Responsibilities

Mayor Luke announced and spoke to the item.

Discussion took place regarding board membership qualifications, Florida Statute criteria, updating application form, board member onboarding, future discussion, obtaining advisory board input, clear roles and responsibilities, staff liaison time, public input, board member attendance, and conduct and processes.

Mr. Yarborough spoke to staff liaison training.

Discussion continued regarding board member expectations of staff.

There was consensus to direct staff to come back with process and thought on implementation and training for boards and liaisons and modifying the application forms to include member criteria.

F. [21-0306](#)

Discussion and Possible Action Regarding the Beautification and Tree/Scenic Highway Committee and North Port Youth Council, Including Low Membership and Quorum Issues

Mayor Luke announced the item.

Ms. Taylor introduced the item.

Discussion took place regarding serving on more than one board, Tree City USA designation, and combining Beautification and Tree/Scenic Highway Committee duties relative to trees with Environmental Advisory Board duties.

Ms. Slayton reviewed the Tree City requirements.

Discussion continued regarding active members applying for appointment to the Environmental Advisory Board.

A motion was made by Commissioner Langdon, seconded by Commissioner McDowell, to disband the Beautification and Tree/Scenic Highway Committee and

the North Port Youth Council and to contact all active board members regarding continued involvement on Advisory Boards.

A motion to amend was made by Commission McDowell, seconded by Vice Mayor Emrich, to modify language in the Code to add duties and responsibilities relative to trees to the Environmental Advisory Board. The motion to amend carried on the following vote:

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

The main motion as amended carried on the following vote:

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

G. [21-0349](#)

Discussion and Possible Action Regarding Revision to City Fee Schedule for Inclusion of a Fifty Percent Discount to the Rental Fee for the Road & Drainage District Property at 5601 S. Sumter Boulevard for Farmer/Family Markets.

Mayor Luke announced and spoke to the item and recommended adding language to cover 501(c)(3) or family/farmer markets discounts.

Ms. Bramble spoke to history of property rental and prior payment of \$20 per hour with new hourly rate of \$30 per hour.

Discussion took place regarding reducing the rate from \$30 per hour to \$20 per hour with 501(c)(3) discount of 50%, maintenance costs, \$95 per 8 hour day to cover maintenance expense, adding one time 8 hour day fee for \$95, daily rates, hourly rate, maintaining consistency, and defining the day to sunrise to sunset.

A motion was made by Vice Mayor Emrich, seconded by Mayor Luke, to revise the City Fee Schedule to charge a \$100 per day rental fee, from sunrise to sunset, with a 50 percent discount for 501c(3) for the Road and Drainage District property at 5601 S. Sumter Boulevard.

Discussion took place regarding honoring applications through March, and time frame for first and second reading.

The motion carried on the following vote:

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

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Langdon and Vice Mayor Emrich did not have a report.

Commissioner McDowell reported on Girl Scout Meeting.

Mayor Luke spoke to Spring Training and previous Commission request for flags to be placed on Sumter and Toledo Blade Boulevards, and reported on Girl Scout Meeting,

Cares Act Grant, Economic Development Corporation (EDC) Feasibility Study, and Coastal Survey.

In response to Commission questions, Ms. Taylor stated she informed staff regarding the disbanding of the Beautification and Tree/Scenic Highway Committee and North Port Youth Council.

Mayor Luke continued her report including various activities on the City Green this past weekend including the Community Yard Sale and Movie on the Green, North Port Art Night, and Mayor's Feed the Hungry.

10. ADMINISTRATIVE AND LEGAL REPORTS:

There were no administrative or legal reports.

11. ADJOURNMENT:

Mayor Luke adjourned the meeting at 3:13 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.