



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

Alice White, Commissioner

APPOINTED OFFICIALS

Jason Yarborough, Interim City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Tuesday, March 23, 2021

6:00 PM

City Commission Chambers

CALL TO ORDER

Mayor Luke called the meeting to order at 6:00 p.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, City Attorney Amber Slayton, City Clerk Heather Taylor, Assistant City Clerk Adrian Jimenez-Jianelli, Finance Director Kimberly Ferrell, Fire Chief Scott Titus, Planning Division Manager Nicole Galehouse, Planner Alison Christie, Business Development Specialist Sondra Guffey, Planner Rhea Lopes, Parks and Recreation Director Sandy Pfundheller, Assistant Director of Parks and Recreation Tricia Wisner, Assistant Public Works Director Monica Bramble, Police Chief Todd Garrison, Emergency Manager Eric Tiefenthaler, and Deputy Police Chief Chris Morales

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Deputy Police Chief Chris Morales.

1. APPROVAL OF AGENDA

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

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

2. PUBLIC COMMENT:

Jeffrey Scott: future of the City and importance of stakeholder input.

Greg Culy: expressed concerns with Commission communications and impinging growth

ordinance, code enforcement, regulations, and equal rights.

Audie Bock: proposed resolution regarding restoration of Warm Mineral Springs and Little Salt Springs.

3. ANNOUNCEMENTS

- A. [21-0445](#) 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 Commissioner Langdon, to approve the consent agenda removing Item 21-0336 in its entirety and Item 21-0366 for discussion. The motion carried on the following vote:

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

- A. [21-0224](#) Approve Amendment No. 1 to Agreement No. CAC2020-0103, which Renews the Technology Services Agreement renewal and Amendment No. 1 with Sarasota County to allow the City of North Port to continue hosting services for our servers and network equipment at the Sarasota County Data Center for a term of one (1) year not to exceed \$23,042.52.

This Item was approved on Consent.

- B. [21-0336](#) Approve the Second Amendment to the City of North Port, Florida and Sabal Trace Development Partners, LLC. Water and Wastewater System Developer's Agreement.

This Item was removed from the agenda.

- C. [21-0357](#) Approve Work Assignment 2021-02 with Infrastructure Solution Services, LLC in the Amount of \$211,410.00, for the Water Distribution System Improvements Project.

This Item was approved on Consent.

- D. [21-0366](#) Approve Event Agreement Between Kiwanis Club of North Port, Inc. and the City of North Port, Florida, Regarding a Marriage Vow Renewal Event at the North Port Garden of the Five Senses

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Pfhundheller responded to questions regarding expected number of couples for the event.

Ms. Wisner provided further information regarding 100 per ceremony number.

Discussion took place regarding number of minimal and maximum participants, hourly rate of staff time, template for nonprofit event partnerships, criteria for non-planned/budgeted events, accommodations for rental, and discrimination between entities.

Ms. Slayton spoke to equal treatment to all nonprofit entities and clarified the agenda item does not reference a template.

Discussion continued regarding resources, events per year, partnerships, denial and approval of future agreements, and splitting profit between both parties instead of designating \$500.00 contributions.

Ms. Slayton spoke to use of public funds for a public purpose.

Discussion ensued regarding responsibility for issuing registration refunds in the event of a cancellation, inclusion of estimated staff time for Parks & Recreation and additional City departments, concern with setting precedent, procedure for establishing partners, active volunteers, pilot programs, budgets, changing proceeds to be split in the partnership, legal concerns, split expenses, and eligible scholarship programs.

Public Comment:

Justin Willis: mission of Kiwanis, purpose of the event, and benefits of the pilot program.

Conni Brunni: expressed concern with creating precedence, mission of Kiwanis, and details of agreement.

Jeffrey Scott: fiscal responsibility, increase budget pressures, local government evaluations, joint partnerships, special groups or interest, and core values.

Ms. Taylor read the following comments into the record:

Anonymous: expressed concerns of the relationship between the president of Kiwanis of North Port and one of the Commissioners, taxpayer dollars, established Special Event approval process, and an existing assistant program.

Anonymous: expressed concerns on the City sponsoring vow renewals, marriage beliefs, and taxpayer dollars.

Ms. Slayton responded to questions regarding conflicts of interest.

Discussion continued regarding events with nonprofit organizations in other municipalities and community involvement.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve the event agreement between the Kiwanis Club of North Port and the City of North Port, Florida for the Marriage Vowel Renewal Event at the North Port Garden of Five Senses as presented.

Discussion took place regarding splitting the profits.

A motion to amend was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to amend Section 5. Fees and Collections; D.3) to state surplus will be split by the Kiwanis Club and the City of North Port.

Discussion continued regarding testing a pilot program and number of minimum couples to hold the event.

The motion to amend carried on the following vote:

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

No: 1 - Commissioner McDowell

The main motion as amended carried on the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to the money going to a nonprofit when the City has a program in place, and concern with setting precedent of pilot program.

- E.** [21-0393](#) Approve Submission of Statement of Support for Participation in the 2021 Wyland Foundation National Mayor's Challenge Through the Wyland Foundation's Website and Encourage Community Participation in the Challenge.

This Item was approved on Consent.

- F.** [21-0442](#) Approval of Minutes for the February 23, 2021 Commission Regular Meeting, March 2, 2021 Commission Regular Meeting and March 4, 2021 Commission Regular Meeting.

This Item was approved on Consent.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A.** [21-0450](#) Presentation of Proceeds Check from Sarasota County to City of North Port Pursuant to the Close Out Agreement for Contract No. 2005-261, an Interlocal Agreement Between the City of North Port and Sarasota County Regarding Escheated Lots

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Commissioner Ron Cutsinger spoke to the lot bids, sale proceeds, presented a check to the City, and provided a brief background on himself.

- B.** [21-0371](#) Presentation by Sarasota County Sheriff Kurt Hoffman Introducing Himself as the New Sheriff of Sarasota County

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Sheriff Hoffman introduced himself, provided a brief background, and spoke to partnerships with the community, reengaging law enforcement leaders, extended opportunity for jail tours to view programs, Homeless Outreach Teams (HOT), animal

services, annual report from Sheriff's Office, strategic planning mission, and responded to questions regarding location of jail and programs to learn animal care.

C. [21-0394](#) Presentation of the Parks & Recreation Advisory Board Annual Report for Fiscal Year 2020 and Review of Future Goals

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Wisner spoke on the annual report and request to reschedule the presentation.

There was consensus for the Parks and Recreation Advisory Board to reschedule their annual presentation.

6. PUBLIC HEARINGS:

ORDINANCE - First Reading:

A. [ORD. NO. 2021-19](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Section 66-67 - Definitions and Section 66-71 - Fee Waiver, Relating to the Road Maintenance Rehabilitation Program and the Construction Traffic Road Fee; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

A motion was made by Commissioner McDowell, 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: 5 - Mayor Luke, Vice Mayor Emrich, Commissioner Langdon, Commissioner McDowell and Commissioner White

Mr. Yarborough introduced the item and responded to questions regarding locations where the waiver would currently be applicable, intent of waiver, and granting waivers to residential parcels that are not using city roads.

Ms. Bramble replied to questions regarding collection of funds at time of CO and calculation based on square footage of building.

Discussion took place regarding economic development, granting a waiver for residential, maintaining streets, and road utilization.

Public Comment:

Charlie Bailey, Wellan Park LLLP: expressed support of the Ordinance and spoke to intent of waiver.

A motion was made by Commissioner McDowell to continue Ordinance No. 2021-09 to second reading on April 13, 2021 with the addition of residential construction. The motion failed due to lack of a second.

Mr. Yarborough spoke to possible cost incurred to the City.

Discussion took place regarding the need to update the fee schedule and residential development being afforded the same.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to continue Ordinance No. 2021-19 to second reading on April 13, 2021. The motion carried on the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented stating if it is good enough for commercial construction it is good enough for residential.

B. [ORD. NO. 2021-17](#)

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida to Delete the Makers Market Vendor Permit Fee, By Amending Section 34-56 – Makers Market Vendor Permit, and Amending Appendix A – City Fee Structure; Providing For Severability; Providing For Conflicts; Providing For Codification; and Providing an Effective Date.

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

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

Mr. Yarborough introduced the item.

Ms. Galehouse provided a brief presentation.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-17 to second reading on April 13, 2021. The motion carried on the following vote:

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

RESOLUTION:

C. [RES. NO. 2021-R-12](#)

A Resolution of the City of North Port, Florida, Vacating Utility and Drainage Easements for Lots 1 and 15, Black 166, 5th 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.

Donna Moschino, applicant, being duly sworn, spoke to request for vacating of an easement.

Ms. Lopes being duly sworn, provided an overview of the request.

There were no rebuttals by the applicant or staff.

There was no public comment.

Discussion ensued on maintaining the natural vegetation.

Mayor Luke closed the public hearing.

The motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Resolution No. 2021-R-12 as presented. The motion carried on the following vote:

D. [RES. NO. 2021-R-17](#)

A Resolution of the City of North Port, Florida, Establishing the Veterans Park Advisory Committee to Make Recommendations Regarding the New Veterans Park at the North Port City Center Incorporation of Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Mr. Yarborough introduced the item.

Discussion took place regarding adding language under membership to make an effort to have all branches of the military represented.

Ms. Slayton spoke to Commission authority to approve membership and stated verbiage can be added.

Discussion took place regarding ability to have all branches within the suggested number of board members, preference for different branches, timeline for applications to be received, timeline for presentation to Commission, providing background information to the committee, membership of various Veteran's organizations, not relocating the fountain, input from the community, membership criteria, number of Veteran groups within the City, representative from each group, and at large preference for Veteran.

Ms. Slayton spoke to sunshine law requirements.

There was consensus to add two alternate members to the criteria.

There was consensus for preference of one member from each of the four North Port Veterans groups.

There was consensus to not relocate the old fountain.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Resolution No. 2021-R-17 as amended by the three provided consensus. The motion carried on the following vote:

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

Recess was taken from 8:03 p.m. until 8:13 p.m.

PETITION:

- E. [CC](#)
[PLF-20-245](#) Consideration of Petition PLF-20-245, Cypress Falls Phase 2E Plat (QUASI-JUDICIAL)

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

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

Commissioner McDowell disclosed discussion with staff regarding mapping.

Stickland Smith, Centrix Homes, being duly sworn, provided an overview of the petition including staff review, surveyor approval, bond posting, and recommendation for approval of Planning and Zoning Advisory Board (PZAB).

Ms. Lopes being duly sworn, spoke to prior staff approvals, number of lots, right-of-ways, acreage, security bond receipt, review and approval by surveyor, PZAB recommendation for approval, and staff recommendation.

There were no rebuttals by the applicant or staff.

There was no public comment.

Discussion took place regarding PZAB questions and environmental report and findings.

Ms. Galehouse, being duly sworn, responded to questions regarding ingress/egress 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 Vice Mayor Emrich, to approve Petition No. PLF-20-245 pursuant to the Unified Land Development Code; Chapter 37 Subdivision Regulations; Article II Procedures for Securing Approvals; Section 37-58; Subsection 3; having reviewed the Planning and Zoning Advisory Board reports and material and advisory board recommendation; and having satisfied the requirements of Chapter 37. The motion carried on the following vote:

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

7. GENERAL BUSINESS:

- A. [20-2884](#) Discussion and Possible Action Regarding the Adoption of a Community Wildfire Protection Plan (CWPP) for the City of North Port.

Mr. Tiefenthaler, provided a presentation to include agencies and stakeholders involved in planning, definitions and terms, dangers of wildfires, three types of Wildland-Urban Interface (WUI), WUI risk assessments, Community Wildfire Protection Plan (CWPP) in Florida, CWPP will review the local ability, creating a CWPP goals and objectives, ways to manage risk, past wildfire mitigation project from 2007-2008, pre and post treatments, wildfire mitigation results, untreated and treated areas, recent completed mitigation

projects, possible funding, and conclusion.

There was no public comment.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to adopt the Community Wildfire Protection Plan as presented. The motion carried on the following vote:

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

B. [21-0438](#)

Discussion and Possible Action Regarding Presentation of a Key to the City for Rick Newkirk at the April 1, 2021 Meeting requested by Commissioner Debbie McDowell

Mayor Luke announced the item.

Commissioner McDowell spoke to the item.

Discussion took place regarding presenting the Key to the City, dedicating the new administration building to Mr. Newkirk, framing his shirt on the wall, Ricky raindrop, and spoke to future ideas.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the presentation of a Key to the City posthumously for Rick Newkirk to his wife Karen Newkirk at the April 1, 2021 meeting. The motion carried on the following vote:

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

C. [21-0446](#)

Discussion and Possible Action for the Approval of the Design and Placement of a Mural at the Wellen Park Welcome Center Located at 12275 Mercado Dr, Venice, Florida.

Mr. Yarborough introduced the item.

Ms. Galehouse provided an overview of the request to include an image.

Discussion took place regarding type of flower on the mural.

There was no public comment.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve the design and placement of a Mural at the Wellen Park Welcome Center Located at 12275 Mercado Dr., North Port, Florida as shown in the renderings submitted by Laura Pommier. The motion carried on the following vote:

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

D. [21-0456](#)

Discussion and Possible Action Regarding the Potential of Initiating Conversation with Sarasota County About the County Purchasing the Myakkahatchee Creek Environmental Park

Mayor Luke provided an overview, spoke to the upkeep of the parks, purchasing the environmental park, and maintenance of the bridge.

Discussion took place on the history of Myakkahatchee Creek, education center, costs and funding, selling options, property appraisal, services provided by the county, volunteer work days, reviewed with impact fee consultants, revenue generated, park improvements, maintenance, grant funding source, and economic development feasibility report.

Public Comment:

Chuck English: perspective of the park with regards to family history and purchase of the park.

Alain Hale: expressed support for Sarasota County to purchase the park.

Mayor Luke passed the gavel to Vice Mayor Emrich.

A motion was made by Mayor Luke, seconded by Commissioner McDowell, to direct the City Manager to initiate conversation with Sarasota County regarding the County purchasing the Myakkahatchee Creek Environmental Park.

Discussion took place on the agreements and proper numbers.

A motion to amend was made by Commissioner McDowell, seconded by Mayor Luke, to direct the City Manager to get a third-party neutral appraisal of the property for negotiation purposes.

The motion to amend carried on the following vote:

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

No: 1 - Commissioner Langdon

Commissioner Langdon dissented stating it is premature to consider selling the asset and doing possibility to do something with it as City property.

The main motion as amended carried on the following vote:

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

No: 1 - Commissioner Langdon

Commissioner Langdon dissented for reasons stated.

Vice Mayor Emrich passed the gavel back to Mayor Luke.

E. [21-0342](#) Discussion and Possible Action Regarding City Clerk Evaluation

Mr. Yarborough introduced the item.

Ms. Taylor spoke to the item noting she requested to not receive a raise this year.

Discussion took place on Ms. Taylor's service, providing a cost-of-living raise, city employee raises, leadership, setting raise guidelines during budget, and assumption clarifications.

Ms. Taylor read the following comments into the record:

Anonymous: code of ethics

Laura Reed: expressed concerns with work ethics and employment with the City.

Ms. Taylor read a response into the record.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to conclude the annual evaluation for City Clerk Heather Taylor and give a 0% salary increase at her request. The motion carried on the following vote:

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

F. [21-0494](#) Discussion and Possible Action Regarding Sending a Letter Relative to Virtual Advisory Board Meetings

Discussion took place regarding virtual advisory board meetings, quorum requirements, letter to be sent to the Governor, requirements of physical quorum, policy consideration, Florida Statutes, orchestrating hybrid meetings, and State of Emergency.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct the City Manager to craft a letter similar to what was used for the City of Sarasota, to include a caveat with a stop gap that once the State of Emergency for COVID is over that this will be over also; sending the letter with the Mayor's signature to the Governor, Florida League of Cities, the City's Lobbyist, State Elected Local Officials and a copy to Commissioners and Charter Officers. The motion carried on the following vote:

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

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Langdon reported on the food drive with When All Else Fails, Rescue Garage visit, participation in the John Rawlings radio show, Chamber Event, and the Economic Development and Government Relations Meeting.

Vice Mayor Emrich reported on Do The Right Thing event on March 24, 2021, food drive, and fundraiser at Twisted Fork for a child undergoing treatment and FLC Transportation Meeting.

Commissioner White reported on the Tree Fair event on April 24, 2021.

Commissioner McDowell reported on Manasota League of Cities and Homeless to Home luncheon.

Mayor Luke reported on Rick Newkirk's memorial service, NLC and FLC Congressional Days, Woman's Built Meeting, ribbon cutting for the Hampton Inn, 100th Anniversary Celebration of Sarasota County, food drive, ribbon cutting for Diamond Events, community

yard sale, movie on the green, Art Center awards ceremony, Teen Court, Business and Community event, and the COG Meetings.

10. ADMINISTRATIVE AND LEGAL REPORTS:

- A. [21-0372](#) City Manager Report
Mr. Yarborough did not have a report.

- B. [21-0455](#) City Attorney Report
Ms. Slayton did not have a report.

- C. [21-0461](#) City Clerk Report
Ms. Taylor did not have a report.

11. ADJOURNMENT:

Mayor Luke adjourned the meeting at 10:01 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.