



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft 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, January 12, 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, City Attorney Amber Slayton, Assistant City Attorney Margaret Roberts, City Clerk Heather Taylor via telephone, Public Records Tech II Adriana Jimenez, Recording Secretary Ida Goodman, Finance Director Kimberly Ferrell, Interim Public Works Director Monica Bramble, Operations & Maintenance Manager Chuck Speake, Fleet Manager Kenneth Rappuhn, Solid Waste Manager Frank Lama, Parks & Recreation Director Sandy Pfundheller, Economic Development Manager Mel Thomas, and Deputy Police Chief Chris Morales.

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

Mayor Luke called for a moment of silence to bring peace and unity to our country and Deputy Police Chief Morales requested a moment of silence in remembrance of Master Corporal Brian LaVigne, a Hillsborough County deputy tragically killed in an automobile accident with only one shift remaining until retirement.

1. APPROVAL OF AGENDA

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the agenda moving agenda items CC PLF-20-159, CC DMA-20-142, and CC DMA-20-143 after agenda item ORD. NO. 2021-05. The motion carried by 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. [21-0119](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees.

Ms. Jimenez read the announcements into the record.

4. CONSENT AGENDA:

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the consent agenda as presented. The motion carried by the following vote:

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

- A. [20-2891](#) Approve Utilization of the Florida Sheriff 's Association Contract FSA20-VEF14.01 to Enter into an Agreement with REV RTC, Inc. for the Purchase of One (1) New International MV Ambulance for the North Port Fire Rescue District for an Estimated Cost of \$298,890.

This item was approved on consent.

- B. [20-2998](#) Approve Utilization of OMNIA Partners (IPA) through the City of Mesa, AZ Cooperative Contract Number 2017025, Ground Maintenance Equipment, Parts, Accessories, Supplies, Related Services, and Equipment with the Toro Company for the Purchase of Park Maintenance Equipment for the Department of Parks and Recreation for an Estimated Total of \$547,155.58.

This item was approved on consent.

- C. [20-2999](#) Approve the Sole Source Procurement of Annual Maintenance of Software from Central Square Technologies, LLC in the estimated cost amount of \$180,750.76 with a contingency amount of \$10,000.00

This item was approved on consent.

- D. [21-0003](#) Approve the Amended and Restated Requested Operational and Voluntary Cooperation Agreement with the Sarasota County Sheriff's Office, Longboat Key Police Department, North Port Police Department, Sarasota Police Department, Venice Police Department, Sarasota-Manatee Airport Authority, New College of Florida, and the Sarasota County Schools Police Department

This item was approved on consent.

- E. [21-0045](#) Approve the Application to The Harry Shapiro Charitable Foundation Grant in an Amount of up to \$20,000 for Firearms and K9 Equipment

This item was approved on consent.

- F. [21-0064](#) Approve Cooperative Funding Agreement No. 21CF0003369 Between the Southwest Florida Water Management District and the City of North Port for the North Port Water Distribution Hartsdale/Aldovin/Totem Area Looping Project (Q185)

This item was approved on consent.

- G. [21-0077](#) Approve the Termination of the Order Form and End User License Agreement with Legal Files Software, Inc. for Case Management Software for the City Attorney's Office and Authorize the City Attorney to Terminate Same

This item was approved on consent.

- H. [21-0079](#) Approve the Aquatic Examiner Service Agreement with the American Red Cross for a Twelve Month Term

This item was approved on consent.

- I. [21-0081](#) Approve the First Amendment to City of North Port, Florida and North Port Health Investors, LLC Water and Wastewater System Developer's Agreement.

This item was approved on consent.

- J. [21-0092](#) Approve the Municipal Election Agreement between the City of North Port and the Sarasota County Supervisor of Elections for the March 9, 2021 City of North Port Special Election

This item was approved on consent.

- K. [21-0093](#) Ratification of Vaccination Site Agreement (COVID-19) for Closed Point of Administration Between State of Florida Department of Health Sarasota County Health Department and City of North Port

This item was approved on consent.

- L. [21-0098](#) Approve Parks and Recreation Advisory Board Member, James Hersh, to Serve as the Representative on the Sarasota County Parks Advisory and Recreation Council

This item was approved on consent.

- M. [21-0049](#) Accept the Cash Receipts Summary Report for November 2020

This item was approved on consent.

- N. [GEN-20-237](#) Grant Consent to the Acquisition of Real Property by the West Villages Improvement District for Parcel Identification Numbers 0799001003,

0801001100, 0799001000, and 0809001000 Related to the West Villages Parkway Extension

This item was approved on consent.

- O. [CCSAP-20-267](#) Approve Awarding Funds from the Special Event Assistance Program to the Southwest Florida Water Polo Foundation in the Amount of \$500.00 to Cover the Costs of City Fees and/or Resources Associated With the February 13-14, 2021, Dare to Dream Festival

This item was approved on consent.

- P. [21-0120](#) Approval of Minutes for the November 10, 2020 Commission Regular Meeting, November 14, 2020 Commission Special Meeting, November 24, 2020 Commission Regular Meeting, December 3, 2020 Commission Special Meeting, December 7, 2020 Commission Workshop Meeting, and December 8, 2020 Commission Regular Meeting.

This item was approved on consent.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [21-0067](#) North Port High School Vice-Principal, Julie King: North Port High School PRIDE/HERO and Visual & Performing Arts Programs

Mayor Luke introduced the item.

Ms. King provided a presentation and handouts regarding the P.R.I.D.E. and HERO programs developed by the students, the HERO reward system, in-person/remote learners reward, Visual and Performing Arts Program, and North Port High School becoming the only school in Florida to be awarded the Visual Performing Magnet School (VPA) in all four areas of the award.

Citizens were encouraged to attend the performing arts programs and become a partner with the VPA.

Ms. King spoke to the proceeds from a partnership assisting in purchase of musical instruments, needing a sound booth for the Center, dance studio needs, and information on becoming a partner.

Discussion ensued regarding the art program, the history of North Port High School and programs available, Performing Arts Center orchestra collaborating with the North Port High School orchestra, talent of the High School art students, and the lessons learned from the P.R.I.D.E. and HERO programs.

- B. [21-0075](#) Acting Public Works Director, Monica Bramble: Department of Public Works Annual Update Presentation

Ms. Bramble introduced the item and spoke to the Accredited Agency Award, and provided a presentation including the divisions within Public Works.

Mr. Speake provided a presentation including Road and Drainage divisions, responsibilities and accomplishments, and road rehabilitation projects.

Mr. Lama provided a presentation including Solid Waste history, responsibilities and accomplishments, available equipment, completion of the Recycling Center, and development of the Organics Transfer Station.

Mr. Rappuhn provided a presentation including acknowledgement of Fleet staff, receipt of awards, new position of welder/fabricator, equipment responsibilities, and accomplishments.

Mr. Speake spoke to facilities maintenance duties and accomplishments.

Ms. Bramble spoke to Public Works customer service duties and thanked the employees of Public Works for their hard work and dedication.

Discussion ensued regarding the dedication of Public Works employees and training efforts for new equipment.

- C. [21-0105](#) Fournier, Connolly, Shamsey, Mladinich & Polzak, P.A., Joe Polzak: Regulating Public Space, Including Personal Items Stored on Public Property, Rules for Use of Government Property (Facilities Rules), and Unlawful Use of Public Property

Ms. Slayton introduced the item.

Mr. Polzak spoke to upcoming ordinances, the regulations regarding public spaces and public authority, Florida Statutes governing public spaces, uses of public spaces, regulations addressing public uses by the homeless population, and cases brought before the court addressing public uses by the homeless.

Discussion ensued regarding definition of life sustaining activity, and enforcement of rejecting lawful alternatives.

6. PUBLIC HEARINGS:

ORDINANCE - First Reading:

- A. [ORD. NO. 2021-01](#) An Ordinance of The City of North Port, Florida, Prohibiting Certain Conduct at City Facilities and City Parks by Amending the Code of The City of North Port, Florida, to Create Section 46-1- City Facilities Rules and to Repeal Section 50-2- Park Property; Providing for Conflicts: Providing for Severability: Providing for Codification; and Providing an Effective Date.

A motion was made by Vice Mayor Emrich, seconded by Commissioner McDowell, to read Ordinance No. 2021-01 by title only. The motion carried by the following vote:

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

Ms. Jimenez read the Ordinance by title only.

Ms. Slayton introduced the item and spoke to the purpose of the Ordinance.

Discussion ensued regarding City Code process for public comment, line 82 regarding disruptive or unsafe behavior/activity, line 121 providing exceptions to permitted activities, enforcement and determination of disruptive behavior, common sense restrictions on first amendment rights, line 102 regarding posting of rules, costs and timeline for postings, line 135 repealing Section 50-2 and the protection of wildlife, plants and City property, line 98 providing for authority of City Manager to enforce rules, and adding language back into the Ordinance to protect wildlife and plantings.

Deputy Police Chief Morales addressed the enforcement of City Code and State Statutes regarding protection of wildlife, plantings and City property.

Discussion continued regarding listing specific protections, section 50-2 including prohibited use of City Property, clarification on Section 4 regarding damaging property, and giving staff authority to enforce the Ordinance.

Public Comment

Mr. English - Expressed concern for the natural resources within the City.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to continue Ordinance No. 2021-01 to second reading on January 26, 2021.

Discussion ensued regarding staff bringing back more information regarding wildlife and natural resources language in the Ordinance.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to amend the motion to review Section 50-02 in its entirety in relation to the wildlife and natural resources, to be reconsidered for second reading for discussion. The motion to amend carried by the following vote:

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

The motion as amended carried by the following vote:

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

B. [ORD. NO. 2021-02](#)

An Ordinance of The City of North Port, Florida, Amending the Code of the City of North Port, Florida to Establish a Process and Authorize City Law Enforcement Officers to Trespass an Individual from Public Property, by Creating Section 46-2 – Trespass Warnings on Public Property; Providing for Conflicts; Providing for Severability; Providing for Codification ; and Providing an Effective Date.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to read Ordinance No. 2021-02 by title only. The motion carried by the following vote:

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

Ms. Jimenez read the Ordinance by title only.

Mayor Luke provided a history of the Ordinance.

Ms. Slayton introduced the item and spoke to the Ordinance providing for due process and enforcement.

Discussion ensued regarding line 120, notice posting process for hearing of a violation and due process for appeal, Hearing Officer contract scope of work and authority provided by City Code, Section 162-12 regarding due process and options provided, and State Statutes regarding due process.

There was no public comment.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-02 to second reading on January 26, 2021. The motion carried by the following vote:

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

- C. [ORD. NO. 2021-03](#) An Ordinance of the City of North Port, Florida, Regulating the Storage and Removal of Personal Property by Amending the Code of the City of North Port, Florida, by Creating Section 46-3 - Storage and Removal of Personal Property; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing and Effective Date.

A motion was made by Commissioner Langdon, seconded by Commissioner McDowell, to read Ordinance No. 2021-03 by title only. The motion carried by the following vote:

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

Ms. Jimenez read the Ordinance by title only.

Ms. Slayton introduced the item.

Discussion ensued regarding unattended property versus abandoned property and process for determining the difference, unattended property timeline and process of enforcing storage of property, location of enforced storage of unattended property and retrieval process, property belonging to homeless individuals, providing multiple storage locations for homeless property, Homeless Outreach Team assisting the homeless retrieving their stored property, designating additional locations for storage of property belonging to homeless individuals, secured storage locations, discretionary storage fees based on the impact of stored items on the storage area and ability to pay, current abandoned property retrieval, subsection 83 addressing reasonable charges and Police discretion of applying storage fees, providing a public service versus charging a storage fee, charging a repeat offender fee, and primary purpose of the Ordinance.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-03 to January 26, 2021 for second reading with a change to the Ordinance making the first offense for storage free and staff to bring back fee recommendations for repeat violations.

Discussion ensued regarding timeline for repeat violations, changing the fee schedule causing a change to the Ordinance, providing discretion for repeat violations, retaining the language currently drafted, and giving the authority to charge versus automatic charge.

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

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich,

to continue Ordinance No. 2021-03 to January 26, 2021 for second reading requesting that staff address the fee section with regard to multiple offenses and wording it within the structure that was discussed.

Discussion ensued regarding concerns with storing individual's property, violator responsibility for storage outside of City storage facility, and training on new Ordinance regulations.

There was no public comment.

The motion carried by the following vote:

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

Discussion ensued regarding homeless and camping on private property.

Mr. Yarborough spoke to staff efforts to address camping on private property and noted a camping Ordinance will be presented to Commission following staff efforts.

D. [ORD. NO. 2021-05](#)

An Ordinance of the City of North Port, Florida, Reorganizing Chapter 46 of the Code of the City of North Port, Florida, by Moving and Renumbering Section 46-89, Entitled "Curfew for Underage Persons and Parental Responsibilities," to Appear as a New Section 46-19; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to read Ordinance No. 2021-05 by title only. The motion carried by the following vote:

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

Ms. Jimenez read the Ordinance by title only.

Ms. Slayton introduced the item noting the purpose of the Ordinance is to move language from one section to another.

There was no public comment.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to continue Ordinance No. 2021-05 to January 26, 2021 for second reading. The motion carried by the following vote:

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

Recess was taken from 12:20 p.m. to 1:00 p.m.

PETITION:

I. [CC PLF-20-159](#)

Approve PLF-20-159, Tortuga Subdivision Final Plat (QUASI-JUDICIAL)

Mayor Luke introduced the item.

Ms. Jimenez swore in all those wishing to provide testimony.

Commissioner McDowell reported ex parte communications consisting of an email she sent to Mr. Yarborough and Ms. Slayton regarding the dedication of easement which was forwarded to the City Clerk.

Mayor Luke reported no ex parte communication.

Vice Mayor Emrich reported no ex parte communication.

Commissioner Langdon reported no ex parte communication.

Ty E. Gremaux, P.E., representative of Kimley-Horn and Associates, Inc., on behalf of Lennar Homes LLC, being duly sworn, provided an overview and testified that the Planning & Zoning Advisory Board having reviewed the petition recommended approval, and a surety bond is on file with the City.

Ms. Christie, being duly sworn, provided an overview and testified that staff and the City Surveyor reviewed and approved, the Planning & Zoning Advisory Board recommended approval, and a surety bond is on file with the City.

There were no aggrieved parties, rebuttals from the petitioner or staff, or public comment.

There were no questions or closing arguments from petitioner or staff.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve PLF-20-159, Tortuga Subdivision Final Plat. The motion carried by the following vote:

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

J. [CC](#) [DMA-20-142](#) Approve DMA-20-142, Cedar Grove Phases 2A, 2B, and 2C, Development Master Plan Amendment (QUASI-JUDICIAL)

Mayor Luke introduced the item.

Ms. Jimenez swore in all those wishing to provide testimony.

Commissioners reported no ex parte communications.

Strickland Smith, Heidt Design, being duly sworn, provided an overview and testified to the Unified Land Development Code (ULDC) lighting requirements for sidewalks, purpose of the waiver for lighting design standards, other jurisdiction lighting requirements, overview of current lighting design in Phase 1 of Cedar Grove and lighting design for 2A, 2B and 2C, and noted that staff and the Planning & Zoning Advisory Board have recommended approval.

Ms. Christie, being duly sworn, provided an overview and testified the waiver request is consistent with Cedar Grove Phase 1, and staff is recommending approval.

There were no aggrieved parties, rebuttals from the petitioner or staff, or public comment.

Discussion ensued regarding the overview of Cedar Grove Phase 2A lighting design approval process, and ULDC lighting standards.

There were no closing arguments from petitioner or staff.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Petition DMA-20-142, Cedar Grove Phases 2A, 2B, and 2C Development Master Plan Amendment.

Discussion ensued regarding addressing automatic approval of waivers during the Development Master Plan approval process.

The motion carried by the following vote:

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

K. [CC](#) [DMA-20-143](#) Approve DMA-20-143, Cypress Falls Phase 2E Development Master Plan Amendment (QUASI-JUDICIAL)

Mayor Luke introduced the item.

Ms. Jimenez swore in all those wishing to provide testimony.

Commissioners reported no ex parte communications.

Strickland Smith, being duly sworn, provided an overview and noted the presentation mirrors the pervious waiver request.

Ms. Christie, being duly sworn, testified that the comment from the applicant would also apply to the staff presentation.

There were no aggrieved parties, rebuttals from the petitioner or staff, or public comment.

Discussion ensued regarding timeline of Cedar Grove development, and original approval of Develop Master Plan for Phase 1.

There were no closing arguments from petitioner or staff.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Petition DMA-20-143, Cypress Falls Phase 2E Development Master Plan Amendment. The motion carried by the following vote:

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

Discussion ensued regarding the ULDC re-write and automatic lighting waiver at the Development Master Plan (DMP) approval process.

Commissioner McDowell agreed to create an agenda item for Commission to discuss automatic waivers during the DMP process.

ORDINANCE - First Reading:

E. [ORD. NO.](#) [2021-04](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Chapter 3, Article I. – Economic Development Ad Valorem Tax Exemption, to Renew the City’s Authority to Grant Exemptions Consistent with the Results of the November 2020 Referendum and to Make Consistent with Florida Law; Providing for Conflicts; Providing for Severability; Providing for Codification; and

Providing an Effective Date.

A motion was made by Vice Mayor Emrich, seconded by Commissioner McDowell, to read Ordinance No. 2021-04 by title only. The motion carried by the following vote:

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

Ms. Jimenez read the Ordinance by title only.

Ms. Slayton introduced the item and noted the Ordinance updates the City Code to be in compliance with the referendum and consistent with State Law.

Discussion ensued regarding Supervisor of Elections certification of referendum and adding Commission acceptance of the certification on line 143, line 330 regarding annual report for ad valorem tax exemptions, line 332 regarding the authority of Commission to revoke the ad valorem tax exemption and receiving the report prior to revoking an exemption, timeline and recipients of the annual report, adding the report being provided to the City Manager and Commission prior to approval, allowing City staff to review, a check and balance process for review of reports, lines 106, 107 and 109 regarding the definition of "firm", line 210 removal of partnership, and line 109 scrivener error removing "partnership".

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-04 to January 26, 2021 for second reading.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to amend the motion to have staff add that the City Manager will send a copy of the annual report to the Commission for review.

Discussion ensued regarding criteria for staff recommendation on the annual report, line 237 regarding criteria for ad valorem exceptions, follow-up questions from Commission to staff subsequent to receiving the annual report, conditions for allowable exemptions, the information in the annual report being audited, and the annual report being adopted by resolution.

Ms. Thomas clarified the criteria for ad valorem exemptions.

The motion to amend carried by the following vote:

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

The main motion as amended carried by the following vote:

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

- F. [ORD. NO. 2021-10](#) An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2020-21 by Transferring \$473,500 from the General Fund Balance for Operation of Parks, Recruitment of City Manager, and Maintenance Van and by Increasing the Revenues in the Self Insurance Medical Fund by \$38,170; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to read Ordinance No. 2021-10 by title only. The motion carried by the following vote:

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

Ms. Jimenez read the Ordinance by title only.

Ms. Ferrell introduced the item and provided an overview of the budget amendment.

Discussion ensued regarding search efforts for a City Manager and recruitment costs, funding options, current savings with the absence of the City Manager position, moving forward with the recruitment of a City Manager, current fund balance, and City cost for a totaled vehicle above the reimbursement from the insurance coverage

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-10 to January 26, 2021 for second reading. The motion carried by the following vote:

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

G. [ORD. NO. 2021-11](#)

An Ordinance of the City of North Port, Florida, Amending Section 2-81 of the Code of the City of North Port, Florida, Relating to Notice Procedures for Aggrieved or Adversely Affected Persons for Quasi-Judicial Proceedings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to read Ordinance No. 2021-11 by title only. The motion carried by the following vote:

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

Ms. Jimenez read the Ordinance by title only.

Ms. Slayton introduced the item.

Discussion ensued regarding the denial of an aggrieved or adversely affected party's participation in a quasi-judicial procedure, timeline for an adverse party submittal for participation at Planning & Zoning Advisory Board (PZAB) meeting and Commission consideration, and authority to accept aggrieved or adversely affected party's participation.

Ms. Roberts spoke to the aggrieved/adversely affected party participation requirements, requirement for notice at PZAB and Commission proceedings, clarified language to provide to aggrieved/adversely affected party when denied participation at PZAB and permitted participation at Commission, timeline of submission for aggrieved and adversely affected party evidence and definition/criteria of an aggrieved/adversely affected party.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-11 to January 26, 2021 for second reading

clarifying the disqualification language for an aggrieved/adversely party between the Planning & Zoning Advisory Board and Commission meetings. The motion carried by the following vote:

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

- H.** [ORD. NO. 2021-12](#) An Ordinance of the City of North Port, Florida, Designating the City Seal and Repealing Section 2-4 – City Seal of the Code of the City of North Port, Florida; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to read Ordinance No. 2021-12 by title only. The motion carried by the following vote:

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

Ms. Jimenez read the Ordinance by title only.

Ms. Taylor introduced the item.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to continue Ordinance No. 2021-12 to January 26, 2021 for second reading. The motion carried by the following vote:

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

RESOLUTION:

- L.** [RES. NO. 2021-R-01](#) A Resolution of the City of North Port, Florida, Appointing James Toale to the Position of Hearing Officer with the Authority to Hear and Decide Matters Related to Enforcing the City's Codes, as well as Zoning-Related Matters; Incorporating Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Ms. Jimenez read the Resolution by title only.

Ms. Slayton introduced the item and spoke to the Hearing Officer salary agreement and contract requirements.

There was no public comment.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Resolution No. 2021-R-01 as presented. The motion carried by the following vote.

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

- M.** [RES. NO. 2021-R-04](#) A Resolution of the City of North Port, Florida, Authorizing the City Commission to Participate in a Joint Meeting with the Sarasota County

Commission to Discuss and Plan Matters of Mutual Interest; Incorporating Recitals; Providing for Severability; and Providing an Effective Date

Ms. Jimenez read the Resolution by title only.

Ms. Taylor introduced the item.

There was no public comment.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Resolution No. 2021-R-04 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 2:29 p.m. to 2:39 p.m.

7. GENERAL BUSINESS:

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to move General Business agenda item 21-0070 after agenda item 21-0052. The motion carried by the following vote:

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

- A.** [20-2969](#) Discussion and Possible Action Regarding Appointment of Kathleen Garrity and Philip Lamade as the Alternate I and Alternate II Members on the Planning and Zoning Advisory Board to Serve a Term from January 12, 2021 to January 21, 2025

Ms. Goodman introduced the item.

Discussion ensued regarding the timeline of the application submissions for the two applicants.

Public comment:

Kathy Garrity - Appointment to the Planning & Zoning Advisory Board.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to appoint Philip Lamade to the Alternate I position and Kathleen Garrity to the Alternate II position on the Planning & Zoning Advisory Board. The motion carried by the following vote:

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

- B.** [21-0052](#) Discussion and Possible Action Regarding Potential Partnership with Kiwanis for Marriage Vow Renewal Event

Vice Mayor Emrich introduced the item.

Ms. Pfundheller provided an overview including requirements for the special event, reimbursement of fees for supplies provided by Kiwanis, revenue going to the Kiwanis Key Club Scholarship Fund, developing a Memorandum of Understanding (MOU) with legal review, and funding options.

Elaine Emrich, Kiwanis Club, spoke to the goal of scheduling the event at Garden of Five Senses, partnering the City and Kiwanis, design for the event, fee for participation, anticipated revenue for 100% participation, and donating revenue to the Kiwanis Key Club Scholarship Fund.

Discussion ensued regarding City/non-profit partnerships, process for previous non-profit partnership events, considering this a special event, timeline of the proposed event, revenue donation to Kiwanis Key Club Scholarship Fund versus the City Scholarship Fund and serving the public purpose, profit incentive for non-profit events and designation of profits to be given back to the community, timeline for special event permitting requirements and previous special event permitting exceptions, changing the timeline for special event permitting, and MOU requirements and design designation.

Ms. Slayton spoke to the timeline for legal review following approval of event and process for approval of a MOU.

Discussion continued regarding prioritizing this event for the City Attorney over other priority issues, delaying the event, the City covering the cost with a reimbursement from ticket sales, making this event a pilot event for future information, and outreach for proposed events.

PUBLIC COMMENT

Cindy Hemberger - Kiwanis Key Club Scholarship criteria.

Andrew Sias - Kiwanis history of working with Parks & Recreation and suggestion of a June event.

Discussion continued regarding the possibility of sharing the profit with the City and the Kiwanis Club, and Option 2 for the design/criteria for the event.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Option 2 and direct staff to develop a Memorandum of Understanding or agreement to submit to the City Attorney for completion and review as a pilot to be executed by the City Manager.

Discussion ensued regarding the motion not signifying Part A or B of Option 2, affording staff the opportunity to work out the details of Option 2, timeline for the event, and criteria for MOU approval and execution.

Commissioner McDowell noted that she could not support the motion with Option 2 having two parts and the motion addressing part A with part B stating Commission can authorize the donation through official action by making appropriate legislative findings that the expenditure primarily or substantially serves a public purpose, designating the profits going to the Kiwanis Key Club and not the City's Scholarship fund, the question of when the event will be held and other questions which Option 2 does not address.

The motion carried by the following vote:

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

No: 1 - Commissioner McDowell

E. [21-0070](#)

Discussion and Possible Action Regarding Amending the City Charter to Remove Language that Requires City Commission Approval of All

Contracts, and Establishing Contract Approval Criteria by Ordinance

Commissioner Langdon introduced the item and spoke to recommending the removal from the City Charter the Commission approval of contracts and designating the City Manager as the authority for approval on contracts previously approved by budget.

Discussion ensued regarding threshold of City Manager approval of contracts, Commission discussion on contracts, City Charter approval process, majority of contracts being on consent agenda for Commission approval, purchase order cap for City Manager approval, and referring this item to the Charter Review Advisory Board.

Ms. Slayton spoke to Interlocal Agreements requiring the Mayor's signature.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to refer to the Charter Review Advisory Board a recommendation on removing the requirement that all contracts go the City Commission for review and Interlocal Agreements requiring Mayor signature.

Discussion ensued regarding the Charter Review Advisory Board providing an analysis of their recommendation

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to amend the motion to include a detailed summary of how the Charter Review Advisory Board arrived at their recommendations with the pros and cons of those items. The motion to amend carried by the following vote:

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

The main motion as amended carried unanimously on a voice vote.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to postpone Agenda Item 21-0068 and Agenda Item 21-0069 to a later date. The motion carried by the following vote:

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

- C.** [21-0068](#) Discussion and Possible Action Regarding the Possible Rental of Al Goll Community Center

This item was postponed to a later date.

- D.** [21-0069](#) Discussion and Possible Action Regarding the Location of a Cemetery in North Port

This item was postponed to a later date.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner McDowell reported she attended Shop With a Cop, Cub Scout meeting, and a virtual Manasota League of City's meeting.

Vice Mayor Emrich had nothing to report.

Commissioner Langdon reported she attended the Shop with a Cop event.

Mayor Luke had nothing to report but thanked staff for their efforts.

10. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative or Legal Reports.

11. ADJOURNMENT:

Mayor Luke adjourned the meeting at 3:42 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.