City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes

City Commission Regular Meeting

CITY COMMISSIONERS
Jill Luke, Mayor
Pete Emrich, Vice Mayor
Barbara Langdon, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS
Jason Yarborough, Interim City Manager
Amber L. Slayton, City Attorney
Heather Taylor, City Clerk

Tuesday, February 9, 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, Assistant City Attorney Michael Golen, City Clerk Heather Taylor, City Grant Writer Valerie Malingowski, Finance Director Kimberly Ferrell, Fire Chief Scott Titus, IT Director Eric Ryan, Planning Division Manager Nicole Galehouse, Planner III Alison Christie, Parks and Recreation Director Sandy Pfundheller, Police Chief Todd Garrison, Deputy Police Chief Chris Morales, Public Utilities Director Rick Newkirk, Public Works Director Julie Bellia, Communications Manager Josh Taylor

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ms. Malingowski.

1. APPROVAL OF AGENDA

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the agenda moving Item No. CC CIP-20-158 to be heard prior to Item No. CC DMP-19-233. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

Kevin Newell: expressed concern with Ordinance No. 2021-02 and with Wellen Park Police Station

Mr. Yarborough requested staff provide additional information on the ordinance to the resident.

Ms. Taylor read the following public comment into the record:
Anonymous: opening County Tax Collector Office

3. ANNOUNCEMENTS

A. 21-0249 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 for discussion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the consent agenda pulling Item Nos. 20-3000, 21-0086, 21-0148, and 21-0241 for discussion.

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

A. 20-2806 Approve the First Amendment to City of North Port, Florida and Will-Ridge Associates, LLC and Woodoff, LLC Water and Wastewater System Standard Developer's Agreement for the Woodland Office Buildings within the Panacea Development

This item was approved on consent.

B. 20-3000 Approve Assignment, Assumption and Amendment to Website Development, Hosting & Maintenance Services Agreement with Granicus, LLC for Traditional VisionLive and Approve First Amendment to Purchase Order No. 48305 with Granicus, LLC to Add eComment in the Amount of $2,100.00.

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Mr. Ryan responded to questions regarding features included in eComment.

Ms. Taylor spoke to not all optional features intended to be used, benefits of using eComment versus current method for public comment, and the need to approve a resolution to update policy if approved.

Mr. Ryan spoke to ability to use vote cast credit towards eComment.

Discussion took place regarding change in policy, expected timeframe to go live, and cost to purchase.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Item No. 20-3000 as presented. The motion carried by the following vote:

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

C. 21-0046 Approve the Sole Source Purchase of Water Information Management Solution Software From the Hach Company, for a Total of $79,776.00.

This item was approved on consent.

D. 21-0086 Approve the Utilization of the Florida State Contract 25100000-19-1, to Purchase One (1) Replacement 2021 Ford Transit Van from Garber Ford, Inc. for the Infrastructure and Facilities Operations and Maintenance Division of the Department of Public Works in the Estimated Amount of $38,590.85.

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Discussion took place regarding making the item contingent on budget amendment approval.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Item No. 21-0086 contingent on the approval of Ordinance No. 2021-10. The motion carried by the following vote:

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

E. CC SAP-21-004 Award Funds from the Special Event Assistance Program in the Amount of $160.00 to Chariots for Charity Event to be Held on February 14, 2021, to Cover the Costs of City Fees and Resources.

This item was approved on consent.

G. 21-0189 Approve the Sole Source Purchase of Lift Station Pumps, Control Panels and Associated Components from Xylem Water Solutions USA, Inc., for a Total of $287,850.00.

This item was approved on consent.

H. 21-0225 Ratify Interim City Manager's Approval for the Utilization of the Sourcewell Contract No. 2021 120716-NAF with Alan Jay Ford Lincoln Mercury, Inc. for the Purchase of Four (4) 2021 Ford F-250 Pickup Trucks for the Department of Parks and Recreation for an Estimated Total of $121,027.

This item was approved on consent.

I. 21-0241 Approve Template for Agreement for Waiver of Construction Traffic Road Fees and Authorize the City Manager or Designee to Sign Future Agreements Using the Approved Template

Mayor Luke announced the item.

Mr. Yarborough introduced the item and responded to questions regarding option to be used city-wide, and exempting West Villages area.

Ms. Bellia spoke to specific criteria for construction traffic road fees exemptions, possibility to draft agreements with individual development, and process for enforcement.

Discussion followed regarding further review of the ordinance.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Item No. 21-0241 as presented. The motion carried by the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to ill conceived idea, understanding the purpose behind it but it is unenforceable.

A motion was made by Commissioner McDowell to have staff bring back, within 3 months, Ordinance No. 2020-40 relating to traffic road fees to be reevaluated. The motion failed due to lack of a second.

Mayor Luke announced past Commissioner Jim Blutcher being present.

F. 21-0148 Approve Acceptance of State of Florida Appropriation Request, if Awarded, for the Expansion of Water and Sewer to Warm Mineral Springs in the Amount of $875,000 and Authorize the City Manager to Approve and Sign Grant Documents Upon Satisfactory Legal Review

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Mr. Newkirk responded to questions regarding over sizing the lines to accommodate infrastructure, cost to bring water to surrounding areas of Warm Mineral Springs (WMS), adding clarity in grant proposal regarding applicability to WMS and not surrounding commercial areas, and surrounding commercial acreage within the City limits.

Mr. Yarborough responded to questions regarding annexation and who benefits from the proposal.

Discussion took place regarding concern with language relative to stated benefits not being an outcome of the specific project.

Ms. Malingowski responded to questions regarding immediate job opportunities.

Discussion continue regarding further staff review, zoning of adjacent lots, payment of connection fees on Ortiz Boulevard, zoning of property, use of Activity Center 7, current status for water and sewage at WMS, the need for the upgrade, time frame for submittal, benefit statements noted in the proposal, grant obligations and penalty, economic benefits of the upgrade, adding the words "future" and "possible" to the proposal, and environmental investment.

Ms. Taylor read the following public comment into the record:
Peter Bartolotta: expressed concern with cost to taxpayers

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Item No. 21-0148 as presented.

Discussion took place regarding importance of project and the need to sustain the area.

The motion carried by the following vote:

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

No: 1 - Commissioner Langdon

Commissioner Langdon dissented due to misleading language in the proposal.

5. PUBLIC HEARINGS:

PETITIONS:

B. CC CIP-20-158 Approval of CIP-20-158, Warm Mineral Springs Park Development Master Plan with Conditions and Waivers. (QUASI-JUDICIAL)

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

Ms. Taylor swore in those wishing to provide testimony.

Mayor Luke queried Commissioners regarding ex parte communications. Commissioner McDowell disclosed prior public meeting attendance, site visits, listening to the January 21, 2021 Planning and Zoning Advisory Board (PZAB) meeting and an email forwarded to the City Clerk for the record. Mayor Luke disclosed listening to January 21, 2021 PZAB. Commissioner Emrich stated he had no ex parte communications. Commissioner Langdon spoke to extensive conversations with PZAB members, staff and Commission prior to being elected and disclosed discussion with PZAB member Kathleen Garrity about dissention on approving the plan as presented.

Ms. Taylor noted there were no aggrieved parties.

Peter Van Buskirk, Kimley Horn, being duly sworn, provided a presentation including overall park context, future land use map, location within Activity Center 7, Planned Community Development (PCD) zoning designation, Development Master Plan, three waiver requests, and infrastructure improvements.

James Pankonin, Kimley Horn, being duly sworn, WMS park master planning process, park element improvements, phasing recommendations, spring and historic building complex, light retail event/flex space, event lawn/flex space, trail, boardwalk, overlook and canopy walk, exhibits, educational signage and displays, proposed building plan, view of main entrance to building, and view of café/outdoor dining area.

Mr. Buskirk spoke to request for approval of the DMP, three waivers, and compliance with the Comprehensive Plan and Unified Land Development Code (ULDC).

Ms. Christie, being duly sworn, provided a presentation including multi-phase plan, renovations, location, current zoning, requested waivers, meeting requirements, DMP designed to be more broad, fiscal analysis designed to show potential impact on city services, staff review for consistency with Comprehensive Plan and ULDC , and recommendation with waivers 1-3 and conditions 1-6.

There were no rebuttals from the applicant or staff.

Public Comment:

James Blutcher, being duly sworn: purchase of the springs for economic development, park potential, and partnerships with developers to offset cost to the City

Andrew Sias, being duly sworn: concern with over expansion, focusing on job opportunities, postponing until election

Ms. Pfundheller, being duly sworn, responded to questions regarding cost for phase I and total project cost.

Ms. Christie responded to questions regarding approval of all four phases, amendments to come before Commission if changes to phases, budgetary effects, and DMP requirement for development process.

Ms. Galehouse, being duly sworn, responded to questions regarding Exhibit D inclusions/exclusions.

Discussion took place regarding discussing budgetary impact during the item and Commissions role in the DMP process and the hearing.

Ms. Christie responded to questions regarding MAS process and provided clarity as to what is being requested today.

Ms. Galehouse spoke to impact to the project should the item not be approved, impact on grant applications, and ability to apply for grants to off-set costs.

Discussion continued regarding purchasing WMS for preservation and economic development, revenue from WMS, opportunities to make adjustments if needed, P3 partnerships, historical designations, requested waivers, positive fund balance total, expected revenue and expenses, upcoming funding plan presentation in April, and prior discussion regarding partnerships.

Discussion continued regarding lack of economic impact to the City, recommendation to postpone until after the election, Park Master Plan process, citizen input received at public meetings, the need to renovate the buildings, community input, and further funding discussion during budget.

There were no closing arguments by staff.

Mr. Van Buskirk provided closing argument including DMP consistency requirements.

Mayor Luke closed the public hearing.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Petition No. CIP-20-158 based on the competent substantial evidence of the development master plan meeting the standards in Section 53-7 of the Unified

Land Development Code, with the following conditions:

1. Before FDEP permits will be signed, North Port Utilities requires the following:
A. Four complete sets of DEP permit applications (water and sewer) and four sets of construction plans. Both sets of items shall be signed and sealed by the engineer of record.
B. One engineer certified (sealed) estimate for the cost of utility construction.
C. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction cost over $2 million. The minimum fee is $250.00.

2. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval.

3. Provide the Utility Department with floor plans and plumbing risers for each individual unit so meter sizes and capacity fees can be calculated. Meter and Capacity fees shall be paid prior to issuance of the building permit.

4. Prior to utility site construction the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting.

5. Confirmation from US Fish & Wildlife regarding scrub jay habitat will be required before future expansions.

6. Events which utilize the grass parking area shall provide temporary lighting.

and the following waivers:

1. Allow the buildings at Warm Mineral Springs to deviate from the aesthetic requirements of the Urban Design Standards Pattern Book for Activity Center 7 - The Springs.

2. Allow a portion of the parking to be grass parking where impervious surface is required.

3. Allow for no permanent lighting for the grass parking area.

Discussion took place regarding future budgetary impact discussion, postponing until after the election, operating costs, prior approval of the parks master plan, economic concerns due to COVID-19, obligation to citizens to protect city assets, and prior discussion to not impact taxpayers dollars.

The motion carried by the following vote:

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

No: 1 - Commissioner Langdon

Commissioner Langdon dissented due to the lack of budgeting in the plan.

Recess was taken from 12:54 p.m. until 2:00 p.m.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to reorder the agenda to hear Item No. 21-0230 immediately after DMP-19-233. The motion carried by the following vote:

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

A. CC DMP-19-233 Approval With Conditions Of Development Master Plan, DMP-19-233 Toledo Blade Center. (QUASI-JUDICIAL)

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

Ms. Taylor swore in those wishing to provide testimony.

Mayor Luke queried Commission regarding ex parte communications. Commissioner McDowell disclosed watching the January 21, 2021 Planning and Zoning Advisory Board (PZAB) meeting, site visit, and email sent to the City Clerk for the record. Mayor Luke disclosed watching the January 21, 2021 PZAB meeting. Vice Mayor Emrich and Commissioner Langdon did not have any ex parte communications.

Ms. Taylor stated there were no aggrieved parties.

Mark Pricer, Southwest Engineering and Design, being duly sworn, provided a presentation including project location, future development plans, current zoning, site plan including site size and lots, infrastructure, turn lanes on Toledo Blade, sidewalks, city water and sewer, and fire hydrants and stormwater installation.

Ms. Christie, being duly sworn, provided a presentation including location, site zoning, future land use designation, proposed access points, all requirements to be met, required neighborhood meetings, and staff review for consistency with Comprehensive Plan and Unified Land Development Code (ULDC), and emphasized no commercial development is being requested at this time.

The were no rebuttals by the applicant or staff.

There was no public comment.

Discussion took place regarding commercial zoning general with future land use of commercial, timeframe for turn lane installation, expected timeframe for construction, public meeting notices not posted on the site, and stop light requirements.

Ms. Bellia, being duly sworn, spoke to traffic signal warrant analysis process and basis on current conditions, and ability to condition development to conduct traffic signal warrant analysis.

Ms. Galehouse, being duly sworn, spoke to traffic study conducting based on build out and additional uses, traffic signal evaluation at each phase of development, and including a condition regarding traffic signal study.

Discussion ensued regarding economic impact analysis.

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. DMP-19-223 with the following conditions:

1. Following will be required in the later infrastructure (INF) SDR application:

A. An updated wildlife survey no older than 1 year.

2. Before FDEP permits will be signed, North Port Utilities requires the following:
A. Four complete sets of DEP permit applications (water and sewer) and four sets of construction plans. Both sets of items shall be signed and sealed by the engineer of record.
B. One engineer certified (sealed) estimate for the cost of utility construction.
C. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction cost for projects $0 to $2 million, plus 2.5% of utility constructions costs over $2 million. The minimum fee is $250.00.

3. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval.

4. Provide the Utility Department with floor plans and plumbing riser drawings for each building so meter sizes and capacity fees can be calculated.

5. Prior to utility site construction, the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting.

6. Confirmation from US Fish & Wildlife regarding scrub jay habitat will be required before future expansions.

7. The applicant conduct a traffic signal analysis study prior to any implementation to determine a cost sharing 50/50 of a traffic signal analysis, or as recommended by staff.

The motion carried by the following vote:

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

Discussion took place regarding public notice requirements.

6. GENERAL BUSINESS:

B. 21-0230 Discussion and Possible Action Regarding Participation in Sarasota County Centennial Celebration

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Christie introduced Joan Morgan, Historic and Cultural Advisory Board Chair, who spoke to the video to be presented for the Sarasota County Centennial Celebration including emphasizing on what is special about the City, overall aerial view with size and population, welcome signage, and focusing on what the City has to offer and responded to questions regarding the length of the video.

Discussion took place regarding adding mom and pop businesses, funding of the project, due date, and staff availability to assist.

Mr. Taylor spoke to the amount of time to complete the video.

Discussion continued regarding including a Chamber of Commerce event, piecing sections of the video for future use, and building over a timeline.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct the City Manager to work with various staffing departments to create a video between 20-40 minutes long for the Sarasota County Centennial Celebration. The motion carried by the following vote:

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

ORDINANCE - Second Reading:

C. ORD. NO. 2020-42

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Chapter 58 - Planning and Development, Article III. – Impact 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 and responded to questions regarding increase of transportation fees.

Ms. Slayton stated the top of each tables should have an effective date to read 02-10-2021.

Ms. Galehouse responded to questions regarding gas/service station being combined with convenient mart and the difference between gas/service station and gas/service station/convenient mart.

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. 2020-42 with a correction to the text in the table of the ordinance to read Effective Date February 10, 2021. The motion carried by the following vote:

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

ORDINANCE - First Reading:

D. 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.

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

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

Ms. Taylor read the ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Ferrell spoke to the items included in the budget request and responded to questions regarding funding for the mural project.

There was no public comment.

Mayor Luke closed the public hearing.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-16 for second reading on February 23, 2021. The motion carried by the following vote:

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

RESOLUTIONS:

E. RES. NO. 2021-R-09 A Resolution of the City of North Port, Florida, Authorizing the City Manager or Designee to Execute Annual Grant Applications and Related Non-Binding Documents; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing and Effective Date.

Mayor Luke announced the item.

Ms. Taylor read the resolution by title only.

Ms. Malingowski spoke to the item and responded to questions regarding determination of how grant funds are distributed.

Discussion took place regarding approval of projects that grant funds are allocated to, and adding language stating the City Manager will inform Commission via memo when grant funds have been applied for.

Ms. Branco spoke to monthly report on the City's website showing all of the grants applied for and awarded.

Discussion continued regarding grant process relative to reviewing Capital Improvement Projects (CIP) projects when seeking funds, and concern with removing the opportunity for Commission to review each grant application to advocate.

Ms. Branco commented on the process to accept grants and noted the resolution is to formalize the process for seeking a grant.

Ms. Malingowski spoke to the current process regarding Commission review of the application and approval for the City Manager to sign the contract, noting it would not change.

Ms. Slayton noted that some grants come back without contracts and are not legally required to come before Commission.

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 Resolution No. 2021-R-09 as presented.

Mayor Luke passed the gavel to Vice Mayor Emrich.

A motion to amend was made by Mayor Luke, seconded by Commissioner Langdon, to add verbiage to state the City Manager will inform Commission via memo what grants have been applied for. The motion to amend carried by the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to the application already being processed prior to the memo being received by Commission.

The main motion as amended carried by the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to abrogating duties and responsibilities to the City Manager without weighing in.

Vice Mayor Emrich passed the gavel back to Mayor Luke.

F. RES. NO. 2020-R-36 — A Resolution of the City of North Port, Florida, Adopting City Commission Policy No. 2020-10 Related to Use of the City Seal; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Luke announced the item.

Ms. Taylor read the resolution by title only and introduced the item.

Discussion took place regarding typo in Section III D to remove "in", and use of the health, safety and welfare whereas clause in the resolution.

The was no public comment.

Mayor Luke closed the public hearing.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Resolution No. 2020-R-36 as presented. The motion carried by the following vote:

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

G. RES. NO. 2021-R-03 A Resolution of the City of North Port, Florida, Adopting City Commission Policy No. 2021-02 Related to City Commissioner Supplies, Including Office Supplies, Business Cards, Name Badges, and Clothing; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Luke announced the item.

Ms. Taylor read the resolution by title only and introduced the item

Discussion took place regarding prior discussion on financial caps for shirts, re-elected commissioners versus newly elected commissioners, and possible caps for the first and third years.

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 Resolution No. 2021-R-03 with the following changes:

1. Section II A. 1. to read Newly and reelected Commissioners. Within six months of their elections, the City will purchase new Commissioners clothing, not to exceed $100, emblazoned with the Commissioner's name and City Logo from an authorized vendor.

2. Section II A. 2. to read Sitting Commissioners. At year three of a Commissioner's term, the City will purchase the Commissioner clothing, not to exceed $50, emblazoned with the Commissioner's name and City Logo from an authorized vendor.

The motion carried by the following vote:

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

H. RES. NO. 2021-R-02 A Resolution of the City of North Port, Florida, Adopting City Commission Policy No. 2021-01 Related to Travel Expenses for City Commissioners; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Luke announced the item.

Ms. Taylor read the resolution by title only and introduced the item.

Discussion took place regarding title consistency with the policy and the resolution, per diem language, and mileage not being paid in advance.

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 Resolution No. 2021-R-02 with the following changes:

1. Correcting the title to state Commission Travel Expense Policy.

2. Add Section III C. Mileage. Mileage reimbursement is not to be paid in advance.

The motion carried by the following vote:

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

Recess was taken from 4:02 p.m. until 4:12 p.m.

6. GENERAL BUSINESS: - Continued

A. 21-0209 Discussion and Possible Action Regarding Narramore Park Security Upgrade Project

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Pfundheller spoke to prior commission direction.

Ms. Wisner responded to questions regarding cameras at Splash Pad and Canine Club, and Dallas White Park access.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the installation of security cameras at Narramore Park as presented, using the most options available in the amount of $19,840 plus reoccurring expenses. The motion carried by the following vote:

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

There was consensus for staff to provide funding options for security along Dallas White Park perimeter during the first budget workshop.

C. 21-0233 Discussion and Possible Action Regarding the Possible Rental of Al Goll Community Center

Mayor Luke announced and spoke to the item.

Discussion took place regarding current building conditions.

Ms. Bellia spoke to items recommended to be fixed.

Discussion continued regarding short-term rental, renting "as is", improvements to be completed by lessee, tenancy at will, month-to-month rental, fees needed in fee schedule, short term lease review by City Attorney's Office, liability issues, logistics that would need to be reviewed, and need for financials.

There was consensus to bring back options with cost for use, costs associated with being vacant, and cost to decommission the building during the budget workshops.

D. 21-0234 Discussion and Possible Action Regarding the Location of a Cemetery in North Port

Mayor Luke announced and spoke to the item.

Discussion took place regarding obtaining further information, central location within the city, partnership with City, percentage of cremations, letter of intent along with economic development verification of parcel within the city for commercial development, First Slavic interest in memorial garden, review of special exceptions in the Unified Land Development Code (ULDC) re-write, property tax exemptions, relative codes, costs and logistics, and context for future discussion.

There was consensus for staff to review the City Code and the ULDC pertaining to cemeteries at the time ULDC is brought back.

There was consensus for staff to prepare for the idea of cemeteries to be located within the city in order to respond to and aid entities or organizations who are interested in a cemetery in the City.

Ms. Galehouse requested clarification, noting it would be helpful to receive direction the Commission would like to take in order to not delay the ULDC rewrite refining process.

Discussion ensued regarding prohibiting cemeteries in commercial areas, organizations/entities placing a memorial or cemetery on their property, and where in ULDC would a cemetery be allowed.

E. 21-0245 Discussion and Possible Action Regarding the Conduct of Public Meetings of City Boards in Person and by Virtual Means

Mayor Luke announced and spoke to the item.

Ms. Slayton clarified the quorum of the board must be present in person and the other members of the board may opt to not attend for extraordinary circumstance, and Charter requirements for Charter Officers attendance, and responded to questions regarding IT and City Clerk changes that would be needed. Recommended commission make finding that extraordinary circumstances are present and consider how it would work, and presiding over meeting virtually.

Discussion took place regarding practices of other municipalities and entities, remote access for advisory boards, software, volunteer to attend and process for obtaining in person quorum, and developing a plan to have in place if needed.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct staff to prepare necessary policy revisions to allow for hybrid meetings due to extraordinary circumstances on a rotational/volunteer attendance basis for Commission and Advisory Boards. The motion carried by the following vote:

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

Recess was taken from 5:19 p.m. until 5:30 p.m.

7. PUBLIC HEARINGS - Continued

ORDINANCE - Second Reading - TIME CERTAIN 5:01 P.M. OR SHORTLY THEREAFTER:

A. ORD. NO. 2020-43

An Ordinance of the City of North Port, Florida, Amending Section 2-24 of the Code of the City of North Port, Florida, Related to City Commissioner Expenses, Travel, and Supplies; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only and 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 McDowell, to approved Ordinance No. 2020-43 as presented. The motion carried by the following vote:

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

B. ORD. NO. 2021-12

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

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only and introduced the item.

There was no public comment.

Mayor Luke closed the public hearing.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Ordinance No. 2021-12 as presented. The motion carried by the following vote:

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

C. ORD. NO. 2020-44

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, by Amending Chapter 74, Article VI, Related to Golf Carts and Low Speed Vehicles; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item noting revisions since first reading.

Mr. Golen responded to questions regarding licensing and insurance being added into the whereas clause and/or definitions, and expanding on what is already stated in Florida Statutes.

Ms. Slayton spoke to reasons for not duplicating what is in Florida Statute.

Deputy Chief Morales recommended adding the language to the end of the definition.

There was consensus to add language relative to licensed drivers, insured drivers and registered vehicle to the definition of Low Speed Vehicles (LSV).

Chief Garrison responded to questions regarding the addition of Cedar Grove 1A, subdivisions within the Woodlands Community Development District (CDD), and Cedar Grove 1A traffic agreement.

Discussion ensued regarding responsibility for signage in Cedar Grove 1A, signs in Plantation and Holiday Park, West Villages Improvement District, and striking number 5 completely.

There was consensus to strike Section 74-151(b)(5) completely.

Discussion continued regarding LSV's crossing at intersections, LSV crossing over U.S. 41 in West Villages, state statute prohibiting LSV's and golf carts on sidewalks, bike lanes, and multi-modal paths, and conducting an educational campaign.

Deputy Chief Morales spoke to gated communities operating golf carts within the community relative to traffic agreements.

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. 2020-44 with the following changes:

1. Adding language relative to drivers licensed, insured drivers and registered to definition of Low Speed Vehicles (LSV)

2. Striking Section 74-151(b)(5) completely

The motion carried by the following vote:

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

D. ORD. NO. 2021-09 — An Ordinance of the City of North Port, Florida, Amending Section 34-55 of the Code of the City of North Port, Florida, Relating to Mobile Food Vendors and Ice Cream Trucks; Amending Appendix A - City Fee Structure; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing and Effective Date

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Mr. Yarborough introduced the item and noted revisions since reading.

Discussion took place regarding food trucks at Warm Mineral Springs, activity centers, adding language under hours of operation regarding prohibiting overnight parking, and City Center Green maximum amended from 4 to 6.

There was consensus to increase City Center Green from 4 to 6.

Discussion continued regarding McKibben Park.

There was consensus to clarify language under hours of operation regarding prohibiting overnight parking.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Ordinance No. 2021-09 with the following changes:

1. Sec. 34-1(c)(1)a.4. to read City Center Green, a maximum of six designated spaces

2. Sec. 34-1(d) add clarifying language under hours of operation regarding prohibiting overnight parking

The motion carried by the following vote:

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

E. 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.

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item and noting revisions since first reading.

There was no public comment.

Mayor Luke closed the public hearing.

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

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

F. 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.

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item and noting revisions since first reading.

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. 2021-02 as presented. The motion carried by the following vote:

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

G. 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.

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item and noting revisions since first reading.

Discussion took place regarding language in reference to owners ability to pay, who determines ability to pay, considerations that determine fee, costs incurred, intent for ability to charge if needed, span of control when storing items with organizations, and partnering with social services organizations.

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. 2021-03 as presented. The motion carried by the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to vague language and not being able to obtain clarity on it.

H. 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.

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item and noting revisions since first reading.

There was no public comment.

Mayor Luke closed the public hearing.

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

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

I. 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.

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item and noting there were no revisions since first reading.

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. 2021-05 as presented. The motion carried by the following vote:

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

J. 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.

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Ferrel spoke to the item noting items included in the budget amendment and responded to questions regarding purchase of a transit van.

Ms. Taylor read the following public comment into the record:
Terri Guidry: expressed concerns regarding two budget amendments in the same meeting

Ms. Ferrell spoke to FS 166.241 addressing budget amendment requirements.

Mayor Luke closed the public hearing.

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

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

K. 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.

Mayor Luke announced the item.

Ms. Taylor read the ordinance by title only.

Ms. Slayton introduced the item and noted revisions since first reading.

There was no public comment.

Mayor Luke closed the public hearing.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, approving Ordinance No. 2021-11 as presented. The motion carried by 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 McDowell reported on Newcomers Day.

Vice Mayor Emrich did not have anything to report.

Commissioner Langdon did not have anything to report.

Mayor Luke reported on Newcomers Day, Food Bank, county mobility fee webinar, North

Port girls soccer team title, sending letter to the Governor regarding vaccine popup sites, and water treatment plant in Oldsmar hacking.

10. ADMINISTRATIVE AND LEGAL REPORTS:

There were no administrative or legal reports.

11. ADJOURNMENT:

Mayor Luke adjourned the meeting at 6:44 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.