



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft City Commission Regular Meeting

CITY COMMISSIONERS

Jill Luke, Mayor
Debbie McDowell, Vice Mayor
Barbara Langdon, Commissioner
David Iannotti, Commissioner
Pete Emrich, Commissioner

APPOINTED OFFICIALS

Juliana Bellia, Acting City Manager
Amber L. Slayton, City Attorney
Heather Taylor, City Clerk

Tuesday, November 24, 2020

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, Commissioner Debbie McDowell, Commissioner Pete Emrich, Commissioner Iannotti, and Commissioner Barbara Langdon

Also Present:

Acting City Manager Juliana Bellia; Assistant City Manager Cari Branco, Assistant City Manager Jason Yarborough; City Attorney Amber Slayton; Assistant City Attorney Margaret Roberts; City Clerk Heather Taylor; Recording Secretary Susan Hale; Police Chief Garrison; Public Works Assistant Director Monica Bramble; Human Resource Director Christine McDade, Human Resources Manager Deborah Hope; Planning Division Manager Nicole Galehouse, and Parks and Recreation Director Sandy Pfundheller.

The Pledge of Allegiance was led by Assistant City Manager Cari Branco.

It was noted that former Commissioners Hanks, Morgan and Moore were in attendance.

1. APPROVAL OF AGENDA

Mayor Luke noted the agenda items to be moved.

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to approve the agenda, moving Item 20-2958 after Item 2 Public Comment. The motion carried by the following vote:

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

2. PUBLIC COMMENT:

Greg Culy - Expressed concern regarding Pete Lear separation and acting City

Manager/Interim City Manager.

Jeffrey Scott - Expressed concern with Commission credibility.

Chris Hanks - Prior Commission discussion regarding election of Vice Mayor.

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

Robert Schotte - Detrimental remarks regarding the Commission, and officer elections at the last meeting.

6. GENERAL BUSINESS:

A. [20-2958](#) Discussion and Action Regarding Election of Vice Mayor

Ms. Taylor introduced the item and explained the process of nomination.

PUBLIC COMMENT:

Justin Willis - Rotation of Mayor and Vice Mayor, and actions of the Commission.

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

Debbie Miller - In support of Commissioner Emrich as Vice Mayor.

John Cook - Right the wrong regarding election of Vice Mayor.

Anonymous - Election of Vice Mayor handled wrong.

Kathleen Garrity - Rotation of Mayor and Vice Mayor.

Anonymous - Rotation of Mayor and Vice Mayor.

Commissioner Langdon nominated Commissioner Emrich as Vice Mayor.

Commissioner McDowell nominated Commissioner Iannotti as Vice Mayor and there were no other nominations.

A vote was taken on the nomination of Commissioner Emrich to serve as Vice Mayor. The vote carried by the following vote:

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

No: 2 - Commissioner McDowell and Commissioner Iannotti

Recess was held from 6:20 p.m. to 6:25 p.m.

3. ANNOUNCEMENTS

A. [20-2931](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the announcements into the record.

4. CONSENT AGENDA:

Ms. Bellia announced items to be pulled for discussion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the consent agenda with Item CCSAP-20-238 being pulled for discussion. The motion carried by the following vote:

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

- A. [20-2700](#) Approve the Utilization of the Florida Sheriff Association's Contract FSA20-VEL28.0 with Garber Chevrolet Buick GMC, Inc. in the Amount of \$272,955.40 and the City of Cape Coral Contract CON-PW18-10MM with Lightning Wireless Solutions, Inc. for the Purchase of Eight (8) 2021 Chevrolet Tahoes and Emergency Vehicle Associated Equipment and Graphics for the North Port Police Department for an Estimated Total of \$433,655.40

This item was approved on consent.

- B. [20-2779](#) Approve the Equitable Sharing Agreement and Certification between the U.S. Department of Justice, the U.S. Department of Treasury and the City of North Port Related to the Use of Federally Forfeited Funds

This item was approved on consent.

- C. [20-2863](#) Approve Work Assignment 2021-04 with Stantec Consulting Services, Inc. for \$178,160.03, for the Sumter Blvd. Utility Extensions Project

This item was approved on consent.

- D. [20-2866](#) Approve Work Assignment 2021-05 with CDM Smith, Inc. for \$147,090.00, for the Myakkahatchee Creek Water Treatment Plant (MCWTP) Phase 2 Improvements

This item was approved on consent.

- E. [20-2869](#) Approve Acceptance of Grant, if Awarded, from the U.S. Department of Health & Human Services CARES Act Provider Relief Fund: Phase 3 General Distribution and Authorize the City Manager to Sign Grant Attestation upon Satisfactory Legal Review

This item was approved on consent.

- F. [20-2872](#) Approve the Memorandum of Understanding between the Sarasota County Government and the City of North Port, Florida on Behalf of the North Port Police Department Regarding Carrying of Firearms and Weapons in Court Facilities

This item was approved on consent.

- G. [20-2934](#) Approve Minutes for the October 19, 2020 Commission Special Meeting and the October 27, 2020 Commission Regular Meeting

This item was approved on consent.

- H. [CCSAP-20-238](#) Award Funds from the Special Event Assistance Program to the North Port Area Art Guild, Inc. DBA North Port Art Center (NPAC) to Cover the Costs of City Fees and/or Resources Associated with the December 5, 2020, Artisan's Winter Market event

Ms. Bellia introduced the item and responded to questions regarding fund balance, reason for Commission review of line item, and the item being pulled for inaccuracies.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Item CCSAP-20-238, the Art Guild Special Event Assistance Program in the amount of \$262.00. The motion carried by the following vote:

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

- I. [20-2698](#) Appoint Arthur Landry II as the Mobile Home Community Representative to Serve a Second Two-Year Term from November 24, 2020 to November 24, 2022 and Appoint William Bowteck as a Regular Member to Serve a Two-Year Term from November 24, 2020 to November 24, 2022, on the Public Utility Advisory Board

This item was approved on consent.

5. PUBLIC HEARINGS:

ORDINANCE - Second Reading

- A. [ORD. NO. 2020-46](#) An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2019-20 by Transferring \$1,073,612 from the Road Reconstruction Fund Balance, Transferring \$2,208,870 from the Road Reconstruction Bond Debt Service Fund Balance; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the ordinance by title only.

Ms. Bellia introduced the item.

There was no public comment and no questions or comments from the Commission.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Ordinance No. 2020-46 as presented. The motion carried by the following vote:

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

ORDINANCE - First Reading

- B. [ORD. NO. 2020-40](#) An Ordinance of the City of North Port, Florida, Restating, Amending, and Repealing Portions of Chapter 66, Article III, of the Code of the City of North Port, Florida, Relating to the Road Maintenance Rehabilitation Program, the Road Rehabilitation Fund, 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 Langdon, seconded by Commissioner McDowell, to read Ordinance No. 2020-40 by title only. The motion carried by the following vote:

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

Ms. Taylor read the ordinance by title only.

Ms. Bellia introduced the item.

Ms. Bramble provided an overview of the legislation.

There was no public comment.

Ms. Bramble clarified the kinds of fee exemption qualification requirements.

Ms. Bellia spoke to enforcement of truck compliance, construction road fee, lack of enforceability, waiver requests granted to developers in the past, and raising fees requiring a study.

Ms. Roberts responded to Commission questions regarding definition of multi-family residential, and clarifying language regarding mobile home community vs. individual homes.

Discussion ensued regarding truck definition, developed property definition, exempting areas that are maintaining their own roads, consumer requests for exceptions, and purpose of code amendment.

Ms. Slayton spoke to researching whether the current study allows the Commission to raise higher fees without a study, relying on the existing study in the absence of a new study.

Ms. Bellia spoke to requests for this type of waiver.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to continue Ordinance No. 2020-40 to second reading on December 8, 2020 to include upgrading multi-family residential mobile home definition. The motion carried by the following vote:

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

No: 2 - Commissioner McDowell and Commissioner Iannotti

Commissioner McDowell dissented due to waiver and fees currently in place and not in agreement, and being unenforceable.

Commissioner Iannotti dissented due to the proposal not providing a reason for the waiver or a way to enforce it, and the legislation being poorly written.

A motion was made by Commissioner McDowell, to increase the fees in Ordinance No. 2020-40 to be at the recommended amount from the 2006 study for residential, being \$1.46 per square foot of all structures and the commercial/multi-family of \$2.08 per square foot of all structures. The motion failed due to lack of a second.

A motion was made by Commissioner Iannotti, seconded by Commissioner Langdon, to study what the road rehabilitation fee should be, based on square footage.

Discussion ensued regarding lack of funding for a study this fiscal year, an in-house study, and potential workshop regarding State Statute requirements when increasing fees.

Ms. Bellia spoke to staff being able to perform the study in-house and requested six months.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to amend to direct staff to conduct an in-house study to be completed before Fiscal Year 2022.

Discussion continued regarding a six-month time frame.

The motion to amend carried by the following vote:

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

The main motion as amended carried by the following vote:

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

A motion was made by Commissioner McDowell to have the increase in road rehabilitation fees for residential at \$1.00 per square-foot for all structures, and commercial at \$1.50 per square-foot for all structures. The motion failed due to lack of a second.

RESOLUTION:

C. [RES. NO. 2020-R-31](#)

A Resolution of the City of North Port, Florida Identifying an Inventory List of City-Owned Real Property Sites that are Appropriate for Use as Affordable Housing Sites; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the resolution by title only.

Ms. Slayton introduced the item.

Ms. Galehouse provided a presentation including Florida Statute requirements, removal of one lot, conflict with Commission direction, approved uses of affordable housing lots, and staff recommendations.

Ms. Branco responded to concerns and spoke to the procedures and guidelines for surplus properties scheduled for Commission discussion in December.

Discussion followed regarding prior Commission direction, time frame for update, and compliance with State Statutes.

PUBLIC COMMENT:

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

Mildred Hubbard - Donating City-owned lots for wildlife habitats.

A motion was made by Commissioner McDowell, seconded by Commissioner Iannotti, to approve Resolution No. 20201-R-31 as presented. The motion carried by the following vote:

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

Recess was taken from 7:34 p.m. to 7:45 p.m.

6. GENERAL BUSINESS:

B. [20-2935](#) Discussion and Possible Action Regarding Civility and Professionalism During Public Meetings.

Mayor Luke spoke to the item including definition of consensus.

PUBLIC COMMENT:

Jeffrey Scott - Concerns regarding Commission civility and public trust.

Jacqueline Moore - Kindness community, and leadership setting tone for creating collaboration and civility.

Discussion ensued regarding defining a consensus, behavior and decorum in meetings and in public, scheduling a workshop retreat, and when a consensus is appropriate.

Ms. Taylor addressed Robert's Rules of Order regarding consensus.

Ms. Slayton spoke to Commission placing items on the agenda versus requesting consensus.

Discussion continued regarding an agreement defining a consensus.

There was a consensus to use consensus in the proper manner.

Discussion continued regarding clarity of motions, the binding action of a meeting being captured in motions or consensus.

There was a consensus for citizen information provided during public comment to be distributed to all Commissioners if requested.

Discussion continued regarding Commission reports and reporting meetings attended, time limits for questions and discussion, length of meetings, merging to another's time/question, and negative comments being inappropriate.

Ms. Bellia noted that Mr. Yarborough will schedule the pre-agenda discussion in December and January.

There was consensus to bring back pre-agenda meeting discussion as a discussion item in a public meeting or team building meeting.

C. [20-2757](#) Discussion and Possible Action Regarding Approval of the Districts and Commission Meeting Schedules for 2021

Ms. Taylor introduced the item.

It was suggested to schedule a tentative placeholder special meeting in August.

There was a consensus to schedule a tentative meeting August 16, 2021 at 10:00 a.m.

Discussion ensued regarding a 1:00 p.m. placeholder meeting on the first Thursday of the month.

There was a consensus to adjust the time for the first Thursday meeting to start at 4:00 p.m., allowing for special meetings to be added at 1:00 p.m.

Ms. Taylor spoke to the 4:00 p.m. being a regular meeting to include all ceremonial items.

Discussion continued regarding limiting proclamations to 10 per month, and no requirement to read a proclamation in its entirety.

There was a consensus not to read proclamations when the recipient is not present.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the 2021 Commission Meeting calendars as presented, along with the consensus that were given. The motion carried by the following vote:

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

D. [20-2758](#) Discussion and Possible Action Regarding the Commission Board and Committee Assignments for 2020-2021

Ms. Taylor introduced the item.

Discussion ensued regarding Commission Board and Committee assignments and lack of meetings for the Peace River Water Alliance Board.

There was a consensus to remove the Peace River Water Alliance Board from the assignment list.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the 2020-2021 Commissioner Board and Committee Assignments as follows: Commissioner Iannotti on the Florida League of Cities Municipal Administration; Commissioner Langdon on the Florida League of Cities Finance; Commissioner Iannotti on the Coastal & Heartland National Estuary Partnership with Commissioner McDowell as backup; Vice Mayor Emrich on the Community Health Action Team (CHAT) with Commissioner Langdon as backup; Mayor Luke on the Economic Development Corporation of Sarasota County with Commissioner Langdon as backup; Commissioner McDowell on the Manasota league of Cities with Mayor Luke as backup; Vice Mayor Emrich on the Sarasota/Manatee Metropolitan Planning Organization with Commissioners McDowell and Iannotti as backups; Commissioner McDowell on the Sarasota County Community Action Agency Board with Vice Mayor Emrich as backup; Mayor Luke on the Sarasota County Tourism Development Council with Commissioner McDowell as backup; and Mayor Luke on the Teen Court Board with Commissioner Langdon as backup.

The motion carried by the following vote:

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

E. [20-2936](#) Discussion and Possible Action Regarding Interim City Manager Hiring Process

Ms. Bellia introduced the item.

PUBLIC COMMENT:

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

Anonymous - opposed appointing Marty Black.

Discussion ensued regarding qualifications to consider, interim being temporary, the cost of hiring a head hunter firm to find a City Manager, appointing Mr. Yarborough and hiring an outside firm to find a permanent City Manager, internal staff issues and need or unbiased opinions, other options for an Interim City Manager, division within the City, need for outside interim to evaluate the City, concern with perception regarding roles with West Villages, need for a fair evaluative assessment of all candidates, appointing Mr. Yarborough, hiring an Interim City Manager in place before end of year, Mr. Black's association with West Villages, and inadequate time to assess the two candidates.

A motion was made by Commissioner McDowell, seconded by Commissioner Iannotti, to exclude any Interim City Manager from the application pool as a permanent City Manager.

Ms. Slayton spoke to legal concerns regarding stating one person cannot apply for a job opening.

The motion and second were withdrawn.

A motion was made by Commissioner McDowell, seconded by Commissioner Iannotti, to appoint Assistant City Manager Yarborough as Interim City Manager effective November 27, 2020 at an annual salary of \$144,000.

Mr. Yarborough accepted the offer.

The motion carried by the following vote:

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

No: 1 - Commissioner Langdon

Commissioner Langdon dissented due to the need to assess both candidates.

Appreciation was expressed to Mr. Black for his willingness to serve the City.

Recess was taken from 9:35 p.m. to 9:45 p.m.

F. [20-2938](#) Discussion and Possible Action for Recruitment of a Permanent City Manager

Ms. Bellia introduced the item.

Mr. Yarborough provided options to recruit a permanent City Manager, and spoke to

\$45,000 as a competitive amount for a recruitment firm, the process of finding a firm taking 30-60 days, and assigning the Interim City Manager to find the firm.

Ms. McDade spoke to the reasonable parameters and time frame to find a recruiting firm.

Mr. Yarborough responded to questions regarding what the search firm will do once hired.

Ms. Slayton spoke of the costs to find an Assistant City Attorney.

Mr. Yarborough spoke to funding sources.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to instruct Interim City Manager to work with the Human Resource Department in selecting a recruiting firm and schedule an agenda item for discussion regarding qualification parameters, with a \$45,000 cap. The motion carried by the following vote:

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

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Commissioner McDowell spoke to Commissioner's appearing as guest speakers on the WKDW's John Rawlings show, and congratulation letter to newly elected officials in Sarasota County.

In response to Commissioner McDowell's inquiry, Ms. Bellia informed the Commission that congratulatory letters are in the process of being sent to newly elected officials in Sarasota County.

Commissioner McDowell continued regarding Christmas Card distribution from Commissioners, and Sarasota County Parks Agreement update.

Ms. Pfundheller provided an update regarding a budget amendment to cover the parks maintenance starting in June.

Mr. Yarborough spoke to past conversations with Sarasota County officials and noted he can restart those again.

Commissioner McDowell attended National League of Cities Conference virtually.

Commissioner Iannotti had nothing to report.

Vice Mayor Emrich had nothing to report.

Commissioner Langdon had nothing to report.

Mayor Luke attended a Metropolitan Planning Organization event, an Economic Development Corporation meeting, Teen Court, swearing in of Sarasota County Commissioners, a City Yard Sale, noted Thousand Day Mural event moving forward, and the south end of Legacy Trail update.

Ms. Slayton addressed a resident concern regarding City Commission and advisory board meetings being held live in accordance with Governor DeSantis Executive Order expiring on November 1, 2020.

9. ADMINISTRATIVE AND LEGAL REPORTS:

A. [20-2924](#) City Manager Report

Ms. Bellia spoke to meeting with Human Resources regarding COVID-19 precautionary measures, first floor closed for public access, potential remote work schedules for City employees, sneeze shields on the dais, and increased disinfecting of City Hall.

There was a consensus to move forward with installing sneeze shields on the dais in City Chambers.

B. [20-2940](#) City Attorney Report

Ms. Slayton had nothing to report.

C. [20-2941](#) City Clerk Report

Ms. Taylor spoke to Commission assignment schedule for the radio show, Christmas card signatures, and a calendar event for the Commission retreat in January will be emailed.

There was a consensus to have signatures printed on the Christmas cards.

10. ADJOURNMENT:

Mayor Luke adjourned the meeting at 10:21 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.