



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Regular Meeting

CITY COMMISSIONERS

Pete Emrich, Mayor
Barbara Langdon, Vice Mayor
Jill Luke, Commissioner
Debbie McDowell, Commissioner
Alice White, Commissioner

APPOINTED OFFICIALS

Jerome Fletcher, City Manager
Amber L. Slayton, City Attorney
Heather Faust, City Clerk

Tuesday, September 13, 2022

10:00 AM

City Commission Chambers

CALL TO ORDER

Mayor Emrich called the meeting to order at 10:00 a.m.

ROLL CALL

Present: 5 - Mayor Pete Emrich, Vice Mayor Barbara Langdon, Commissioner Jill Luke, Commissioner Debbie McDowell and Commissioner Alice White

ALSO PRESENT:

City Manager Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Taylor, Assistant City Clerk Adrian Jianelli, Fire Chief Scott Titus, Deputy Fire Chief Nick Herlihy, Police Chief Todd Garrison, Deputy Police Chief Chris Morales, Assistant City Manager Julie Bellia, Assistant City Manager Jason Yarborough, Finance Director Kimberly Williams, Economic Development Program Manager Mel Thomas, Parks and Recreation Director Sandy Pfundheller, Assistant Parks and Recreation Director Tricia Wisner, Public Utilities Director Nancy Gallinaro, Public Utilities Assistant Director Jennifer Desrosiers, Public Works Director Chuck Speake, Planning Manager Lori Barnes, and Planner III Carl Bengé.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Langdon.

1. APPROVAL OF AGENDA

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Agenda as amended to remove from the Agenda Item No. 22-3268, Item No. 22-3272, and Item No. 22-3436 in their entirety and move Item No. 22-3373 before Item No. 22-3341. The motion carried on the following vote:

Present: 5 - Mayor Pete Emrich, Vice Mayor Barbara Langdon, Commissioner Jill Luke, Commissioner Debbie McDowell and Commissioner Alice White

2. PUBLIC COMMENT:

Public Comment:

Michael Patricoski: corrected agenda spelling error on last name.

Jeffrey Scott: commented on September 12, 2022 Commission Special Meeting.

3. ANNOUNCEMENTS

A. [22-3409](#) Current Vacancies and Upcoming Expirations for Boards and Committees

Mayor Emrich announced the item and directed the City Clerk to read the announcements.

Ms. Faust read the announcements into the record.

4. CONSENT AGENDA:

Mayor Emrich announced the item and queried the City Manager regarding items pulled from the Consent Agenda for discussion.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve the Consent Agenda pulling Item No. 22-3273 for discussion. The motion carried on the following vote:

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

A. [22-3235](#) Accept the Cash Receipts Summary Report for June 2022.

This item was approved on Consent Agenda.

B. [22-3380](#) Accept the Cash Receipts Summary Report for July 2022.

This item was approved on Consent Agenda.

C. [22-3339](#) Approve the Letter of Agreement and Contract Between the City of North Port and University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management, in an Amount Not to Exceed \$8,433.41, for High Visibility Enforcement Operations in Areas with a High Rate of Pedestrian/Bicycle Crashes.

This item was approved on Consent Agenda.

D. [22-3379](#) Approve the Mayor's Support for the Edward Byrne Memorial Justice Assistance Grant Program Countywide Funds for Mental Health Court and Authorize the Mayor's Support in Future Years Unless the Funding Priority Changes

This item was approved on Consent Agenda.

E. [22-3398](#) Approve Renewal of RFB No. 2021-46 EMS Supplies, Equipment, Pharmaceuticals, and Delivery with Bound Tree Medical LLC, Henry

Schein, Inc., and Quadmed, Inc. at the Attached Unit Prices for an Estimated Annual Amount of \$253,850.00 for Fiscal Year 2022-23, and Authorize City Manager to Approve Future Renewals

This item was approved on Consent Agenda.

- F. [22-3268](#) Approve the Award of Funds from the Special Event Assistance Program to Family Promise of South Sarasota County in Support of a Kentucky Derby Event Held on August 20, 2022, in the Amount of \$500 to Cover the Costs of City Fees.

This item was removed from it's entirety on the Consent Agenda.

- G. [22-3272](#) Approve the Award of Funds From the Special Event Assistance Program to North Port Area Chamber of Commerce/North Port Young Professionals in Support of a Back to School Bash Event Held on July 30, 2022, in the Amount of \$824 to Cover the Costs of City Fees.

This item was removed from it's entirety on the Consent Agenda.

- H. [22-3273](#) Approve the Award of Funds from the Special Event Assistance Program to People for Trees, Inc. in Support of the Tour de North Port event to be Held on October 23, 2022, in an Amount Up To, and Not to Exceed, \$500 to Cover the Costs of City Fees.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner White spoke to abstaining from the vote due to being an unpaid board member on People for Trees, Inc.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Item No. 22-3273 as presented. The motion carried on the following vote:

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

Abstain: 1 - Commissioner White

- I. [22-3315](#) Approve the Award of Funds from the Special Event Assistance Program to The Environmental Conservancy of North Port and Surrounding Areas in Support of the Race to Conserve 5K Event to be Held on February 18, 2023, in an Amount Up to, and Not to Exceed, \$500 to Cover the Costs of City Fees.

This item was approved on Consent Agenda.

- J. [22-3407](#) Approve the First Amendment to Contract No. 2020-56 School Crossing Guard Services Between the City of North Port and Waterfield Florida Staffing ("Contractor") Allowing for a Rate Increase from \$17.50 an Hour to \$21.30 an Hour.

This item was approved on Consent Agenda.

- K. [22-3387](#) Approve Renewal of Property and Casualty and Risk Management Services, and Accidental Death and Dismemberment (AD&D) Insurance and the 1-Year Extension of Contract Award 2018-74 with Brown and Brown / Risk Management Associates, Inc. for Fiscal Year 2022-2023 in the Budgeted Amount \$1,429,701.

This item was approved on Consent Agenda.

- L. [CC](#)
[CTA-22-152](#) Approve the Consent by the City of North Port, Florida to the Acquisition of Real Property by the West Village Improvement District for a part of Tract 107 of the Islandwalk at the West Villages, Phase 1A Replat, Tract 129 of the Islandwalk at the West Villages, Phase 1B Plat and Tract 148 of the Islandwalk at the West Villages, Phase 1C Plat.

This item was approved on Consent Agenda.

- M. [22-3378](#) Approval of Burton C. Thomas as the Parks and Recreation Advisory Board Representative on the Veterans' Park Advisory Committee to Serve a Term from September 13, 2022, to September 13, 2024.

This item was approved on Consent Agenda.

- N. [22-3270](#) Approval of Michael T. Patricosky and Linda Waugh as Regular Members of the Planning and Zoning Advisory Board to Serve a Four-Year Term from September 13, 2022, to September 13, 2026.

This item was approved on Consent Agenda.

- O. [22-3277](#) Approval of Billy Benton as an Alternate I Member of the Parks and Recreation Advisory Board to Serve a Two-Year Term from September 13, 2022, to September 13, 2024.

This item was approved on Consent Agenda.

- P. [22-3335](#) Approval of Julia Fritz and Rebecca Pearson as Student Members of the Art Advisory Board to Serve a One-Year Term From September 13, 2022, to September 13, 2023.

This item was approved on Consent Agenda.

- Q. [22-3413](#) Approval of David A. Mannino as an Alternate I Member of the Art Advisory Board to Serve a Two-Year Term From September 13, 2022, to September 13, 2024.

This item was approved on Consent Agenda.

- R. [22-3426](#) Approval of Pamela A. Rodriguez as a Regular Member of the Environmental Advisory Board to Serve a Two-Year Term From

September 13, 2022, to September 13, 2024, and Lola M. Robinson as a Student Member of the Environmental Advisory Board to Serve a One-Year Term From September 13, 2022, to September 13, 2023.

This item was approved on Consent Agenda.

- S. [22-3265](#) Approval of Minutes for the July 11, 2022 Commission Workshop, July 19, 2022 Commission Special Meeting, July 19, 2022 Commission Workshop, and July 26, 2022 Commission Regular Meeting

This item was approved on Consent Agenda.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [22-3362](#) Presentation of the Community Economic Development Advisory Board Annual Report for 2021

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Ms. Thomas introduced Board Chair, Nick Warden.

Mr. Worden, Community Economic Development Advisory Chair, provided a presentation to include members & representation in FY2021, obstacles, market feasibility study, business tax equity study, recommendation to Commission to support Suncoast Technical College's (STC) funding needs, annual Sunshine Law Training, broadband access and initiatives, conversations with STC on program needs and future build-out plans, budget, and funding, and cancelled meetings.

Commission questions and discussion took place regarding meeting days and times, hybrid meetings, recognition of the Board, completion of market study, future vocational training at STC, identifying broadband access, and current STC programs, budget and funding.

There was no public comment.

6. PUBLIC HEARINGS:

ORDINANCE - Second Reading

- A. [ORD. NO. 2022-17](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Appendix A - City Fee Structure, to Change Certain Fire Rescue, Parks and Recreation, Facility Rental, and Utility Fees; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Ordinance by title only.

Ms. Faust read the Ordinance by title only.

Mr. Fletcher introduced the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner McDowell, to approve Ordinance No. 2022-17 as presented. The motion carried on the following vote:

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

ORDINANCE - First Reading

B. [ORD. NO. 2022-18](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code, Chapter 17 - Flood Damage Prevention Regulations, Relating to Accessory Structures and Manufactured Homes in Flood Hazard Areas and Definitions; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and requested a motion to direct the City Clerk to read the Ordinance by title only.

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

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

Ms. Faust read the Ordinance by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding explanation of changes based on Florida Statutes.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to continue Ordinance No. 2022-18 to second reading on September 27, 2022. The motion carried on the following vote:

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

C. [ORD. NO. 2022-23](#) An Ordinance of the City of North Port, Florida, Amending Water and Wastewater Capacity Fees; Amending the Code of the City of North Port, Florida, Section 78-30; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and requested a motion to direct the City Clerk to read the Ordinance by title only.

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

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

Ms. Faust read the Ordinance by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding fixture units definition, previous Commission discussion, and rate analysis recommendation.

Public Comment:

Alice Olejnik: expressed concern with water rate increase.

Antonette Symes: expressed concern with rate increase, water quality and usage, and the economy.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made Commissioner McDowell, seconded by Vice Mayor Langdon, to continue Ordinance No. 2022-23 to second reading on September 27, 2022. The motion carried on the following vote:

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

D. [ORD. NO. 2022-24](#)

An Ordinance of the City of North Port, Florida, Regarding Water and Wastewater Utility Line Extension and Connection Charges, Creating an Early Connection Incentive, and Creating a Customer Connection Hardship Program; Amending the Code of the City of North Port, Florida, Section 78-31; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and requested a motion to direct the City Clerk to read the Ordinance by title only.

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

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

Ms. Faust read the Ordinance by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding Line 187 construction credit, clarifying language regarding incentive criteria, extending credit, Line 158 installment payments, criteria for agreement with homeowner, use of wells for irrigation, deferred payment through Sarasota County, backflow requirement, and five-year plan.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Langdon, to define specific infrastructure that qualifies for infrastructure incentives created by language in Line 187 through Line 197.

Commission discussion took place regarding amending the motion.

Mayor Emrich requested a motion to reopen the hearing.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to reopen the Public Hearing. The motion carried on the following vote:

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

Commission questions and discussion took place regarding language relative to replacement of systems on wells, maintenance of currently owned systems, new conversions, language regarding new construction, new infrastructure that enhanced environmental system, clarity in language for septic tank infrastructure replacement, incentive eligibility replacement vs. new construction, adding new and replacement well and septic tank construction credit, and clarity regarding listing specific infrastructure included in the incentive.

Commissioner McDowell withdrew her motion and Vice Mayor Langdon withdrew her second.

Commission discussion continued regarding current language vs. recommended language.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to change to have staff revisit Line 187 new well and septic tank incentive credit and Line 189 recently purchased and installed new or replaced well and septic tank and throughout the Ordinance. The motion carried on the following vote:

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

A motion was made by Commissioner McDowell, to extend incentive credit as staff sees fit for 15 years. The motion died due to lack of a second.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to instruct staff to extend the incentive credit for 10 years. The motion failed on the following vote:

Yes: 2 - Commissioner Luke and Commissioner McDowell

No: 3 - Mayor Emrich, Vice Mayor Langdon and Commissioner White

Vice Mayor Langdon, Mayor Emrich, and Commissioner White dissented due to agreement with five-year plan.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2022-24 to second reading on September 27, 2022

with the approved changes. The motion carried on the following vote:

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

Recess was taken from 11:27 a.m. until 11:40 a.m.

RESOLUTION:

E. [RES. NO. 2022-R-41](#) A Resolution of the City Commission of the City of North Port, Florida, Adopting City Commission Policy No. 2022-01 Related to the Inclusion of Items in the City's Historical Archive; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by title only.

Ms. Faust read the Resolution by title only.

Ms. Jianelli introduced the item.

Commission questions and discussion took place regarding intake log, removal and retention of items, and process for removal and/or destruction.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve Resolution No. 2022-R-41 as presented. The motion carried on the following vote:

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

F. [RES. NO. 2022-R-44](#) A Resolution of the City Commission of the City of North Port, Florida, Vacating a Portion of the Utility and Drainage Easements for Lots 1 and 2, Block 2453, Forty-Ninth Addition to Port Charlotte Subdivision; Providing for Findings; Providing for Recording; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL)

Mayor Emrich announced the item, stated this is a quasi-judicial hearing, and directed the City Clerk to read the Resolution by title only.

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

Commissioner White disclosed a conversation with Applicant.

Commissioner McDowell, Mayor Emrich, Vice Mayor Langdon, and Commissioner Luke had no ex-parte communications.

Ms. Faust stated there were no aggrieved parties.

Amanda Lasada, Applicant, being duly sworn, spoke to request to vacate to allow for installation of a pool.

Carl Bengé, being duly sworn, provided a presentation to include location, lot size, request to vacate, utility agency review, public notice and advertisement, and staff recommendation.

There were no rebuttals by Applicant or Staff.

There was no public comment.

There were no closing arguments by Staff or Applicant.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner McDowell, to approve Resolution No. 2022-R-44 as presented. The motion carried on the following vote:

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

- G.** [RES. NO. 2022-R-57](#) A Resolution of the City Commission of the City of North Port, Florida, Adopting the Annual Utility Rate Schedule for Private Fire Protection Services, the Utility Rate Schedule for Reclaimed Water, the Water System Rate Schedule for Bulk Water, the Utility Rate Schedule for Water and Wastewater Service Deposits; Adopting Automatic Rate Increases; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by title only.

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding inside vs. outside the City reclaimed water rate schedule, opportunity to sell reclaimed water outside City limits, bulk water rate schedule, deposit requirements, and prior Commission Workshop discussion.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Resolution No. 2022-R-57 as presented. The motion carried on the following vote:

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

- H.** [RES. NO. 2022-R-59](#) A Resolution of the City Commission of the City of North Port, Florida, Approving the Subordination of City Utility Interests in Favor of the Florida

Department of Transportation for Highway Purposes; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by title only.

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission discussion took place regarding prior Commission discussion.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to approve Resolution No. 2022-R-59 as presented. The motion carried on the following vote:

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

I. [RES. NO. 2022-R-61](#)

A Resolution of the City Commission of the City of North Port, Florida, Establishing the Threshold for the Economic Stabilization Reserve for Fiscal Year 2022-2023 for The General Fund, The Building Fund, The Fire Rescue District Fund, The Road and Drainage District Fund, and The Solid Waste District Fund, Pursuant to City Commission Policy No. 2020-05; Providing for Findings; Providing for Authorization; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by title only.

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding funds over 10 percent threshold and funds included in the resolution.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to approve Resolution No. 2022-R-61 as presented. The motion carried on the following vote:

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

J. [RES. NO. 2022-R-62](#)

A Resolution of the City Commission of the City of North Port, Florida, Accepting a Permanent Access Easement and Two Temporary

Construction Easements on a Portion of Property Lying in Sections 29, 30, 31 & 32, Township 39 South, Range 21 East as Described in Sarasota County, Florida, Property Appraiser Parcel Identification Number 0996001000; Providing for Incorporation of Recitals; Providing For Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by title only.

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding land location.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve Resolution No. 2022-R-62 as presented. The motion carried on the following vote:

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

RESOLUTION - First Reading:

K. [RES. NO. 2022-R-43](#) A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-2022 for the Interlocal Agreement for a Joint County/Municipality Economic Development Program in the Amount of \$151,213; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and requested a motion to direct the City Clerk to read the Resolution by title only.

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

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

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding co-locating with North Port team, prior Commission discussion, compromise regarding payment and agreement execution, and coordinated relationships between staff and county.

Mr. Fletcher spoke to provided services over the last two years and honoring provided

services.

Commission questions and discussion continued regarding prior discussion and intent, payments owed, rendered services, Quarter three report, and receipt of agreement.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Commissioner White, to continue Resolution No. 2022-R-43 to second reading on September 27, 2022. The motion carried on the following vote:

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

Recess was taken from 12:17 p.m. until 1:17 p.m.

ORDINANCE - First Reading Continued (TO BE HEARD IN THE AFTERNOON)

- L. [ORD. NO. 2022-22](#) An Ordinance of the City of North Port, Florida, Amending the Future Land Use Designation from Agricultural, Estates and Activity Center to Village for a ± 83.417 Acre Area Generally Located North of Interstate 75 and East of Toledo Blade Boulevard; Amending the City of North Port Comprehensive Plan Chapter 2, Future Land Use Map 2-7; Providing for Findings; Providing for Adoption; Providing for Transmittal of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI JUDICIAL)

Mayor Emrich announced the item, stated this is a quasi-judicial hearing, and requested a motion to direct the City Clerk to read the Ordinance by title only.

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

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

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

Mr. Fletcher introduced the item.

Commissioner McDowell disclosed January 20, 2022 meeting with Mr. Boone and John Barnott, January 24, 2022 email from John Barnott, and September 12, 2022 agenda briefing with staff.

Commissioner White, Mayor Emrich, and Vice Mayor Langdon disclosed a January one on one with Mr. Barnott and Mr. Boone.

Commissioner Luke disclosed a January one on one with Mr. Barnott and Mr. Boone, September 9, 2022 one on one with staff, and an email requesting to speak with staff.

Ms. Faust stated there were no aggrieved parties.

Jeffrey Boone, Boone Law Firm, being duly sworn, introduced his team, and spoke to two items being heard, Planning and Zoning Advisory Board (PZAB) recommendation, and prior work on development.

Alexis Crespo, RVI Planning and Landscape Architecture, being duly sworn, provided a presentation to include Toledo Village Comprehensive Plan amendment request, overview, entitlement history, consistency with Comprehensive Plan, future land use map, next steps, and neighborhood meeting.

Mr. Boone spoke to process for development, consistency, and request for approval.

Carl Bengel, being duly sworn, provided a presentation to include petition submittal, review process, City Attorney review, proposed language, consistency with Florida Statutes, and staff recommendation.

There were no rebuttals by Applicant or Staff.

There was no public comments.

Commission questions and discussion took place regarding staff report language, motion language for second reading, location, original Toledo Village plan, property access, extending Activity Center 4, and village zoning coverage.

There were no closing arguments by Staff or Applicant.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, second by Vice Mayor Langdon, to continue Ordinance No. 2022-22 to second reading at a date to be determined. The motion carried on the following vote:

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

M. [ORD. NO. 2022-21](#)

An Ordinance of the City of North Port, Florida, Rezoning ± 789 Acres Located in Section 6, Township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102705 in Official Records of Sarasota County; Section 5 and Section 8, township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102706 in the Official Records of Sarasota County; and Section 15 and 16, township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102706, from No Zoning Designation District (Nzd) to Village District (V); Amending the Official Zoning Map; Providing for Findings; Providing for Filing of Approved Documents; Providing for Conflicts, Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL)

Mayor Emrich announced the item, stated this is a quasi-judicial hearing and requested a motion to direct the City Clerk to read the Ordinance by title only.

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

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

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

Commission disclosed the same ex-parte communications from Ordinance No. 2022-22.

Ms. Faust stated there were no aggrieved parties.

Jeffrey Boone, Boone Law Firm, being duly sworn, spoke to the rezone request including acreage and introduced Alexis Crespo.

Alexis Crespo, RVI Planning and Landscape Architecture, being duly sworn, provided a presentation to include rezone request, current and proposed map comparison, consistency with the Comprehensive Plan, Unified Land Development Code (ULDC) rezone criteria consistency, and request for approval.

Mr. Boone summarized the request and requested approval of the petition.

Carl Bengé, being duly sworn, provided a presentation to include petition submittal, proposed revision to official zoning map, neighborhood meeting, property owner notification and advertising, review by staff and City Attorney, consistency with Florida Statutes, Comprehensive Plan and ULDC, and staff recommendation.

There were no rebuttals by Applicant or Staff.

There was no public comments.

Commission questions and discussion took place regarding staff report depiction of area to be rezoned versus property appraisers.

There were no closing arguments by Staff or Applicant.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2022-21 to second reading at a date to be determined. The motion carried on the following vote:

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

7. GENERAL BUSINESS:

A. [22-3266](#) Discussion and Possible Action Regarding the Approval of the July 14, 2022 Commission Joint Meeting Minutes

Mayor Emrich announced the item.

Ms. Faust introduced the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve the July 14, 2022 Meeting Minutes as presented with the recommended changes. The motion carried on the following vote:

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

B. [22-3377](#) Discussion and Possible Action Regarding Approval of Minutes for the July 12, 2022 Commission Regular Meeting

Mayor Emrich announced the item.

Ms. Faust introduced the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve the July 12, 2022 Meeting Minutes as presented with the recommended changes. The motion carried on the following vote:

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

D. [22-3373](#) Discussion and Possible Action for a Compensation Increase for the City Attorney Achieving Distinction as a Board Certified City, County, and Local Government Lawyer by the Florida Bar, as Required in the City Attorney Employment Agreement

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding prior increase for City Clerk certification achievement, salary and achievement level, and number of statewide designations held.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner McDowell, to approve an 8% salary increase for the City Attorney based on her achievement of board certification, effective on her board certification date of August 1, 2022. The motion failed due to lack of a second.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve a 10% salary increase for the City Attorney based on her achievement of board certification, effective on her board certification date of August 1, 2022.

Commission discussion took place regarding recognition of accomplishment.

The motion carried on the following vote:

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

Ms. Slayton spoke to her achievement.

C. [22-3341](#) Review, Discussion, and Possible Action on the City Attorney's Performance Evaluation

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding average employee increase and percentage amount, and City Clerk 2022 evaluation.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve a 4% salary increase for the City Attorney based on her performance evaluation, effective on her anniversary date of September 7, 2022.

Mr. Fletcher spoke to cost-of-living and the merit increase.

Commission discussion took place regarding recognition of Ms. Slayton, merit increase, and cost-of-living.

The motion carried by the following vote:

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

No: 2 - Commissioner Luke and Commissioner White

Commissioner Luke and Commissioner White dissented due to wanting a higher percentage.

E. [22-3384](#) Discussion and Possible Action Regarding the Historic and Cultural Advisory Board, Public Utilities Advisory Board, Zoning Board of Appeals, and Citizen Tax Oversight Committee Memberships, Board Composition, and Organization and Procedures.

Mayor Emrich announced the item.

Ms. Faust introduced the item.

Commission questions and discussion took place regarding suspending vs. disbanding the Historic and Cultural Advisory Board (HCAB), Historical Society, and process for suspending.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Commissioner White, to

direct the City Clerk to draft an Ordinance to suspend the Historic and Cultural Advisory Board. The motion carried on the following vote:

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

Commission questions and discussion took place regarding suspending vs. disbanding, creating a broader board with conservation aspect, citizen input on revised board, benefits of creating a new board, time frame for creating a new board, and current Environmental Advisory Board (EAB) roles and responsibilities.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to direct the City Clerk to draft an Ordinance to disband the Public Utility Advisory Board. The motion carried on the following vote:

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

Commission questions and discussion took place regarding community and citizen participation, appointing a hearing officer, clarification on current and possible backup Hearing Officer, Hearing Officer schedule, and transition period.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to direct the City Clerk to draft an Ordinance to transition the Zoning Board of Appeals to the Zoning Hearing Officer.

Ms. Slayton spoke to Hearing Officer being Board Certified, coordination of schedule, and a possible backup Hearing Officer.

The motion carried on the following vote:

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

Commission questions and discussion took place regarding number of members appointed to the Citizen Tax Oversight Committee, determining a quorum, annual meeting requirements, concern with a two-member quorum, board responsibility, and postponing action until after November Surtax referendum.

Public Comment:

Phil Stokes: spoke to prior experience on committee and committee purpose.

Commission questions and discussion continued regarding Sarasota County direction regarding creation of the committee, functionality, staff presence, and time spent.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to direct the City Clerk to draft a Resolution amending the Citizen Tax Oversight Committee to state "a majority of the appointed regular members of the committee shall constitute a quorum." The motion carried on the following vote:

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

F. [22-3337](#) Discussion and Possible Action Regarding the City of North Port 2023 State and Federal Legislative Priorities

Mayor Emrich announced the item.

Mr. Fletcher introduced the item including received recommendations, removing effort to receive faster reimbursement from Federal Emergency Management Agency (FEMA) after disasters, and requested direction.

Commission questions and discussion took place regarding removing hospital districts supported by taxes, keeping Warm Mineral Springs (WMS) and Little Salt Springs, mental health, Medicaid, ambulance service, opposing changes to the Certificate of Public Convenience and Necessity (COPCN), Manasota League of Cities (MLC) legislative priority discussion in November, economic development, full funding of Visit Florida, water quality, adding housing, updating residents, median age and children, adding WMS on front flyer, support of Public Emergency Medical Transportation (PEMT) program expansion, adding specifics, Medicaid transport coverage, Legislative Analyst opinion, discussion at a later meeting, process for selecting and evaluating priorities, adding broadband, current priorities, state infrastructure, Home Rule, and Suncoast Technical College (STC) funding.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Manager to adjust the 2023 State Legislative Priorities to remove economic development support for DEO and Visit Florida, remove hospital districts supported taxes, add affordable housing blurb, add Suncoast Technical College (STC) funding blurb, update all statistics to reflect current statistics, and add recommendations for Medicaid and Certificate of Public Convenience and Necessity (COPCN) program. The motion carried on the following vote:

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

No: 1 - Vice Mayor Langdon

Commission questions and discussion continued on STC funding bid increase, expansions, and current funding.

Vice Mayor Langdon dissented due to priorities needing to be strategic and preference to provide input to Legislative Analyst for him to provide Commission with suggestions on the list and evaluate criteria for items of importance.

Mr. Fletcher spoke on deadlines and meetings.

A motion was made by Commission McDowell, seconded by Commissioner Luke, to direct the City Manager to adjust the 2023 Federal Legislative Priorities to remove North Port supports Home Rule, remove Federal Emergency Management Agency (FEMA) disaster reimbursement, and update statistics on back side. The motion carried on the following vote:

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

Recess was taken from 3:30 p.m. until 3:40 p.m.

- G.** [22-3436](#) Discussion and Possible Direction Regarding a City Commission Policy on Final Plat Mylar Signatories

This item was removed from the Agenda in its entirety.

- H.** [22-3258](#) Discussion and Possible Action Regarding Designating “No Wake” Zones in City Canals

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding No Wake Zones, boat speeding, videos submitted, banning of combustion power engines, law enforcement involvement, state enforcement, speed limits within waterways, identified complaint locations, water control structures, canals, staff recommendations, No Floating No Wake signs, and Blue Ridge Lake and Cocoplum waterway.

Mr. Speake spoke to prior discussion, enforcement, identified complaint locations, staff recommendation, and signage.

Commission questions and discussion continued regarding inclusion of Blue Ridge Lake, complaint locations, enforcement of No Wake Zones, idle only vs. No Wake Zone, and resolution approval prior to installing signage.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commission Luke, seconded by Vice Mayor Langdon, to direct staff to draft a Resolution to create "no wake" zones in designated city canals.

Commission questions and discussion continued regarding all City canals.

Commissioner Luke withdrew her motion and Vice Mayor withdrew her second.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to direct staff to draft a Resolution for "no wake" zones within the Cocoplum Waterway and Blue Ridge Waterway, as recommended by staff. The motion carried on the following vote:

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

- I.** [22-3264](#) Discussion and Possible Direction Regarding the Prohibition of Smoking in Public Parks.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner Luke and staff spoke to the item to include research of surrounding municipalities, designated smoking areas, Parks and Recreation and Environmental Advisory Board (EAB) recommendations, prohibiting at all parks and beaches, and evaluating educational signage.

Commission questions and discussion took place regarding enforcement, Ordinance violations, fines, festival areas, citizen consideration, cigars, smoking filters, support of Teens Against Tobacco, designating smoking areas, self policing, vaping, dog parks, state enforcement, and environmental aspect.

Ms. Faust read the following public eComment into the record:

Charles Dunault: expressed support of prohibiting and banning smoking in parks.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Commissioner White, to direct staff to draft an Ordinance prohibiting smoking in public parks. The motion carried on the following vote:

Yes: 2 - Commissioner Luke and Commissioner White

No: 3 - Mayor Emrich, Vice Mayor Langdon and Commissioner McDowell

Commissioner McDowell dissented due to concern may not exist, State Statutes allowing cigars, City enforcement, and creating exceptions.

Mayor Emrich dissented due to deterrent of parks and enforcement.

Vice Mayor Langdon dissented due to exceptions and prejudicial aspects.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

A. [22-2512](#) Mayor Emrich's Report

Mayor Emrich reported on events attended.

B. [22-2513](#) Vice Mayor Langdon's Report

Vice Mayor Langdon did not have anything to report.

C. [22-2514](#) Commissioner Luke's Report

Commissioner Luke reported on events and activities attended.

D. [22-2515](#) Commissioner McDowell's Report

Commissioner McDowell expressed kudos to staff on Workplace Mental Health award and the Remember the Fallen 5K Memorial Run and reported on events and activities attended.

E. [22-2516](#) Commissioner White's Report

Commissioner White reported on events attended.

10. ADMINISTRATIVE AND LEGAL REPORTS:

Mr. Fletcher did not have anything to report.

Ms. Slayton expressed her appreciation of feedback and support.

Ms. Faust did not have anything to report.

11. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 4:38 p.m.

City of North Port, Florida

By: _____
Pete Emrich, Mayor

Attest: _____
Heather Faust, City Clerk

These minutes were approved on the ____ day of _____, 2022.