



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft City Commission Regular Meeting

CITY COMMISSIONERS

Debbie McDowell, Mayor

Jill Luke, Vice Mayor

Christopher Hanks, Commissioner

Pete Emrich, Commissioner

Vanessa Carusone, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager

Amber L. Slayton, City Attorney

Heather Taylor, Interim City Clerk

Tuesday, November 26, 2019

6:00 PM

CITY COMMISSION CHAMBERS

CALL TO ORDER

Mayor McDowell call the meeting to order at 6:00 p.m.

ROLL CALL

Present: 4 - Mayor Debbie McDowell, Vice Mayor Jill Luke, Commissioner Christopher Hanks and Commissioner Pete Emrich

Absent: 1 - Commissioner Vanessa Carusone

Also Present:

City Manager Pete Lear, City Attorney Amber Slayton, Interim City Clerk Heather Taylor, Police Chief Todd Garrison, Neighborhood Development Services Director Frank Miles, Public Works Director Julie Bellia, Planning Division Manager Nichole Galehouse, Engineering Division Manager Gerardo Traverso, and Recording Secretary Ida Goodman.

The Pledge of Allegiance was led by Mr. Miles.

1. APPROVAL OF AGENDA

Mr. Lear noted that Consent Agenda item 19-1398 is to be removed from the Agenda.

Discussion ensued regarding moving the order of agenda items.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve the agenda moving Proclamations after Announcements and moving item 19-1949 after the Consent Agenda, moving item 2019-R-28 after item 19-1949 and item 19-1388 after item 2019-R-28. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

2. PUBLIC COMMENT:

Joan Morgan - Aquatic Center
Randy Sleet - Single use plastic products

3. ANNOUNCEMENTS

- A. [19-1412](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the Current Vacancies and Upcoming Expiration for Boards and Committees into the record.

5. PROCLAMATIONS AND CEREMONIAL ITEMS:

- A. [19-1252](#) Proclaim December 3, 2019 as Giving Tuesday.

The Commission presented the Proclamation.

- B. [19-1430](#) Recognition of Students as Part of the Do the Right Thing Program

North Port Police presented the Recognitions.

4. CONSENT AGENDA:

Mr. Lear noted that item 19-1351 and 19-1389 should be pulled for discussion.

A motion was made by Commissioner Hanks, seconded by Vice Mayor Luke, to approve the Consent Agenda pulling items 19-1351 and 19-1398 for discussion. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- A. [19-1156](#) Approve the Technology Service Agreement between Sarasota County and the City of North Port for the Provision of Host Services for Police Department Servers and Network Equipment for the Back-up Dispatch Center at an Annual Cost of \$11,101.68, and to Authorize the City Manager to Execute any Subsequent Renewal Term Under the Same Terms and Conditions.

This item was approved on the Consent Agenda.

- B. [19-1281](#) Approve Equitable Sharing Agreement and Certification between the U.S. Department of Justice, the U.S. Department of Treasury and the City of North Port.

This item was approved on the Consent Agenda.

- C. [19-1303](#) Approve Utilization of Florida State Contract No. 43211500-WSCA-15-ACS, Computer Equipment with Application of Florida Statute §287.056(2) to Obtain Lower Pricing, for the Purchase of Computers and Accessories with Computers at Work, DBA vTECHio, in the Estimated Amount of \$110,402.09.

This item was approved on the Consent Agenda.

- D. [19-1350](#) Approve the Award of Contract No. 2020-06, Butler Park Playground Equipment, Shade Cover, and Fall Zone Material to Advanced Recreational Concepts in the Amount of \$199,854.17.

This item was approved on the Consent Agenda.

- E. [19-1351](#) Approve Licensed Training Provider Agreement with the American National Red Cross for a Thirty-Six Month Term

Discussion ensued regarding difference between Red Cross and Sun Guard Elite certifications, and swim lesson fees.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve the Licensed Training Provider Agreement with the American National Red Cross. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- F. [19-1357](#) Approve Utilization of the OMNIA Partners Contract for Home Depot U.S.A. Inc. and OMNIA Partners Cooperative Purchasing Agreement For Lowe's Home Centers, LLC for the Procurement of Maintenance, Repair and Operating Supplies and Related Services in the Combined City-Wide Estimated Amount of \$130,000.00.

This item was approved on the Consent Agenda.

- G. [19-1372](#) Approve Article 5, Compensation, a Reopener Article, of the Collective Bargaining Agreement (CBA) between the City of North Port and the Southwest Florida Police Benevolent Association, Inc., (PBA) for the Period October 1, 2017, to September 30, 2020.

This item was approved on the Consent Agenda.

- H. [19-1338](#) Appoint Morgan Scott as an At-Large Member on the North Port Youth Council.

This item was approved on the Consent Agenda.

- I. [19-1389](#) Appoint James Hersh as a Regular Member on the Parks & Recreation Advisory Board.

Discussion ensued regarding residency requirements for Board Members.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue item No. 19-1389 to the January 14, 2020 Commission Meeting. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- J. [19-1398](#) Appoint Kevin Vespia as the Fifth Trustee Chosen by a Majority Vote of the Other Four Trustees to Serve an Additional Two-Year Term on the North Port Police Officer's Pension Board.

This item was removed from the agenda.

- K. [19-1413](#) Approve Minutes for the October 7, 2019 Commission Workshop Meeting, November 4, 2019 Commission Workshop Meeting, and November 5, 2019 Commission Public Workshop Meeting.

This item was approved on the Consent Agenda.

GENERAL BUSINESS:

- A. [19-1429](#) Discussion and Possible Action Regarding Changes to Ordinance No. 2019-06, Impact Fee Ordinance

Mr. Lear introduced the item and provided an overview.

Discussion ensued regarding the effective date and intent of the Ordinance, current and pending impact fees, current paid impact fee revenues, cutoff date for new impact fees, history of impact fee moratorium and impact fee study, options for impact fees prior to the effective date of the Ordinance, process for changing the Ordinance and advertising notice requirements.

Public comment:

Gabriela Donlsey - Opposition to increase in Impact fees

Mario Perez - Opposition and notification to increase in Impact fees

Josh Beyer - Opposition to increase and application of Impact fees

John Luczynski - Notice of increase and opposition to impact fees

Larry Tenbusch - Opposition to the implementation of the increase to the Impact fees

Discussion continued regarding Florida State Statutes notice requirements, refunding impact fees submitted prior to Ordinance, possibility of a moratorium, timeline for a new Ordinance and Commission direction, providing temporary Certificate of Occupancy, designated date to obtain a Certificate of Occupancy and paying the pre-existing impact fees previously quoted prior to a new Ordinance, refunds due to Ordinance and FY 2019-2020 budget accounting for impact fees.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to direct staff to bring a new Ordinance to address the impact fee setting the time of the June 11, 2019 Ordinance that any open permits up to that date would reflect the old impact fee percent from June 12, 2019 forward the new 74% impact fee would be in effect and when the new Ordinance is brought before Commission and codified those who have already paid the higher impact fee would be refunded the

over payment and there will be notification giving one year for those with open permits prior to June 11, 2019 one year from the codification date of the new Ordinance to obtain a Certificate of Occupancy and provide a new Ordinance as soon as possible. The motion carried on the following date:

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

Absent: 1 - Commissioner Carusone

Discussion ensued regarding having first reading on December 17, 2019 and second reading of the new Ordinance on January 2, 2020.

Recess was taken from 6:55 p.m. to 7:05 p.m.

RESOLUTIONS:

L. [RES. NO. 2019-R-28](#)

A Resolution of the City of North Port, Florida, Authorizing the Acquisition of Multiple Parcels of Real Property Located at the End of Vestridge Drive, South of the Unimproved Spring Haven Drive, South of the West Price Boulevard and West of South Sumter Boulevard in North Port, Florida and Described as Parcel Identification Numbers 0976265022, 0976265023, 0976265024, 0976265025, 0976265210; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Mr. Lear introduced the item and provided an overview.

Ms. Taylor read the Resolution by title only.

Discussion ensued regarding policy for cost limitations for land purchases, Spring Haven as a priority and using the properties purchases for conservation.

Public comment:

Lowery Reed - support of Resolution

Laura Ross - conservation and recreational space

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Resolution 2019-R-28 as presented. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

There was a consensus to have the City Manager work with the City Attorney or vise versus to bring back within 3 months an agenda item with information to turn these parcels, the beige parcels and the green parcels already owned by the City into a conservation easement.

GENERAL BUSINESS:

- E. [19-1388](#) Discussion and Possible Action Regarding Agreement with Teen Court of Sarasota, Inc. to Address Terms and Conditions while Utilizing Space in City Facilities

Mr. Lear introduced the item and provided an overview.

Discussion ensued regarding the benefit of Teen Court, efforts of staff and Teen Court to bring a Memorandum of Understanding to curation, rooms and times for Teen Court, room 233 should be changed to 244, ramifications if there is property damage or unkept area, and agreement termination requirements and process.

A motion was made by Commissioner Hanks, seconded by Vice Mayor Luke, to approve the agreement with Teen Court of Sarasota, Inc. to address terms and conditions while utilizing space in City facilities. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

6. PUBLIC HEARINGS:**PETITIONS:**

- A. [CC](#)
[GEN-19-259](#) Approve West Villages Improvement District (WVID) Consent to Acquisition of Real Property for Preto Boulevard

Mr. Lear introduced the item and provided an overview.

A motion was made by Commissioner Hanks, seconded by Vice Mayor Luke, to approve Petition GEN-19-259 as presented. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- B. [CC](#)
[VAR-19-172](#) Juliana Bellia, Public Works Director, on Behalf of Property Owner, the City of North Port, is Requesting a Variance from the Unified Land Development Code to Allow no Street Trees where Street Trees are Required. The Project Extends ± 14,497 Feet (± 2.75 miles) on Price Boulevard from the Intersection of Price Boulevard and Sumter Boulevard to the Intersection of Price Boulevard and Toledo Blade Boulevard (QUASI-JUDICIAL)

Ms. Taylor read Variance 19-172 into the record and swore in all those wishing to provide testimony.

Mayor McDowell reported she received an email regarding this item which she forwarded to the City Manager and City Clerk, Vice Mayor Luke and Commissioners Emrich and

Hanks reported they had no ex parte communications.

Ms. Bellia, being duly sworn, noted that she was the applicant and provided an overview.

Ms. Galehouse, being duly sworn, provided an overview on the process for a variance, the application, findings and criteria to grant a variance, advertising requirements and reported there were no aggrieved parties.

In rebuttal, Ms. Bellia noted that if designed differently, 4 of the criteria could be met which would require a costly re-design, and the current design follows previous Commission direction.

There was no rebuttal from staff.

Public comment:

Martin Lumpert, being duly sworn, right-of-way maintenance responsibilities.

Natalija Lumpert, being duly sworn, right-of-way maintenance responsibilities.

Addressing a concern from Commission, Ms. Galehouse clarified that the variance application fails 3 1/2 of the required criteria.

City staff had no closing arguments.

Ms. Bellia, noted that the design was by Commission direction and believes all criteria have been met.

Discussion ensued regarding types of trees that can be planted, and shade tree Code requirements.

Mayor McDowell re-opened the public hearing for questions.

Ms. Bellia addressed concerns noting that if major shade trees are planted it would require a complete re-design of the project and Ms. Galehouse noted all major tree requirements and anything different would require a different variance.

Mr. Traverso clarified the issues with creating a landscape island, Florida Department of Transportation requirements regarding landscaping on/along a roadway with a 45 mile per hour speed limit and current landscaping design.

Discussion continued regarding current traffic flow on Price Boulevard, and Planning Zone Board of Appeals Variance approval.

A motion was made by Vice Mayor Luke, seconded by Mayor McDowell, to deny Petition No. Var-19-172, requesting a Variance from Unified Land Development Code Section 45-20.A(1) to allow for no street trees where major shade trees are required, and hereby find that the Variance is contrary to the public interest, a lateral enforcement of the Code provision would not result in unnecessary hardship due to special conditions, the reasons set forth in the Variance would not be in harmony with the general purpose and intent of chapter 21 of the Unified Land Development Code and will be injurious to the surrounding territory or otherwise be detrimental to the public welfare and that the competent substantial evidences does not show and criteria sections 1, 2, 3 and 1/2 of 4 do not meet the required criteria. The motion failed by the following vote:

Yes: 1 - Vice Mayor Luke

No: 3 - Mayor McDowell, Commissioner Hanks and Commissioner Emrich

Absent: 1 - Commissioner Carusone

A motion was made by Commission Hanks, seconded by Commissioner Emrich to approve Petition No. Var-19-172, requesting a variance from Unified Land Development Code Section 45-20.A(1) to allow for no street trees where major shade trees are required, and hereby find that the Variance is not contrary to the public interest, that due to special conditions, a lateral enforcement of the Code provision would result in unnecessary hardship, the reasons set forth in the application justify the granting of the Variance that would make possible the reasonable use of the land, buildings, or other improvements, the granting of the Variance would be in harmony with the general purpose and intent of Chapter 21 of the Unified Land Development Code and will not be injurious to the surrounding territory or otherwise be detrimental to the public welfare and that all four criteria in ULDC Section 21-17 exist. The motion carried by the following vote:

Yes: 3 - Mayor McDowell, Commissioner Hanks and Commissioner Emrich

No: 1 - Vice Mayor Luke

Absent: 1 - Commissioner Carusone

C. [CC](#)
[VAR-19-170](#)

Juliana Bellia, Public Works Director, on Behalf of Property Owner, the City of North Port, is Requesting a Variance to Allow for a 100-Foot Right-of-Way where a 120-Foot Right-of-Way is Required by the City of North Port Unified Land Development Code (ULDC). The Project Extends $\pm 14,497$ Feet (± 2.75 Miles) on Price Boulevard from the Intersection of Price Boulevard and Sumter Boulevard to the Intersection of Price Boulevard and Toledo Blade Boulevard (QUASI-JUDICIAL)

Ms. Taylor read Variance 19-172 into the record and swore in all those wishing to provide testimony.

Mayor McDowell reported she received an email regarding this item which she forwarded to the City Manager and City Clerk, Vice Mayor Luke and Commissioners Emrich and Hanks reported they had no ex parte communications.

Ms. Bellia, being duly sworn, provided an overview and reviewed the criteria to grant the variance.

Ms. Galehouse, being duly sworn reviewed the staff findings and noted that staff is recommending granting the Variance and there were no aggrieved parties.

There were no rebuttal from the applicant or staff.

Public comment:

Paul Blucher, being duly sworn - design of the Price Boulevard widening project.

Natalija Lumpert, being duly sworn - Price Boulevard right-of-way.

Martin Lumpert, being duly sworn - Variance for right-of-way and City maintenance responsibilities. responsibilities for right-of-way

Staff and Applicant stated they had no closing arguments.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Petition No. Var-19-170, requesting a variance from Unified Land Development Code Section 37-31, to allow for a 100-foot right-of-way where a 120-foot right-of-way is required, and thereby find that the Variance is not contrary to the public interest, that due to special conditions, a literal enforcement of the Code provision would result in unnecessary hardship, the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings, or other improvements, the granting of the variance would be in harmony with the general purpose and intent of Chapter 37 of the Unified Land Development Code and will not be injurious to the surrounding territory and otherwise be detrimental to the public welfare and that the competent substantial evidence shows that all four (4) are fulfilled. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

D. [CC](#)
[VAR-19-171](#)

Julianna Bellia, Public Works Director, on Behalf of Property Owner, the City of North Port, is Requesting a Variance from the Unified Land Development Code to Allow a 10-Foot Wide Multi-Modal Path to Include a Sidewalk and Bike Lane Where a Minimum 8-Foot Wide Sidewalk and a Minimum 7-Foot Wide Bike Path is Required. The Project Extends $\pm$ 14,497 Feet ($\pm$ 2.75 miles) on Price Boulevard from the Intersection of Price Boulevard and Sumter Boulevard to the Intersection of Price Boulevard and Toledo Blade Boulevard (QUASI-JUDICIAL)

Ms. Taylor read Variance 19-171 into the record and swore in all those wishing to provide testimony.

Mayor McDowell, Vice Mayor Luke and Commissioner Hanks reported they received an email regarding this item which they will forward to the City Manager and City Clerk, Commissioner Emrich reported no ex parte communications.

Ms. Bellia, being duly sworn, applicant, provided an overview, reviewed the criteria for granting of the variance and purpose of the variance.

Ms. Galehouse, being duly sworn, reviewed the request for a variance, noted the criteria required to grant the variance, staff recommends approval and advertising requirements were met.

There were no rebuttals from applicant or staff and there were no aggrieved parties.

Public comment:

Mike Lasche - Bike lanes.

Ms. Lumpert - right-of-way on Price Boulevard

Mr. Lumpert - right-of-way responsibilities

Discussion ensued regarding design of the project, designing for a sidewalk and bike lane, complete street concept, submitted permits to Southwest Florida Water Management District (SWFWMD), previous Commission direction, Florida Department of Traffic requirements, required speed limits, and future bike racks.

Recess was taken from 9:56.m. to 10: 10 p.m.

A motion was made by Commissioner Hanks, seconded by Commissioner Emrich, to approve Petition No. Var-19-171, requesting a Variance from Unified Land Development Code Sections 37-39 and 37-41, to allow for a 10-foot multi-use path where an 8-foot sidewalk and 7-foot bike lane are required, and here by find that the Variance is not contrary to the public interest, that due to special conditions, a literal enforcement of the Code provisions would result in unnecessary hardship, the reasons set forth in the application justify the granting of the Variance that would make possible the reasonable use of the land, buildings, or other improvements, the granting of the Variance would be in harmony with the general purpose and intent of Chapter 37 of the Unified Land Development Code and will no be injurious to the surrounding territory or otherwise be detrimental to the public welfare and that the competent substantial evidence shows (1) That special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures or required subdivision improvements; (2) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties with similar conditions; (3) That the special conditions and circumstances do not result from the actions of the applicant; and (4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands which are contrary to this chapter shall be considered grounds for the issuance of a variance. The motion carried as follows:

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

Absent: 1 - Commissioner Carusone

There was a consensus to move Ordinance No. 2019-46 to the December 5, 2019 Commission Meeting.

ORDINANCES: Second Reading

- E. [ORD. NO. 2019-11](#) An Ordinance of the City of North Port, Florida, Amending the City of North Port Unified Land Development Code to Allow for Urban Market Gardens by Amending Chapter 25 – Parking and Loading Regulations, Article II – Off-Street Parking, Section 25-17 – Minimum Off-Street Parking Requirements; Amending Chapter 53 – Zoning Regulations, Part 2 – Schedule of District Regulations to Allow Urban Market Gardens as a Permitted Principal Use in the CG Commercial General District, CG-S Commercial General Special District, ILW Light Industrial and Warehousing District, and NC-HI/NC-LI Neighborhood Commercial High/Low Intensity Districts; Amending Part 3 – Special District Regulations, Article XX Special Circumstance Regulations, Section 53-240 Special Structures; Amending Chapter 55 – Activity Center Design Regulations to Allow Urban Market Gardens as a Permitted Principal Use in Panacea (Activity Center #4), Midway (Activity Center #5), The Shire (Activity Center #6), And The Gardens (Activity Center #8); Amending Chapter 61 Definitions, Section 61-3 Definitions and Word Usage; Providing for Findings; Providing for Adoption; Providing for Conflicts;

Providing for Severability; Providing for Codification; and Providing an Effective Date. (TXT-18-208)

Ms. Taylor read Ordinance No. 2019-11 by title only.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Ordinance No. 2019-11 as presented. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- F. [ORD. NO. 2019-48](#) An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2018-19 by Providing for Changes related to Fleet Management, Self Insurance and Employee Benefits; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Ms. Taylor read Ordinance No. 2019-48 by title only

Mr. Lear introduced the item and provided an overview.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Ordinance No. 2019-48 as presented. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

ORDINANCES: First Reading

- G. [ORD. NO. 2019-46](#) An Ordinance of the City of North Port, Florida, Adopting the West Villages Village District Pattern Book for ±8000 Acres in the "Village" Future Land Use; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

This item was postponed to the December 5, 2019 Commission meeting.

- H. [ORD. NO. 2019-50](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Bring Meeting Notice and Advertisement Requirements of the Fire Rescue District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article II – North Port Fire Rescue District, Section 66-33 – Meetings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to read Ordinance No. 2019-50 by title only. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

Ms. Taylor read Ordinance No. 2019-50 by title only.

Mr. Lear introduced the item and provided an overview.

Discussion ensued regarding Ordinance public notice requirements.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2019-50 for second reading on December 10, 2019. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- I. [ORD. NO. 2019-51](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Provide Consistency and to Bring Meeting Notice and Advertisement Requirements of the Road and Drainage District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article III – Road and Drainage District, Section 66-51 – Governing Body, and Section 66-60 – Meetings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks to read Ordinance No. 2019-51 by title only. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

Ms. Taylor read Ordinance No. 2019-52 by title only.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks to move Ordinance No. 2019-51 to the December 10, 2019 Commission meeting for second reading. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- J. [ORD. NO. 2019-52](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Provide Consistency and to Bring Meeting Notice and Advertisement Requirements of the Solid Waste District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article IV – Solid Waste District, Section 66-86, Section 66-87, and Section 66-94; and by Creating Section 66-97; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing An Effective Date.

A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks to

read Ordinance No. 2019-52 by title only. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

Ms. Taylor read Ordinance No. 2019-52 by title only.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich to move Ordinance No. 2019-52 to the December 10, 2019 Commission meeting for second reading. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- K.** [ORD. NO. 2019-53](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida Related to Advisory Boards, by Repealing in Its Entirety Chapter 4, Article V, Entitled "The Beautification and Tree/Scenic Highway Committee"; by Amending Section 4-182 Regarding the Powers and Duties of the Environmental Advisory Board; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to read the Ordinance 2019-53 by title only. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

Ms. Taylor read Ordinance No. 2019-53 by title only.

Ms. Slayton provided an overview noting that she was given direction to repeal the Beautification and Tree/Scenic Highway Committee and move certain duties to the Environmental Advisory Board.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to move Ordinance 2019-53 to the December 10, 2019 Commission meeting for seconds reading. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

RESOLUTIONS:

- M.** [RES. NO. 2019-R-27](#) A Resolution of the City of North Port, Florida, Directing the City Manager to Temporarily Suspend Enforcement of Section 42-24 of the Code of the City of North Port, Florida, Entitled "Maintenance of Stormwater Drainage Area," Subsections (a)(1)b, (a)(2)b, (a)(3), and (a)(4), Solely as it Pertains to the Requirement to Mow the Center of the Swales; Providing for

Conflicts; Providing for Severability; and Providing an Effective Date.

Ms. Taylor read Resolution 2019-R-27 by title only.

Mr. Lear introduced the item and provided an overview.

Ms. Bellia clarified that Unified Land Development Code Section 3.01 in the duration will be amended by the date reflected in the section.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to approve Resolution 2019-R-27 as presented. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

7. GENERAL BUSINESS:

- B. [19-1319](#)** Discussion and Possible Action Regarding Signing the City of Miami Beach's Amicus Curiae Brief Related to Preemption of Human Rights Ordinances in Yanes, et al. v. OC Food & Beverage, LLC, et al., Case No. 5D19-1853 (5th DCA Fla.)

Ms. Slayton provided an overview and clarified the purpose of the item and the Amicus Curiae Brief due date.

Discussion ensued regarding the City's Human Rights Ordinance and the City Attorney updating the Commission as necessary.

A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to allow the City Attorney to sign the Miami Beach Amicus Curiae Brief related to the preemption of Human Right Ordinances in Yangs versus OC Food and Beverages, LLC, Case No. 5D19-1853. The motion carried by the following vote:

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

Absent: 1 - Commissioner Carusone

- C. [19-1334](#)** Discussion and Possible Action to Compose a Resolution for Best Practice Procedure/Policy for the Reduction of Single Use Plastics on City Properties.

Vice Mayor Luke introduced the item and provided an overview.

Discussion ensued regarding mirroring Sarasota County denying the use of plastic products in public locations, setting a procedure for the use of plastic products, setting a best practice resolution reducing the use of plastic products, removing the use of plastic bottles on the dais, and request for a consensus to set a best practice Resolution.

Ms. Bellia spoke to changing the culture by recommending reusable containers and providing recycling trash containers.

Discussion continued regarding signage, promoting the reduction of the use of single use

plastic products, employees and Commission setting an example of reducing the use of single use plastic, alternatives to the single use plastic products, the need to apply pressure for change, businesses taking a stance on the reduction of plastic products, supplying recycle bins for parks and other city locations, education and promotion of alternatives to plastic products, Solid Waste and other City Departments to continue to work on the going green efforts and to revisit this issue in the future.

- D. [19-1344](#) Discussion and Possible Direction Related to RLI 2020-10 Redevelopment and Financing of City of North Port Dallas White Park Campus

It was requested to move this to a workshop within 3 months.

Mr. Lear noted that there were no responses from the Request for a Letter of Intent and requested the Commission give direction to staff moving forward with this project.

There was a consensus to direct staff to work on ideas and bring back to Commission for discussion on the Dallas White Park Master Plan project.

- F. [19-1397](#) Discussion Regarding Florida League of Cities Legislative Priorities

Vice Mayor Luke introduced the item and requested a consensus.

There was a consensus for the City Manager to send a letter supporting the Florida League of Cities legislative priorities to elected officials and committees.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

- A. [19-1421](#) Commissioner Emrich's Communications

Commissioner Emrich had nothing to report.

- B. [19-1422](#) Commissioner Carusone's Communications

- C. [19-1423](#) Commissioner Hanks' Communications

Commissioner Hanks had nothing to report.

- D. [19-1424](#) Vice Mayor Luke's Communications

Discussion ensued regarding a Proclamation for Emanne Beasha, abolishing the taxation for Sarasota Memorial Hospital, movement to ratify the women's right to vote and attendance at the Florida League of Cities, Arts on the Green, sculpture reveal event, Skywarn meeting and the Heron Creek Foundation grant awards ceremony.

There was a consensus to develop a Resolution to address the ratification of women's right to vote.

- E. [19-1425](#) Mayor McDowell's Communications

Mayor McDowell reported she attended the Tourist Development Council.

It was reported that the Selby YMCA Aquatic Center's schedule is full and unable to accommodate more events and competitions, and the City Manager agreed to reach out to staff to contact the YMCA to promote the North Port Aquatic Center.

Discussion ensued regarding letters to newly elected officials and letters to developers regarding impact fee estimates and a consensus was requested to include a presentation on the December 5, 2019 Commission agenda due to the deadline for agenda items passing and the presenter traveling from out of town.

There was a consensus to include a presentation on the December 5, 2019 Commission Agenda.

10. ADMINISTRATIVE AND LEGAL REPORTS:

A. [19-1387](#) City Manager Report

Mr. Lear had nothing to report.

B. [19-1374](#) City Attorney Report

Ms. Slayton had nothing to report.

C. [19-1420](#) City Clerk Report

Ms. Taylor reported that Commissioner Carusone sent an email requesting a Proclamation recognizing December 5, 2019 as Gary Stouch Day.

There was a consensus to create a Proclamation recognizing December 5, 2019 as Gary Stouch Day.

11. ADJOURNMENT:

Mayor McDowell adjourned the meeting at 11:30 p.m.

City of North Port, Florida

By: _____
Debbie McDowell, Mayor

Attest: _____
Heather Taylor, Interim City Clerk

Minutes approved at the Commission Regular Meeting this ____ day of _____, 2020.