



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, October 25, 2022

6:00 PM

City Commission Chambers

CALL TO ORDER

Mayor Emrich called the meeting to order at 6:00 p.m.

ROLL CALL

Present: 4 - Commissioner Pete Emrich, Vice Mayor Barbara Langdon, Commissioner Debbie McDowell and Commissioner Alice White

Also Present:

City Manager Fletcher, City Attorney Slayton, City Clerk Faust, Police Officer Segura, Fire Chief Titus, Parks and Recreation Director Sandy Pfundheller

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Debbie McDowell.

1. APPROVAL OF AGENDA

Mayor Emrich requested a motion to approve the agenda.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the Agenda as presented. The motion carried on the following vote:

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

2. PUBLIC COMMENT:

There was no public comment.

3. CONSENT AGENDA:

Mayor Emrich announced the item, queried the City Manager regarding items pulled from the consent agenda for discussion, and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve the Consent Agenda as presented. The motion carried on the following vote:

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

- A. [22-2760](#) Approve the Amended Tenant Lease Agreement between the City of North Port and AARP Foundation, Inc. for Suite B105 at the Family Service Center

This item was approved on the Consent Agenda.

- B. [CC](#)
[CTA-22-204](#) Approve the Consent by the City of North Port, Florida to the Acquisition of Real Property by the West Villages Improvement District for Tracts 6 & 7, Wellen Park Village E Plat located along the shared property line of the tracts.

This item was approved on the Consent Agenda.

- C. [22-3629](#) Approve the September 26, 2022 Commission Special Meeting Minutes

This item was approved on the Consent Agenda.

- D. [22-3639](#) Approve Amendment No. 5 to Agreement No. 2005-05 Between the City of North Port and TGW Engineering, Inc. to Provide Construction Engineering Services for the Myakkahatchee Creek Greenway Nature Trail in the Amount of \$47,671, for a Total Contract Amount of \$318,157, and Authorize a Contingency Amount of up to \$4,000.

This item was approved on the Consent Agenda.

- E. [22-3645](#) Approval of the Application of Personnel Policy Manual Section 2.17 for Emergency Pay for Charter Officers, Heather Faust, MMC, City Clerk and Amber L. Slayton, B.C.S., City Attorney.

This item was approved on the Consent Agenda.

- F. [22-3648](#) Approve the Ratification of Emergency Orders No. 2022-05 Terminating Emergency Order No. 2022-04; No. 2022-06 Relating to Extension of Business Tax Receipts; No. 2022-07 Relating to Waiver of Water and Wastewater Late Fees; No. 2022-08 Relating to Temporary Business Signs; No. 2022-09 Relating to Suspension of Time Limitations for Living or Camping in Vehicles on Residential Lots; No. 2022-10 Relating to the Temporary Reduction of Members Required to Constitute a Quorum for the Zoning Board of Appeals; and No. 2022-11 Amending Emergency Order No. 2022-10.

This item was approved on the Consent Agenda.

- G. [22-3655](#) Approve the September 22, 2022 Commission Special Meeting Minutes

This item was approved on the Consent Agenda.

- H. [22-3656](#) Approve the October 11, 2022 Commission Regular Meeting Minutes
This item was approved on the Consent Agenda.

4. PUBLIC HEARINGS:

ORDINANCE - Third Reading:

- A. [ORD. NO. 2022-14](#) An Ordinance of the City of North Port, Florida, Increasing Certain Building Fees under the City Fee Structure; Amending the Code of the City of North Port, Florida, Appendix A – City Fee Structure, Section D, Building Fees; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and called on the City Clerk to read 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 Commissioner Luke, seconded by Vice Mayor Langdon, to adopt Ordinance No. 2022-14 as presented. The motion carried on the following vote:

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

- 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 called on the City Clerk to read 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 Luke, to adopt Ordinance No. 2022-18 as presented. The motion carried on the

following vote:

Yes: 5 - Commissioner Emrich, Vice Mayor Langdon, 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 called on the City Clerk to read 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 Commissioner McDowell, seconded by Commissioner Luke, to adopt Ordinance No. 2022-23 as presented. The motion carried on the following vote:

Yes: 5 - Commissioner Emrich, Vice Mayor Langdon, 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 called on the City Clerk to read 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 Commissioner McDowell, seconded by Vice Mayor Langdon, to adopt Ordinance No. 2022-24 as presented. The motion carried on the following vote:

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

ORDINANCE - Second Reading:

- E. [ORD. NO. 2022-29](#) An Ordinance of the City of North Port, Florida, Repealing Chapter 4, Article VIII the Code of the City of North Port, Florida, and Thereby Disbanding the Public Utility Advisory Board; Providing for Findings; Providing for Conflicts; Providing Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and called on the City Clerk to read by title only.

Ms. Faust read the Ordinance by title only and introduced the item.

Commission questions took place regarding legal notice.

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 adopt Ordinance No. 2022-29 as presented. The motion carried on the following vote:

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

5. GENERAL BUSINESS:

- A. [22-3638](#) Discussion and Possible Action Regarding Approval of Minutes for the September 13, 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 McDowell, seconded by Commissioner Luke, to approve the September 13, 2022 meeting minutes as presented with the recommended changes. The motion carried on the following vote:

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

- B. [22-3642](#) Discussion and Possible Action Regarding a Draft Letter to DeSoto County Commissioners Concerning Impacts of Proposed Expansion of Mosaic Mining Operations.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner Luke spoke to the item.

Commission questions and discussion took place regarding changes to the proposed letter, provided map, and importance of the topic.

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 send an updated letter to the Chairman of the Board of Desoto County Commissioners concerning impacts of the proposed expansion of mosaic mining operations with the following changes:

1. In the third to last paragraph, include upcoming workshops.

2. In the last paragraph, add "Please do not hesitate to contact the City Manager, Commissioners, or Elizabeth Wong."

3. Update signatory line to read "Pete Emrich, Mayor, on behalf of North Port City Commission."

4. Update cc line to include City Manager, both Assistant City Managers, Elizabeth Wong and Commissioners.

The motion carried on the following vote:

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

C. [22-3647](#)

Discussion and Possible Action Related to Termination of the Warm Mineral Springs Site Management Agreement, as Amended, Between the City of North Port and National and State Park Concessions, Warm Mineral Springs, Inc.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding expediting the public/private partnership (P3) process, appreciation of management, damage due to hurricane, responsibility to ensure safety, estimated time frame for water dive to determine level of debris, alternative plan provided by concessionaire, assumption of risk for accidents in the water, P3 process update, P3 procurement process options, estimated competitive bid time frame, assessment of health of the springs, need for more information regarding temporary modular use, prioritization of debris services at the springs versus throughout the city, termination effective date, water quality, Environmental Protection Agency (EPA) documentation, state authority, water quality testing, cost and process for pass refunds, date of closure, Federal Emergency Management Agency (FEMA) reimbursement, amending current agreement, establishing guidelines for temporary facility use, timeline for P3 process, investment into the springs, payment to concessionaire, and testing results and determination of water content.

Ms. Faust read the following eComment into the record:

John Parker: expressed support of terminating the agreement

In person public comment:

Jack Bobo, National and Park State Concessions: expressed with concern with not being contacted regarding P3 process and transition and temporary use of modular trailer

Theresa Pratt: expressed support of the springs and opposition of development

Joseph Kreisel: expressed opposition of terminating agreement

Anna Kaplun: expressed opposition of terminating agreement
Elena Libo: expressed opposition of terminating agreement
Gedalie Levins: expressed concern with current condition of springs
Natalya Lepedra: expressed opposition of terminating agreement
Irina Neyman: expressed opposition of terminating agreement
James Strowser: expressed opposition of terminating agreement
Alex Cohen: expressed opposition of terminating agreement
Inna Berube: expressed opposition of terminating agreement

Mayor Emrich requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner McDowell, to direct the City Manager to complete an assessment of water quality and debris at the Springs, and a cost assessment of cleanup to return to pre-hurricane condition.

Discussion took place regarding returning property (buildings aside) to prior condition, FEMA reimbursement, timeline for completion, and partnership with concessionaire.

The motion carried on the following vote:

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

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to direct the City Manager to meet with National and State Concessions to determine if an agreement can be reached to allow access to the Springs when cleanup is completed.

Discussion took place regarding amending the agreement.

Vice Mayor Langdon restated her motion to state "...to determine if an amendment to the agreement can be reached..." The motion carried on the following vote:

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

Discussion took place regarding not terminating the agreement at this time.

6. PUBLIC COMMENT:

Selina Zdrojowy: spoke to reporting on local government issues and responded to commission questions regarding thoughts on this evening's meeting

7. COMMISSION COMMUNICATIONS:

Mayor Emrich called on Commissioners for communications.

A. [22-2530](#) Commissioner McDowell's Report

Commissioner McDowell did not have a report.

B. [22-2531](#) Commissioner White's Report

Commissioner White spoke to appreciation of disaster response.

C. [22-2527](#) Mayor Emrich's Report

Mayor Emrich did not have a report.

D. [22-2528](#) Vice Mayor Langdon's Report

Vice Mayor Langdon spoke to appreciation of staff.

E. [22-2529](#) Commissioner Luke's Report

Commissioner Luke spoke to City representation in Florida Trend, Economic Development outreach to business', Making and Impact disaster recovery resource guide, state boxing competition winner, gratitude to Awaken Church, and events attended.

Commission discussion took place regarding coverage needed for Newcomer's Day.

8. ADMINISTRATIVE AND LEGAL REPORTS:

Mayor Emrich called on Charter Officers for reports.

A. [22-3616](#) City Manager Report

Mr. Fletcher did not have a report.

B. [22-3637](#) City Attorney's Report

Ms. Slayton did not have a report.

C. [22-3644](#) City Clerk's Report

Ms. Faust did not have a report.

9. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 7:57 p.m.

City of North Port, Florida

By: _____
Mayor

Attest: _____
Heather Faust, City Clerk

These minutes were approved on the ____ day of _____, 20__.