



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Barbara Langdon, Mayor
Alice White, Vice Mayor
Pete Emrich, Commissioner
Debbie McDowell, Commissioner
Phil Stokes, Commissioner

APPOINTED OFFICIALS

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

Tuesday, October 24, 2023

6:00 PM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

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

ALSO PRESENT:

City Manager Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Faust, Recording Secretary Matthew Powell, Police Chief Todd Garrison, Fire Chief Scott Titus, Development Services Assistant Director Lori Barnes, Planner III Carl Benge, and Planner I David Brown

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by John Luczynski.

1. APPROVAL OF AGENDA

Mayor Langdon requested a motion.

A motion was made by Commissioner Stokes, seconded by Commissioner Emrich, to approve the agenda as presented.

A motion to amend was made by Commissioner McDowell, seconded by Commissioner Emrich, to reorder the agenda to hear Resolution No. 2023-R-80 and Resolution No. 2023-R-79 prior to the consent agenda.

Commission questions and discussion took place regarding reordering purpose.

The motion to amend carried on the following vote:

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

The main motion as amended carried on the following vote:

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

2. PUBLIC COMMENT:

Valdy Olender: expressed concern regarding City policy and actions.

3. ANNOUNCEMENTS

A. [23-0447](#) Current Vacancies and Upcoming Expirations for Advisory Boards and Committees

Mayor Langdon announced the item and called on the City Clerk to read the announcements.

Ms. Faust read the announcements into the record.

PUBLIC HEARINGS:

Resolution:

E. [RES. NO. 2023-R-80](#) A Resolution of the City of North Port, Florida, Accepting the Transfer of Certain Sanitary Sewer Lift Station and Wastewater Infrastructure Improvements and Associated Warranties in Village E of Wellen Park; Providing for Incorporation of Recitals; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor Langdon closed the public hearing and requested a motion.

A motion was made by Commissioner Emrich, seconded by Commissioner Stokes, to adopt Resolution No. 2023-R-80 as presented. The motion carried on the following vote:

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

- F. [RES. NO. 2023-R-79](#) A Resolution of the City Commission of the City of North Port, Florida, Stating, Pursuant To Florida Statutes Section 189.031(2)(E)4, that the Creation of an Independent Special District to be Known as the “Star Farms Village At North Port Stewardship District” is Consistent with the City’s Approved Local Government Plans; Stating that the City has no Objection to the Creation of the Proposed District; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding the language and definitions of “the Commission” and “the Commissions”, local government authority, district Charter, submittal of documents to the Commission, Community Development District (CDD) merger clause, provision regarding law enforcement jurisdiction, and school building property sale or donation relating to Commission approval.

There was no public comment.

Mayor Langdon closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to adopt Resolution No. 2023-R-79 as presented. The motion carried on the following vote:

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

4. CONSENT AGENDA:

Mayor Langdon announced the item and queried the City Manager regarding items pulled from the consent agenda for discussion.

Ms. Faust read the following eComment into the record:

Michelle Pozzie: expressed opposition regarding Item No. 23-1503.

Mayor Langdon requested a motion.

A motion was made by Commissioner Emrich, seconded by Commissioner Stokes, to approve the consent agenda as presented. The motion carried on the following vote:

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

- A. [23-0887](#) Ratification of City Manager's Use of Emergency Authorization to Enter Into a Contract With Williams Scotsman, Inc. for Public Works Staff Trailer Leasing Under Purchase Order No. 49863 in an Amount Not to Exceed \$421,074.42.

This item was approved on the consent agenda.

- B. [23-1302](#) Approve the Appointments of Linda Amos and Amber Clayton as Regular Members of the Environmental Advisory Board, to Both Serve a Term From October 24, 2023, to October 24, 2026.

This item was approved on the consent agenda.

- C. [23-1326](#) Ratification of City Manager's Use of Emergency Authorization to Enter into a Contract with Rostan Solutions, LLC., for Debris Monitoring Services Under Purchase Order No. 49545 in an Amount Not to Exceed \$4,976,215.90.

This item was approved on the consent agenda.

- D. [23-1327](#) Ratification of City Manager's Use of Emergency Authorization to Enter into a Contract with Rostan Solutions, LLC., for Long Term Recovery Services Under Purchase Order No. 49708 in an Amount Not to Exceed \$153,172.70.

This item was approved on the consent agenda.

- E. [23-1328](#) Ratification of City Manager's Use of Emergency Authorization to Enter Into a Contract With Rostan Solutions, LLC., for Assistance With FEMA Reimbursement and Other Grant Debris Monitoring Services Purchase Order No. 49546 in an Amount Not to Exceed \$1,500,000.00.

This item was approved on the consent agenda.

- F. [23-1329](#) Ratification of City Manager's Use of Emergency Authorization to Enter Into a Contract With Ceres Environmental Services, Inc., for Debris Management Services Under Purchase Order No. 49565 in an Amount Not to Exceed \$42,126,379.07.

This item was approved on the consent agenda.

- G. [23-1399](#) Approve the Appointment of Kimberly Rand as a Regular Member of the Citizen Tax Oversight Committee, to Serve a Term From October 24, 2023, to October 24, 2026.

This item was approved on the consent agenda.

- H. [23-1419](#) Approve Work Assignment 2023-14 With Giffels-Webster Engineers, Inc. for the Amount of \$158,421.50 for the Neighborhood Expansion Vacuum Station Site Evaluation Project.

This item was approved on the consent agenda.

- I. [23-1448](#) Approve the Appointment of Brijin Boddy as a Regular Member of the Charter Review Advisory Board, to Serve a Term From October 24, 2023,

to October 24, 2026.

This item was approved on the consent agenda.

- J. [23-1449](#) Approve the Award of Funds from the Special Event Assistance Program to Awaken Church in Support of the Awaken Church Christmas Service, in an Amount up to, and Not to Exceed, \$1,000 to Cover the Costs of City Fees and Resources.

This item was approved on the consent agenda.

- K. [23-1479](#) Approve the First Amendment to Contract No. 2022-24, Myakkahatchee Creek Water Treatment Plant Structural Rehabilitation Project Phase III With Innovative Masonry Restoration, LLC for Unforeseen Conditions, Price Increase, and Time Extension in the Additional Amount of \$241,538.00, for a Total Contract Price of \$1,623,573.00.

This item was approved on the consent agenda.

- L. [23-1492](#) Approve the September 25, 2023 Commission Workshop Meeting Minutes and the September 26, 2023 Commission Regular Meeting Minutes

This item was approved on the consent agenda.

- M. [23-1493](#) Approve the Appointment of David Rambo to the Veterans Park Ad Hoc Committee as the VFW Post 8203 Preference Member, to Serve a Term From October 24, 2023, to October 24, 2026.

This item was approved on the consent agenda.

- N. [23-1503](#) Approve the Warm Mineral Springs Park Site Access Agreement Between the City of North Port, Florida, and WMS Development Group, LLC to Allow Inspections of Warm Mineral Springs Park, 12200 San Servando Avenue, North Port, Florida, Parcel ID No. 0769070014 Associated With the Proposed Public Private Partnership.

This item was approved on the consent agenda.

- O. [23-1506](#) Approve Settlement Agreement and Release for the Lawsuit Matthew C. Poulin v. Keith Bush, Chad Walker, Matthew Lagarce, John Mike Hetteberg, Steven Cambria, John Contorno and the City of North Port, Case No. 8:21-CV-1516-WFJ-AEP Pending in the United States District Court for the Middle District of Florida, Tampa Division.

This item was approved on the consent agenda.

5. PUBLIC HEARINGS:

Ordinance - Second Reading:

- A. [ORD. NO. 2023-15](#) An Ordinance of the City of North Port, Florida, Related to the Maximum Age at Which Police Officer Pension Plan Members Must Begin to Receive Distributions Pursuant to Recent Changes to the Internal Revenue Code and Other Revisions; Amending the Code of the City of North Port, Florida, by Amending Provisions of Chapter 2, Article V, Division 5 - Police Officers' Pensions; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Langdon 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 Langdon closed the public hearing and requested a motion.

A motion was made by Commissioner Emrich, seconded by Commissioner Stokes, to adopt Ordinance No. 2023-15 as presented. The motion carried on the following vote:

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

- B. [ORD. NO. 2023-28](#) An Ordinance of the City of North Port, Florida, Providing for the Levy and Collection of a Public Service Tax on the Purchase of Electricity Within the City; Providing for Findings; Providing for Exemptions; Providing for Record Keeping; Providing for Violations and Penalties; Providing for Enforcement; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Langdon 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 Langdon closed the public hearing and requested a motion.

A motion was made by Commissioner Stokes, seconded by Commissioner Emrich, to adopt Ordinance No. 2023-28 as presented. The motion carried on the following vote with Commissioner McDowell dissenting due to increase in Florida Power and Light (FPL) tax to 10 percent to balance the general fund budget:

Yes: 4 - Mayor Langdon, Vice Mayor White, Commissioner Emrich and Commissioner Stokes

No: 1 - Commissioner McDowell

Petition:

- C. [CC](#) Consideration of Petition No. PLF-23-088, Wellen Park Golf & Country Club Phase 2 Replat (QUASI-JUDICIAL).
[PLF-23-088](#)

Mayor Langdon announced the item, stated this is a quasi-judicial hearing, and called on the City Clerk to read by title only.

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

Mayor Langdon called for disclosure of ex-parte communications.

Commissioner McDowell, Commissioner Stokes, Mayor Langdon, Vice Mayor White, and Commissioner Emrich disclosed no ex-parte communications.

Ms. Faust stated there were no aggrieved parties.

Peter Van Buskirk, Kimley-Horn and Associates, being duly sworn, provided an overview and requested approval.

Mr. Bengé, being duly sworn, provided a presentation including overview, applicant, property owner, request, location, aerial view, compliance with Unified Land Development Code (ULDC) and Florida Statutes, and recommendations.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

There were no Commission questions or discussion.

There were no closing arguments by Staff or the Applicant.

Mayor Langdon closed the public hearing and requested a motion.

A motion was made by Commissioner Stokes, seconded by Commissioner Emrich, to approve the Wellen Park Golf and Country Club Phase 2 Replat, Petition No. PLF-23-088, and find that, based on the competent and substantial evidence, the Plat is consistent with Florida Statutes Section 177.081, the Unified Land Development Code, and the North Port Comprehensive Plan. The motion carried on the following vote:

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

Resolution:

- D. [RES. NO.](#) A Resolution of the City Commission of the City of North Port, Florida, Vacating a Portion of the Rear Maintenance Easement for Lot 5, Block 1607, Port Charlotte 32nd Subdivision; Providing for Findings; Providing for Recording; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL)
[2023-R-67](#)

Mayor Langdon announced the item, stated this is a quasi-judicial hearing, and called on the City Clerk to read by title only.

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

Mayor Langdon called for disclosure of ex-parte communications.

Commissioner McDowell, Commissioner Stokes, Mayor Langdon, and Commissioner Emrich disclosed no ex-parte communications.

Vice Mayor White disclosed questions during agenda briefing relating to permitting process.

Ms. Faust stated there were no aggrieved parties.

Brandon Gilley, Gilley's Custom Pools, being duly sworn, spoke to easement accessibility, encroachment size, setback requirements, surveys conducted, and pool installation process.

Mr. Brown, being duly sworn, provided a presentation including overview, applicant, property owner, request, location, aerial view, vacation of easement, site plans, easement encroachment, review process, compliance with Unified Land Development Code (ULDC) and Florida Statutes, and recommendations.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions and discussion took place regarding variance approval, setback variance versus vacation of easement, and cause of encroachment.

There were no closing arguments by Staff or the Applicant.

Mayor Langdon closed the public hearing and requested a motion.

A motion was made by Commissioner Emrich, seconded by Commissioner Stokes, to adopt Resolution No. 2023-R-67 as presented. The motion carried on the following vote:

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

6. GENERAL BUSINESS:

A. [23-1504](#) Discussion and Possible Action Regarding Approval of the October 5, 2023 Commission Regular Meeting Minutes

Mayor Langdon announced the item.

Mr. Faust introduced the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor Langdon requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to approve the October 5, 2023 Meeting Minutes as amended. The motion carried on the following vote:

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

B. [23-1548](#)

Discussion and Possible Action Regarding a Temporary Moratorium on Affordable Housing Under the Live Local Act

Mayor Langdon announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding Live Local Act concerns relating to preservation of commercial properties and consequences for taxes, rezoning intent, moratorium impact on Unified Land Development Code (ULDC) rewrite timeline, moratorium versus potential alternative options, intent to increase non-residential tax base, affordable housing tax exemption impact and inability to maintain accountability, notification to public and Commission, Live Local Act impact on City operations and ULDC, pausing ULDC rewrite, moratorium timeline, current versus recommended commercial property percentage, introducing alternate housing types, outsourcing potential, State legislative role relating to Live Local Act stipulations, Live Local Act development applications submitted, maximum commercial property percentage, moratorium applicability to Live Local Act pre-applications, moratorium and ULDC concurrent completion potential and importance, municipality comparison relating to moratorium implementation, Commission contingency fund usage, and July 25, 2023 Commission motion relating to requiring a 35 percent minimum acreage and timeline for completing the nonresidential component for any Live Local Act project.

In response to Commission discussion, Ms. Slayton spoke to the current analysis process regarding the July 25, 2023 Commission motion relating to requiring a 35 percent minimum acreage and timeline for completing the nonresidential component for any Live Local Act project.

In response to Commission discussion, Mr. Fletcher spoke to the timeline estimation process regarding a moratorium implementation to run concurrently with the ULDC rewrite.

Commission questions and discussion continued regarding moratorium implementation and timeline.

In response to Commission discussion, Ms. Slayton spoke to moratorium intent and purpose.

Commission questions and discussion continued regarding staff recommendations and options, outsourcing availability and assistance relating to moratorium implementation, incorporations into ULDC provisions, moratorium applicability to various development applications, current projects dependent on ULDC rewrite, staffing requirements, and other municipality moratorium implementation processes.

There was no public comment.

Mayor Langdon requested a motion.

A motion was made by Commissioner Stokes, seconded by Commissioner McDowell, to direct the City Manager to move forward with the process of putting a moratorium in place with regard to affordable housing development under the Live Local Act.

Commission and questions discussion continued regarding staff input relating to moratorium and ULDC concurrent completion requirements and outsourcing potential, moratorium implementation requirements relating to ULDC rewrite completion, and staffing requirements.

A motion to amend was made by Commissioner McDowell, seconded by Commissioner Stokes, to add language stating the Moratorium will be in effect for 12 months from adoption. The motion to amend carried on the following vote with Commissioner Emrich and Vice Mayor White dissenting:

Yes: 3 - Mayor Langdon, Commissioner McDowell and Commissioner Stokes

No: 2 - Vice Mayor White and Commissioner Emrich

The main motion as amended carried on the following vote with Vice Mayor White dissenting due to prioritizing completion of the ULDC rewrite with the inclusion of provisions defending against the Live Local Act and Commissioner Emrich dissenting due to upcoming State legislation:

Yes: 3 - Mayor Langdon, Commissioner McDowell and Commissioner Stokes

No: 2 - Vice Mayor White and Commissioner Emrich

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

- A.** [23-1074](#) Commissioner McDowell's Communications
Commissioner McDowell reported on important topics and events attended.
- B.** [23-1075](#) Commissioner Stokes' Communications
Commissioner Stokes reported on important topics and events attended.
- C.** [23-1071](#) Mayor Langdon's Communications
Mayor Langdon reported on important topics and events attended.
- D.** [23-1072](#) Vice Mayor White's Communications
Vice Mayor White reported on important topics and events attended.
- E.** [23-1073](#) Commissioner Emrich's Communications
Commissioner Emrich reported on important topics and events attended.

9. ADMINISTRATIVE AND LEGAL REPORTS:

- A. [23-0434](#) City Clerk Report
Ms. Faust did not provide a report.

- B. [23-1511](#) City Manager Report to City Commission
Mr. Fletcher did not provide a report.

- C. [23-1516](#) City Attorney's Monthly Report
Ms. Slayton did not provide a report.

10. ADJOURNMENT:

Mayor Langdon adjourned the meeting at 8:09 p.m.

City of North Port, Florida

By: _____
Barbara Langdon, Mayor

Attest: _____
Heather Faust, City Clerk