



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes 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 Taylor, City Clerk

Tuesday, June 7, 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 Alice White and Commissioner Debbie McDowell

Also Present

City Manager Jerome Fletcher, Assistant City Attorney Michael Golen, Assistant City Clerk Adrian Jianelli, Recording Secretary Amanda Baker, Fire Chief Scott Titus, Police Chief Todd Garrison, Economic Development Program Manager Mel Thomas, Planner II Noah Fossick, Planner II Randy Bowling, Planning Manager Lori Barnes, Neighborhood Development Services Director Alaina Ray, Parks and Recreation Director Sandy Pfundheller, Public Works Director Chuck Speake, Assistant City Manager Julie Bellia, and Finance Director Kim Ferrell-Williams

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Alice White.

1. APPROVAL OF 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 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke, Commissioner White and Commissioner McDowell

2. PUBLIC COMMENT:

Ms. Jianelli read the following e-comments into the record:

Martin Lumpert: City responsibility for landscaping services on public properties.

PUBLIC COMMENT:

Jeffrey Scott: publicizing misinformation and Commission and Charter Officer ethics.

3. ANNOUNCEMENTS**A. [22-2964](#) Current Vacancies and Upcoming Expirations for Boards and Committees**

Ms. Jianelli read the announcements into the record.

4. CONSENT AGENDA:

Mayor Emrich announced the item.

Mr. Fletcher noted items to be pulled from the Consent Agenda for discussion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve the Consent Agenda with the exception of Item Nos. 22-2221 and 22-2968 being pulled for discussion and Item No. 22-2969 being continued to a future meeting. The motion carried on the following vote:

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

A. [22-2221](#) Approval of the Interlocal Agreement Providing for the Administration of a Joint County/Municipality Economic Development Program

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to the item.

Ms. Thomas and Mr. Fletcher spoke to changes in the agreement.

Discussion took place regarding continuing the discussion until after Sarasota County has decided on the agreement, whether the agreement has been signed by the appropriate parties, creating a budget amendment, agreement being halted, appropriated funds being approved prior to the agreement being signed, Economic Development Corporation (EDC) removing funds, the item containing financial and agreement sections, and prior presentations from the EDC.

Mr. Fletcher spoke to a joint discussion with the EDC and paying for services rendered.

PUBLIC COMMENT:

Victor Dobrin: resolving long-term development issues and development opportunities.

Jeffrey Scott: overreaching by City officials.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to postpone Item No. 22-2221 to a date to be determined by Sarasota County's action and staff's availability to dissect Sarasota County's action on how it affects this agreement. The motion carried on the following vote:

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

- B.** [22-2790](#) Approve the United States Marshals Service Fugitive Task Force Memorandum of Understanding for Non-Federal Agencies and the Addendum to Fugitive Task Force Memorandum of Understanding Regarding Body-Worn Camera Use by Task Force Officers
This item was approved on the Consent Agenda.
- C.** [22-2798](#) Approve Work Assignment 2022-02 with Kimley-Horn & Associates, Inc., for \$124,406.00, for the Drying Bed Design at the Southwest Water Reclamation Facility.
PUBLIC COMMENT:
Victor Dobrin: annexation agreement.
This item was approved on the Consent Agenda.
- D.** [22-2804](#) Approve the Statement of Work and the Addendum to the Master Service Agreement between CivicPlus, LLC and the City of North Port for the SeeClickFix Application
This item was approved on the Consent Agenda.
- E.** [22-2820](#) Accept the Cash Receipts Summary Report for April 2022.
This item was approved on the Consent Agenda.
- F.** [22-2824](#) Approve the Disposition of Surplus Assets in an Appropriate Fashion Pursuant to Chapter 2 Administration, Article VIII Procurement, Section 2-419, Disposition of City Assets and Property (d), (1) of the Code of the City of North Port, Florida.
This item was approved on the Consent Agenda.
- G.** [22-2858](#) Approve Interlocal Agreement Regarding Distribution Formula For Allocation of Revenue From Local Option Fuel Tax Levied Pursuant to Section 336.025(1)(a), Florida Statutes, Among Sarasota County and Municipalities within Sarasota County.
This item was approved on the Consent Agenda.
- H.** [22-2859](#) Approve the Memorandum of Understanding Between the Sarasota County Property Appraiser and the City of North Port Forgoing Twenty-Three and One-Half Percent (23.5%) of all Taxes, Penalties, and Interest of any Monies Recovered, Not to Exceed Twenty-Five Thousand (\$25,000) Dollars Per Lien Satisfied.
This item was approved on the Consent Agenda.

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- I. [22-2860](#) Approval of the Agreement Between Imagine School at North Port, Inc. (ISNP) and the City of North Port for the School Resource Officer Program, with the City receiving \$146,860.05 from ISNP.
- This item was approved on the Consent Agenda.*
- J. [22-2892](#) Approve the 2022 Suncoast Summer Reading Challenge Memorandum of Understanding Between the Patterson Foundation and the City of North Port, Florida to Support the Suncoast Campaign for Grade-Level Reading within Summer Camp.
- This item was approved on the Consent Agenda.*
- K. [22-2919](#) Approve Construction Contract No. 2022-24 - Myakkahatchee Creek Water Treatment Plant (MCWTP) Structural Rehabilitation Project - Phase 3 With Innovative Masonry Restoration, LLC, in the Amount of \$1,366,089.00, With a Contingency Amount of \$204,913.00 for a Total Cost of \$1,571,002.00.
- This item was approved on the Consent Agenda.*
- L. [22-2920](#) Approve Work Assignment 2022-03 with Stantec Consulting Services, Inc., in the Amount of \$239,882.64, for Professional Engineering Services for the Myakkahatchee Creek Surface Water Treatment Plant Intake Structures Repairs, Renovations and/or Upgrades Project
- This item was approved on the Consent Agenda.*
- M. [22-2934](#) Approval of John K. Dalton as the Development, Engineering, Planning Member Representative on the Community Economic Development Advisory Board to Serve a term from June 7, 2022 to June 7, 2024.
- This item was approved on the Consent Agenda.*
- N. [22-2960](#) Approve Interlocal Agreement Regarding Distribution Formula For Allocation of Revenue From Local Option Fuel Tax Levied Pursuant to Section 336.025(1)(b), Florida Statutes, Among Sarasota County and Municipalities within Sarasota County.
- This item was approved on the Consent Agenda.*
- O. [22-2968](#) Approval of Joe Justice as a Regular Member of the Charter Review Advisory Board to Serve Two-Year a Term From June 7, 2022, to June 7, 2024.
- Mayor Emrich announced the item.
- Mr. Fletcher introduced the item.
- Commissioner McDowell spoke to the item.
- Discussion took place regarding Mr. Justice's elected position on the Sarasota County

Charter Review Board.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Joe Justice as a Regular Member on the Charter Review Advisory Board. The motion carried on the following vote:

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

- P.** [22-2969](#) Approval of Carl Goodrich as a Regular Member on the Environmental Advisory Board to Serve a Two-Year Term From June 7, 2022, to June 7, 2024.

This item was removed from the Agenda.

- Q.** [22-2795](#) Approve the Application for the 2022 Bulletproof Vest Grant in the Amount of \$15,720.00, and Authorize the City Manager or the Mayor, as Applicable Under the City Charter, to Execute all Funding Documents After Legal Review, Should the Grant be Awarded to the City

This item was approved on the Consent Agenda.

- R.** [22-2956](#) Approval of Minutes for the May 5, 2022 and May 10, 2022 Commission Regular Meetings

This item was approved on the Consent Agenda.

5. PUBLIC HEARINGS:

PETITION

- A.** [CC](#)
[PLF-22-031](#) Consideration of Petition No. PLF-22-031, Brightmore at Wellen Park, Phases 1A, 1B, 1C, 2A, and 3 Final Plat (QUASI-JUDICIAL)

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

Ms. Jianelli read the Petition title and swore in those wishing to provide testimony.

There were no ex-parte communications.

Ms. Jianelli noted there were no aggrieved parties.

John Luczynski, Senior Vice President of Wellen Park, LLC, being duly sworn, provided a presentation regarding plat size, number of units, process of the development order (DO), and proposed land use.

Mr. Fossick provided a presentation including number of units, utilities, plat size, infrastructure plans, surety bond being obtained, approval by West Villages Improvement District (WVID) and City surveyor, and Planning and Zoning Advisory Board (PZAB) and staff recommendations.

There was no rebuttal from the Applicant or Staff.

There was no public comment.

Commission questions took place regarding location and access points.

Ms. Jianelli swore in Chief Titus.

Chief Titus answered questions regarding emergency access points in addition to the primary access point and the emergency access points being permanent.

Commission questions continued regarding the community being an active adult-based community.

There were no closing arguments from Staff or the Applicant.

Mayor closed the public hearing and requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to approve Petition No. PLF 22-031 as presented and find that, based on the competent substantial evidence, the Brightmore at Wellen Park, Phases 1A, 1B, 1C, 2A, and 3 final plat complies with the Unified Land Development Code and Florida Statutes Chapter 177. The motion carried on the following vote:

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

ORDINANCE - Second Reading:

- B.** [ORD. NO. 2022-02](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code Relating to the Permitted and Prohibited Uses in Activity Center Number 1 (Mediterranea), Activity Center Number 2 (Heron Creek), Activity Center Number 3 (Gateway), Activity Center Number 4 (Panacea), Activity Center Number 5 (Midway), and Activity Center Number 8 (The Gardens); Amending Chapter 55 – Activity Center Design Regulations; Amending Section 61-3 – Definitions and Word Usage; 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 Assistant City Clerk to read the Ordinance by title only.

Ms. Jianelli read the Ordinance by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding changes made from first reading, limiting retail from Activity Center 3 to special exception, retail being allowed in other Activity Centers, residential footprints in Activity Centers, Unified Land Development Code (ULDC) rewrite, mixed uses, tactics and strategies to ensure no residential space is used, truck stops having a retail component, hotels and motels vs. transient lodging, storage establishment requirements and conditions, and adding commercial recreational establishments to Activity Center 2.

A motion was made by Commissioner McDowell to add "commercial recreational establishments" to Activity Center 2 as a permitted use. The motion failed for lack

of second.

Commission questions and discussion took place regarding Activity Center 3 including ecotourism, making the northwest quadrant special exception, personal storage facilities, and moving post-secondary educational and technical institutions from permitted to special exception.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to remove "post-secondary educational and technical institutions" from permitted uses in Activity Center 3.

Commission questions and discussion took place regarding some private education institutions not gaining taxable revenue.

The motion carried on the following vote:

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

No: 1 - Commissioner White

Commissioner White dissented due to targeted industries not being relevant to educational institutions.

Commission questions and discussion took place regarding personal storage establishments being monitored 24 hours a day.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to remove Section 2.01F(2)(d) under "On-site operations".

Commission questions and discussion continued regarding requiring monitoring technology for security purposes.

The motion carried on the following vote:

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

Commission questions and discussion took place regarding each Activity Center having individual uniqueness, Activity Center 8 including post-secondary educational and technical institutions, public and non-profit parks, playgrounds, and buildings, adding heavy industrial to prohibited uses, adding light industrial to prohibited uses, percentages of the Comprehensive Plan relevant to industrial uses, and placing light industrial as a special exception.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to add "heavy industrial" to prohibited uses in Activity Center 8. The motion carried on the following vote:

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

Commission questions and discussion took place regarding adding "storage" to heavy equipment sales and/or service in definitions, adding "warehousing" to light industrial in definitions, patron seating and on-site consumption under microbrewery and microwinery, and definitions for "Office, General" and "Personal Services".

PUBLIC COMMENT:

Ed Zeman: supports Ordinance No. 2022-02.

Richard Ives: permitted and prohibited uses in Activity Center 1.

Mr. Bowling requested direction from Commission regarding adding daycares to permitted use for all Activity Centers.

Commission questions and discussion took place regarding adult daycare facilities and assisted living centers being a part of daycare centers, zoning for child and adult daycare facilities, and adult daycare facilities being a special exception.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to add child daycare facilities to permitted use to all Activity Centers and add adult daycare facilities as a special exception for all Activity Centers.

Commission questions and discussion continued regarding adult daycare facilities not including memory care and assisted living facilities being allowed in certain Activity Centers.

The motion carried on the following vote:

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

Mr. Bowling requested direction from Commission regarding permitting outdoor storage under light industrial use for Activity Centers 1, 3, and 4, and prohibiting light industrial and outdoor storage use in Activity Center 5.

Commission questions and discussion took place regarding outdoor storage being a part of light industrial, amendments to the Unified Land Development Code (ULDC) regarding light industrial and outdoor storage, definition of "outdoor storage", and outdoor storage being an accessory use.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to accept staff's recommendation adding light industrial, outdoor storage to Activity Centers 1, 3, and 4 and prohibiting in Activity Center 5. The motion carried on the following vote:

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

Commission questions and discussion took place regarding convenient stores and having a third reading.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve Ordinance No 2022-02 with the results of the motions added to the changes. The motion carried on the following vote:

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

Recess was taken from 12:15 p.m. until 1:00 p.m.

RESOLUTION:

- C. RES. NO. 2022-R-31** A Resolution of the City of North Port, Florida, Amending the Non-District Budget and Capital Improvement Budget for Fiscal Year 2021-22 for Myakkahatchee Creek Greenway Trail Project P10MCG in the Amount of \$319,400 and for the First Floor Lobby Piece of Art in the Amount of \$1,750; 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 Assistant City Clerk to read the Resolution by title only.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the Assistant 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 White and Commissioner McDowell

Ms. Jianelli read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding the first floor lobby mural, canvas vs. mural, separating the Resolution into two items, general fund vs. art fund, staff working with purchasing to establish a start date for the Greenway project, and changing the road to a biking trail.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, in light of the new information, to direct the City Manager to work with the Art Advisory Board Chair to create a piece of art to be placed on the back wall of the first floor using canvas.

Discussion took place regarding amending the language of the motion.

Commissioner Luke withdrew her second.

Commissioner McDowell restated her motion, seconded by Commissioner Luke, in light of the new information, to direct the City Manager to work with the Art Advisory Board Chair to create a piece of art on the back wall of the first floor depicting the Sandhill Crane. The motion carried on the following vote:

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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Resolution No. 2022-R-31 to second reading on June 28, 2022, depicting the changes made for the art on the first floor. The motion carried on the following vote:

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

6. GENERAL BUSINESS:

A. [22-2933](#) Discussion and Possible Action Regarding the Approval of the May 9, 2022 Commission Workshop Minutes

Mayor Emrich announced the item.

Ms. Jianelli introduced the item.

Discussion took place regarding adding the American Rescue Plan Act (ARPA) fund dollar amounts to the consensus.

A motion was made by Commissioner McDowell, seconded by Commissioner

Luke, to accept the Minutes as presented and adding the dollar amounts allocated during the Workshop. The motion carried on the following vote:

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

B. [22-2946](#) Discussion and Possible Action Regarding City Acceptance of Maintenance and Replacement of Metal Roadway Grates in the Duck Key Subdivision.

Mayor Emrich announced the item.

Commissioner McDowell introduced the item.

Mr. Speake answered questions regarding responsibility of the grates, and spoke to accepting a situation below standards, reviewing videos depicting the pipes and system, and prior grate replacements made by the City.

Commission questions and discussion took place regarding preparing an addendum to the original agreement regarding responsibility of the grates maintenance, homeowner's association (HOA) paying into Road & Drainage assessments, ambiguity in the original agreement, and solution options.

Ms. Bellia spoke to the Road & Drainage District's previous decisions regarding repairs and maintenance.

PUBLIC COMMENT:

Michael Cuffage: tax payments, previous joint meeting with Commission, and road and water system. responsibilities

Phillip Caroleo: content of original contract.

Mr. Fletcher spoke to consistency and rectifying the situation.

Mr. Speak spoke to changing methodology with assessments and accepting road maintenance in private communities.

Discussion continued regarding the City asset management system, time frame of replacements, and making changes to HOA agreement.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the City to replace the grates and have the Homeowner's Association reimburse the City under a new agreement to be determined under negotiations.

Discussion continued regarding repairing the grates without a new agreement and directing the City Manager to provide updates on the grate repair progress to Commission via memorandum.

Mr. Fletcher spoke to providing updates regarding the replacements and establishing accountability for drafting the new agreement.

PUBLIC COMMENT:

Michael Cuffage: roads within private communities being given to the City.

Mr. Speake spoke to the HOA taking the roads back under private maintenance and requested Commission direction for drafting the agreement.

Discussion continued regarding addressing maintenance without a maintenance agreement and HOA drafting the agreement for legal review.

The motion carried on the following vote:

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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct staff to work with the Duck Key Homeowner's Association in drafting the agreement.

Ms. Bellia spoke to process of preparing a legal agreement.

Commission discussion continued regarding the City Attorney drafting the agreement.

The motion carried on the following vote:

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

C. [22-2967](#) Discussion and Possible Action to Conduct a Reconciliation of the Art Fund.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to the item.

Commission discussion took place regarding money collected from developers for the art fund.

Ms. Ray spoke to the current art fund and issues with tracking projects that paid into the fund.

Commission discussion continued regarding implementing policies related to projects, tracking the projects properly, setting the art fund as a line item during budget, amending the Art Ordinance, and accounting procedures for closing a fund.

No action was taken on this item.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

A. [22-2491](#) Mayor Emrich's Report

Mayor Emrich reported on activities and events attended.

B. [22-2492](#) Vice Mayor Langdon's Report
 Vice Mayor Langdon will report at the next Commission meeting.

C. [22-2493](#) Commissioner Luke's Report
 Commissioner Luke reported on activities and events attended.

D. [22-2494](#) Commissioner McDowell's Report
 Commissioner McDowell reported on activities and events attended.

E. [22-2532](#) Commissioner White's Report
 Commissioner White reported on activities and events attended.

9. ADMINISTRATIVE AND LEGAL REPORTS:

Mr. Fletcher had nothing to report.

Mr. Golen reported on the upcoming training for Charter Review Advisory Board members.

Discussion took place regarding a joint meeting with the Charter Review Advisory Board, scheduled Board meeting time, Commission having access to the meeting, and general advisory board training presentation.

Ms. Jianelli had nothing to report.

10. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 2:48 p.m.

City of North Port, Florida

By: _____
 Pete Emrich, Mayor

Attest: _____
 Heather Taylor, City Clerk

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