



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Special 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*

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Tuesday, December 17, 2019

5:30 PM

CITY COMMISSION CHAMBERS

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### **CALL TO ORDER**

Mayor McDowell called the meeting to order at 5:45 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, Development Tech II Kyla Guilbault, Police Chief Garrison.

### **1. APPROVAL OF AGENDA**

*A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve the agenda 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

### **2. PUBLIC COMMENT:**

Bill Goetz: concern regarding camping and excavating along the Myakkahatchee Creek.

Mr. Lear will review the intent and legality of the action and provide a memo to the Commission.

**3. PUBLIC HEARINGS:****RESOLUTION****RES. NO.  
2019-R-32**

A Resolution of the City of North Port, Florida, Supporting the Equal Rights Amendment; Urging the Federal Delegation to Support the Equal Rights Amendment and to Enact Implementing Legislation for the Equal Rights Amendment; Urging the Governor of the State of Florida and the Florida Legislature to Take the Necessary Steps for Ratification of the Equal Rights Amendment; Providing for Transmittal; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Ms. Taylor read the Resolution by title only.

Congresswoman Margaret Good, Florida House of Representatives, provided an overview of the item and noted the conditions for ratification and spoke to providing a value statement and a stopgap for lesser laws.

There was no public comment.

***A motion was made by Vice Mayor Luke, seconded by Mayor McDowell, to approve Resolution No. 2019-R-32 as presented. The motion carried by the following vote:***

**Yes:** 3 - Mayor McDowell, Vice Mayor Luke and Commissioner Emrich

**No:** 1 - Commissioner Hanks

**Absent:** 1 - Commissioner Carusone

Commissioner Hanks opposed the Resolution because the Florida Constitution addresses those concerns, there are privileges that women and men have that could be negatively affected, and new powers of the government to interpret the law based on gender.

**ORDINANCE: First Reading****ORD. NO.  
2020-05**

An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Section 58-103, Related to the Calculation of Impact Fees; Providing for Severability; Providing for Conflicts; Providing for Codification; and Providing an Effective Date

***A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to read the Ordinance 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 the Ordinance by title only.

Ms. Slayton introduced the item.

## PUBLIC COMMENT:

Larry Tenbusch: concerns regarding impact fees.

Mr. Lear spoke to how impact fees are calculated, providing a history of impact fees, potential results if changed, and loans are finalized at closing.

Ms. Guilbault explained permitting requirements and activation time frame, and noted the inspection must pass to reactivate the permit.

Mr. Lear confirmed that the City will perform a new impact fee study, the City updates impact fees at the time of Certificate of Occupancy and the rates do not generally change.

Ms. Slayton spoke to the City Code respecting impact fees assessments and that clarifying language may be added at Commission's direction.

Mr. Lear clarified that changing circumstances may mandate modifications in the impact fees, and fees set at date of submittal vs. situations when rates change and permit is outstanding.

Ms. Slayton spoke to the option of waiving and reducing impact fees not being part of the subject matter, waiving and deferring fees is found further in the Code, is not part of the amended Ordinance, and Commission retains ability to waive or defer fees.

Ms. Guilbault explained how incomplete building permit information is processed.

Ms. Slayton cited a scrivener's error in line 55, and explained situations when a recalculation of fees is allowed, and spoke to City Code verbiage regarding calculations and recalculations.

Mr. Lear answered concerns regarding emergency reactivation of permits depending on how Commission changes this Ordinance, the 2011 Impact Fee Study, and setting impact fee percentages.

Ms. Slayton clarified impact fees in City Code are calculated in dollars not percentages, and suggested adding clarification in the policy where the impact fees being used for calculation is the one in effect at the time the building permit is submitted and accepted.

Mr. Lear spoke to paying full amount after January, 2015 after the moratorium ended.

There was no public comment.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to continue Ordinance No. 2020-05 for second reading on January 2, 2020.***

Mayor McDowell voiced concern regarding granting 18 months instead of one year and favored returning to the one year mark; and that a year is sufficient time to make document changes prior to closing.

Mayor McDowell passed the gavel to Vice Mayor Luke.

***A motion was made by Mayor McDowell, to amend the motion to change the date on line 51 to be June 15, 2020 or whatever that weekday is. There was no second and the motion to amend died.***

Vice Mayor Luke passed the gavel back to Mayor McDowell.

***A vote on the main motion carried by the following vote:***

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

**Absent:** 1 - Commissioner Carusone

**4. PUBLIC COMMENT:**

There was no public comment.

**5. ADJOURNMENT:**

Mayor McDowell adjourned the meeting at 6:42 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.