



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final 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*

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Tuesday, March 24, 2020

6:00 PM

City Commission Chambers

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### CALL TO ORDER

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

### ROLL CALL

**Present:** 5 - Mayor Debbie McDowell, Vice Mayor Jill Luke, Commissioner Christopher Hanks, Commissioner Vanessa Carusone and Commissioner Pete Emrich

### Also Present:

City Manager Peter Lear, Assistant City Manager Jason Yarborough, City Attorney Amber Slayton, City Clerk Heather Taylor, Planning Division Manager Nicole Galehouse, and Police Chief Todd Garrison.

### PLEDGE OF ALLEGIANCE

A moment of silence was held followed by the Pledge of Allegiance led by Commissioner Hanks.

Mr. Lear spoke to temporary meeting procedures.

### 1. APPROVAL OF AGENDA

*A motion was made by Vice Mayor Luke, seconded by Mayor McDowell, to approve the agenda as presented. The motion carried by the following vote:*

**Yes:** 5 - Mayor McDowell, Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

### 2. PUBLIC COMMENT:

Mr. Lear read the following public comment:

Cheryl Baker: support of online public comment, time limits and single-use plastics.

### 3. ANNOUNCEMENTS

- A. [20-2135](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees

Ms. Taylor read the announcements into the record.

### 4. CONSENT AGENDA:

Mr. Lear noted item CCSAP-20-037 was requested to be pulled from consent agenda.

***A motion was made by Commissioner Carusone, seconded by Commissioner Emrich, to approve the consent agenda, pulling item CCSAP-20-037 for discussion. The motion carried by the following vote:***

**Yes:** 5 - Mayor McDowell, Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

- A. [CCSAP-20-037](#) Award Funds from the Special Event Assistance Program to People for Trees to Cover the Costs of City Fees and/or Resources Associated with the April 25, 2020, Tree Fair 2020! Event

Mr. Lear provided clarification regarding the event being postponed to a later date.

Discussion took place regarding funding availability.

***A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to approve agenda item CCSAP-20-037. The motion carried by the following vote:***

**Yes:** 5 - Mayor McDowell, Vice Mayor Luke, Commissioner Hanks, Commissioner Carusone and Commissioner Emrich

- B. [20-1896](#) Approve the First Amendment to the Master Services and Purchasing Agreement with Axon Enterprise, Inc. and Authorize the City Manager to Execute all Future Amendments to the Original Agreement, with Keeping the Terms in the Original Agreement Unchanged and in Full Effect; Amending the Original Quote to Include Additional Sixteen (16) Licenses and Additional One Hundred Sixty (160) Units of Storage for a Cost of \$2,600.00 Due in the Fifth Year of the Agreement

***This item was approved on consent.***

- C. [20-1980](#) Accept Cash Receipts Summary Report for January 2020

***This item was approved on consent.***

- D. [20-2008](#) Approve Agreement No. 2020-12 with TLC Engineering Solutions, Inc. for Professional Engineering Services for the Design of City Hall Generator in the Amount of \$77,195.00

***This item was approved on consent.***

- E. [20-2056](#) Approve Contract No. 2020-34 for Community Development Block Grant (CDBG) Garden of the Five Senses Walking Trail to Jon F. Swift, Inc. in the Amount of \$191,221, Plus a Construction Contingency of \$19,122 for a Total of \$210,343
- This item was approved on consent.*
- F. [20-2076](#) Appoint Philip Stokes and Nancy S. Ceci as Regular Members to the Citizens Tax Oversight Committee to Serve a Two-Year Term from March 24, 2020 to March 24, 2022
- This item was approved on consent.*
- G. [20-2138](#) Approval of the February 6, 2020 Commission Special Meeting, February 19, 2020 Commission Joint Meeting with Charter Review Advisory Board, February 25, 2020 Commission Strategic Planning Workshop, February 25, 2020 Commission Regular Meeting, February 27, 2020 Commission Joint Meeting with Environmental Advisory Board, March 2, 2020 Commission Special Meeting, March 3, 2020 Commission Regular Meeting, March 5, 2020 Commission Special Meeting
- This item was approved on consent.*

## **5. PUBLIC HEARINGS:**

### **PETITIONS:**

- A. [CC](#)  
[DMP-19-295](#) Approval of DMP-19-295, Development Master Plan for First Slavic Pentecostal Church (QUASI-JUDICIAL)
- Mayor McDowell stated this is a quasi-judicial hearing.
- Ms. Taylor read the petition into the record and swore in those wishing to provide testimony.
- Vice Mayor Luke disclosed a one-on-one and discussion with staff.  
Mayor McDowell disclosed an email submitted for record and discussion with staff.  
Commissioners Hanks, Carusone and Emrich did not have ex-parte communications.
- Anatoliy Olimpiyuk, representing applicant, being duly sworn, provided a presentation including project overview, permitting, requested waivers, and benefits of Church.
- Ms. Galehouse, being duly sworn, provided an overview of the petition, and spoke to requested waivers, staff conditions, noticing requirements, consistency with the Comprehensive Plan and Unified Land Development Code (ULDC), concern regarding size requirement, and Planning and Zoning Advisory Board recommendation.
- Mr. Olimpiyuk, provided a rebuttal regarding waiver request 3 regarding grass parking.
- There was no rebuttal from staff.

Ms. Taylor stated there were no aggrieved or adversely affected parties.

There was no public comment.

Ms. Galehouse replied to Commission questions regarding approval of a future phase 2 building, other potential uses of a neighborhood commercial zoning district, and intended use for Biscayne Square.

Mr. Olimpiyuk responded to questions regarding environmental study finding no wetlands, relocating gopher tortoises, and impact fence may have on tortoises.

Ms. Galehouse spoke to a recommended additional level of vegetative buffer, maximum square-footage of lot coverage, and adding maintenance language for grass parking.

Mr. Olimpiyuk replied to questions regarding location and size of retention pond, timeframe between phase 1 and 2, and locations of paved and grass parking.

Ms. Galehouse replied to questions regarding paved parking surface, and optional shell and gravel.

Mr. Olimpiyuk spoke to grass parking being used for overflow parking.

Ms. Galehouse addressed paving requirements within City Code, and berm/easement requirements.

Mr. Olimpiyuk spoke to overlapping berm to obtain the required height.

Ms. Galehouse reviewed City Code requirements for landscape buffers.

Mr. Olimpiyuk explained the perimeter driveway.

Ms. Galehouse, replied to questions regarding traffic impact report, traffic not expected to warrant a signal light, project scale inconsistent with Goal 1 of the Comprehensive Plan, and vested rights for phase 2 with substantial construction of phase 1.

Ms. Slayton spoke to conditions for construction of phase 2.

Ms. Galehouse answered additional questions regarding lost revenue.

Assistant Pastor Igor Simontchik, being duly sworn, spoke to current building, reason for expansion, plan to sell current building, community access, and meeting with Fire Department.

Ms. Galehouse provided information regarding traffic impact study results.

Mr. Simontchik addressed questions regarding number of members.

Ms. Galehouse spoke to parking requirements, and staff concerns with parking waiver request.

Ms. Slayton replied to Commission questions regarding wording of condition that the Development Master Plan (DMP) would expire five years after day of approval.

Discussion took place regarding adding a condition for a caution signal.

Ms. Galehouse confirmed payment of impact fees and applicable taxes.

Staff had no closing arguments.

Mr. Olimpiyuk presented closing arguments.

There was no public comment.

***A motion was made by Commissioner Carusone, seconded by Vice Mayor Luke, to approve Petition No. DMP-19-295, with staff recommendations:***

***Waivers:***

- 1. ULDC 53-182.A.(b)vii: A waiver to overlap proposed 35-ft landscape buffer by 10-ft into existing 20-ft maintenance easement provided that all the required plantings will be outside existing maintenance easement at West and South side.***
- 2. ULDC 53-182.A.(b)v: A waiver to omit a six-foot decorative fence adjacent to existing maintenance easement at West and South side.***
- 3. ULDC 25-5.A.(2): A waiver to use 50% parking spaces as pervious grass & 50% as impervious. Church use of all parking is limited to 1-2 times a week. This is also consistent with a Low Impact Development Design ULDC 18- 10.D.(1)***

***Conditions:***

- 1. A 100% gopher tortoise survey done on December 18, 2019 and 24 burrows were found. If the survey is older than 90-days from the proposed start of land clearing, another gopher tortoise survey needs to be done per FWC Gopher Tortoise Permitting Guidelines for the site. The gopher tortoise survey must be completed prior to scheduling the pre-construction meeting or applying for a land clearing permit. All gopher tortoise burrows found on-site must be avoided with the required 25 ft radius. If gopher tortoises are proposed to be relocated, an FWC relocation permit for the relocation is needed, and a copy provided to the City. On completion of the relocation actions, submit a summary After Action report to the City that identifies the total number of tortoises relocated to the designated property.***
- 2. The existing scrub jay survey was done on April 4-7, 2019. An updated scrub jay survey no older than 1 year, will be needed with the formal submittal of the later detailed MAS design phase if it is submitted after April 7, 2020.***
- 3. The property owner will maintain the 10 feet that overlap into the 20-foot maintenance easement in perpetuity.***
- 4. Any damage incurred to the proposed berm in the 10-foot overlap by city Public Works staff during maintenance will be at the expense of the property owner.***
- 5. Public Works must maintain access to the City drainage rights-of-way on the south and west sides of the property.***
- 6. An additional level of buffering is required on the south and west sides of the property where the 6-foot fence is omitted to provide visual screening. Along with the extra level of buffering for waiver 2 to be determined by staff.***

Ms. Slayton clarified the conditions do not pertain to the waiver but pertain to the Development Master Plan (DMP) as a whole.

Discussion took place regarding concern with future use of property, district fees paid, positive community impact, tortoise relocation, and community savings over years.

Commissioner Emrich expressed concern with waiver 3 due to elimination of parking.

Mayor McDowell expressed gratitude for communication with the applicant, Commission and staff, and articulated concern regarding additional future paved parking affecting

stormwater requirements.

Discussion continued regarding flexibility to pave at a later time.

Ms. Galehouse spoke to reevaluating stormwater facilities to account for future impervious parking needs, and stormwater details being addressed during the Major Site Development review.

***The motion carried by the following vote:***

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

**No:** 1 - Commissioner Emrich

Recess was taken from 7:56 p.m. until 8:08 p.m.

## **ORDINANCE - Second Reading**

- B.** [ORD. NO. 2020-02](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Eliminate the Citizen Opt-in Program Under the Cross-Connection Control Program, by Amending Section 78-129 Cross-Connection Control Program; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Coding; and Providing an Effective Date

Ms. Taylor read the Ordinance by title only.

There were no questions or comments from the Commission and there was no public comment.

***A motion was made by Vice Mayor Luke, seconded by Mayor McDowell, to approve Ordinance No. 2020-02 as presented. The motion carried by the following vote:***

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

**Absent:** 2 - Commissioner Carusone and Commissioner Emrich

- C.** [ORD. NO. 2020-13](#) An Ordinance of the City of North Port, Florida Amending the Code of the City of North Port, Florida Section 4-151 Regarding the Membership of the Economic Development Advisory Board; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Ms. Taylor read the Ordinance by title only.

There was no public comment.

***A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Ordinance No. 2020-13 as presented.***

Mayor McDowell dissented due to the Commission-member being removed from the board even though, in the past a Commissioner served on the Community Economic Development Board and the Business and Economic Development Advisory Board without any issues.

***The motion carried by the following vote:***

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

**No:** 1 - Mayor McDowell

**Absent:** 1 - Commissioner Carusone

**ORDINANCE - First Reading**

D. [ORD. NO. 2020-10](#) An Ordinance of the City of North Port, Florida, Adopting the Capital Improvements Element of the City of North Port Comprehensive Plan; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date

*A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to read Ordinance No. 2020-10 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.

Mr. Lear introduced the item.

There were no questions or comments from the Commission and there was no public comment.

*A motion was made by Vice Mayor Luke, seconded by Commissioner Emrich, to continue Ordinance No. 2020-10 for second reading on April 14, 2020. The motion carried by the following vote:*

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

**Absent:** 1 - Commissioner Carusone

**RESOLUTIONS:**

E. [RES. NO. 2020-R-08](#) A Resolution of the City of North Port, Florida, Authorizing the City to Apply to and City Manager or Designee to Sign and Execute the Florida Boating Improvement Program Grant; Incorporating Recitals: Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Ms. Taylor read the Resolution by title only.

Mr. Lear introduced the item.

There were no questions or comments from the Commission and there was no public comment.

*A motion was made by Vice Mayor Luke, seconded by Commissioner Hanks, to approve Resolution No. 2020-R-08 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

## **6. PUBLIC COMMENT:**

There was no public comment.

## **7. COMMISSION COMMUNICATIONS:**

- A.** [20-2143](#) Commissioner Emrich's Report  
Commissioner Emrich had nothing to report.
- B.** [20-2144](#) Commissioner Carusone's Report  
Commissioner Carusone returned and had nothing to report.
- C.** [20-2145](#) Commissioner Hanks' Report  
Commissioner Hanks spoke to expanding food truck locations within the City.  
Discussion followed regarding allowable food truck parking locations.
- D.** [20-2146](#) Vice Mayor Luke's Report  
Vice Mayor Luke proposed various questions regarding administrative reports. Responses to these questions have been captured under administrative reports.
- E.** [20-2147](#) Mayor McDowell's Report  
Mayor McDowell reported on trip to National League of Cities, and acknowledged Mr. Lear and staff for their approach in sharing information regarding the corona virus.

## **8. ADMINISTRATIVE AND LEGAL REPORTS:**

- A.** [20-2027](#) City Manager Report  
Mr. Lear spoke to communications including daily reports, recommended downloading the City app or viewing the City's webpage, spoke to efforts to obtain social distancing, and responded to Commission questions regarding status of ProPhoenix software.  
Chief Garrison provided an update regarding ProPhoenix implementation and training for police officers.
- B.** [20-2067](#) Project Updates for GovQA and TRAKiT  
Ms. Taylor replied to Commission questions regarding GovQA online payments.  
Ms. Slayton provided clarification on impact fee ordinance to be heard in April.  
Mr. Yarborough provided an update on TrackIt.

Ms. Taylor responded to questions regarding the monthly public records requests report.

**C. [20-2089](#) City Attorney Report**

Ms. Slayton reported on responding to emergency matters and prioritizing other legal projects.

**D. [20-2142](#) City Clerk Report**

Ms. Taylor had nothing to report.

**9. ADJOURNMENT:**

Mayor McDowell adjourned the meeting at 8:27 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Debbie McDowell, Mayor

Attest: \_\_\_\_\_  
Heather Taylor, City Clerk

Minutes approved at the Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2020.