City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes

City Commission Regular Meeting

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

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

Tuesday, February 27, 2024 **6:00 PM** **City Commission Chambers**

CALL TO ORDER

ROLL CALL

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

Also Present:

City Manager Fletcher, City Attorney Slayton, Assistant City Clerk Powell, Board Specialist Bodmer, Deputy Police Chief Morales, Fire Chief Titus, Planning and Zoning Manager Flores, City Planner Brown, and City Planner Benge

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Pam Tokarz.

1. APPROVAL OF AGENDA

Mayor White requested a motion.

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

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

2. PUBLIC COMMENT:

Deborah Plasencia: spoke to zoning denial.
Josh Smith: spoke to permitting conflicts.
Valdy Olender: spoke to Police intimidation.

3. ANNOUNCEMENTS

A. 24-0206 Announcement of Current Advisory Board and Committee Vacancies

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

Mr. Powell read the announcements into the record.

4. CONSENT AGENDA:

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

Mr. Fletcher noted items pulled from the consent agenda for discussion.

There was no public comment.

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Stokes, to approve the consent agenda with the exception of Item Nos. 23-1403 and 23-1661 being pulled for discussion. The motion carried on the following vote:

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

A. 23-1312 Approve Contract No. 2022-28 for Professional Architectural and Engineering Services with Sweet Sparkman Architects, Inc., in the Amount of $211,265.00 for Project R20FAC Public Works Facility Phase II.

This item was approved on the consent agenda.

B. 23-1314 Approve Contract No. 2022-36 for Construction Manager at Risk Preconstruction Services Contract Phase I with Ajax Building Company, LLC, in the Amount not to Exceed $30,790.00 for Public Works Facility Phase II.

This item was approved on the consent agenda.

C. 23-1403 Approve Contract No. 2022-02 for Right of Way Mowing, Trimming, and Litter Removal with Walkers Service Inc., to Add Location No. 3 in the Amount of $34,773.30 for a Total Estimated Amount for 2024 is $531,782.82.

Mayor White announced the item.

Commissioner McDowell spoke to location and responsible party for mowing.

There were no Commission questions or discussion.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Item No. 23-1403 as presented. The motion carried on the following vote:

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

D. 23-1661 Approve First Amendment to Contract No. 2023-28 for Road Rehabilitation Project to Preferred Materials, Inc., in the Amount of $3,724,860.26, With a Contingency of $670,474.84 for a Total Amount of $4,395,335.10, for an Additional Four (4) New Road Segments Including Toledo Blade Boulevard Phase III, South Salford Subdivision, Tihal Terrace, and Hampshire Circle, for Milling, Resurfacing, and Additional Time to Complete the Requested Work.

Mayor White announced the item.

Commissioner McDowell spoke paving concerns, residents, condition of roads, survey of homes, pavement analysis, and environmentally sensitive land.

There were no Commission questions or discussion.

There was no public comment.

A motion was made by Commissioner Langdon, seconded by Commissioner Emrich, to approve Item No. 23-1661 as presented. The motion carried on the following vote with Commissioner McDowell dissenting due to Toledo Blade project, environmentally sensitive land, and no new properties on Hampshire Circle.

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

No: 1 - Commissioner McDowell

E. 23-1705 Approve the Fourth Amendment to Agreement No. 2019-48.001 Debris Management Services and Ancillary Preparation/Recovery Services in the City of North Port With Ceres Environmental Services, Inc.

This item was approved on the consent agenda.

F. 24-0040 Approve Contract No. 2023-41 Professional Construction, Engineering, and Inspection (CEI) Services & Geotechnical Engineering Services for Price Boulevard - Phase I Widening Project with AECOM Technical Services, Inc. in the Amount of $4,218,161.04.

This item was approved on the consent agenda.

G. 24-0065 Approve Eighth Amendment to Agreement No. 2015-19, Professional Engineering Services for the Widening of Price Boulevard, from Sumter Boulevard to Toledo Blade Boulevard to Consor Engineers, LLC in the Amount of $218,988.00.

This item was approved on the consent agenda.

H. 24-0169 Approve the Community Development Block Grant Sub-Recipient Agreement, Between Sarasota County, Florida, and the City of North Port,

Florida, for Social Service Case Management, Contract Number B-23-UC-12-0014, in the Amount of $55,000 to Fund Staff Salaries for the Social Services Division, and Authorize the City Manager or the Mayor, as Applicable Under the City Charter, to Execute all Funding Documents After Legal Review.

This item was approved on the consent agenda.

I. 24-0174 Approve the Appointment of Gavin Gray as a Youth Member of the Parks & Recreation Advisory Board, to Serve a Term From February 27, 2024, to February 27, 2025.

This item was approved on the consent agenda.

J. 24-0175 Approve the Appointment of Nolan Deming as a Regular Member of the Zoning Board of Appeals, to Serve a Term From February 27, 2024, to February 27, 2027.

This item was approved on the consent agenda.

K. 24-0177 Approve Work Assignment 2024-01 With Kimley-Horn, in the Amount of $205,749.00, for the Water Distribution System Improvements Project.

This item was approved on the consent agenda.

L. 24-0185 Approve the Appointment of Lacey Holland as a Regular Member of the Community Economic Development Advisory Board, to Serve a Term from February 27, 2024, to February 27, 2027.

This item was approved on the consent agenda.

M. 24-0189 Approve Amendment No. 1 to Agreement No. CAC2019-0106, the Sarasota County Governmental Management System (GovMax) Hosted Application Service and License Agreement Between Sarasota County and the City of North Port for the County's Continued Provision of Hosting Services for the City of North Port's GovMax Program for the Term of One Year in an Amount Not to Exceed $28,981.85.

This item was approved on the consent agenda.

N. 24-0198 Approve the Appointment of Richard Gortz as a Regular Member of the Zoning Board of Appeals, to Serve a Term From February 27, 2024, to February 27, 2027.

This item was approved on the consent agenda.

O. 24-0277 Approve Work Assignment No. 2024-02 with CDM Smith, Inc. in the Amount of $499,850.00, for the North Port Wastewater Master Plan Project.

This item was approved on the consent agenda.

5. PUBLIC HEARINGS:

PETITIONS:

A. CC PLF-23-127 Consideration of Petition PLF-23-127, Re-Plat Woodlands Commercial Park, Phase 1. (QUASI-JUDICIAL)

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

Mr. Powell read the Petition by title only and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

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

Mr. Powell stated there were no aggrieved parties.

Todd Mathes, Benderson Development, being duly sworn, spoke to re-purposing the land and Staff report.

Mr. Brown, 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.

There were no rebuttals by Staff.

There was no public comment.

There were no Commission questions or discussion.

There were no closing arguments by the Applicant.

There were no closing arguments by Staff.

Mayor White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to approve the Woodlands Commercial Park Phase 1 Re-Plat, Petition No. PLF-23-127, 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 - Commissioner Emrich, Commissioner McDowell, Mayor White, Vice Mayor Stokes and Commissioner Langdon

B. CC PLF-23-201 Consideration of Petition PLF-23-201, Wellen Park Downtown Phase 3 Final Plat (QUASI-JUDICIAL)

Mayor White announced the item, stated this is a quasi-judicial hearing, and called on

the City Clerk to read by title only.

Mr. Powell read the Petition by title only and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

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

Mr. Powell stated there were no aggrieved parties.

Mr. Brown, being duly sworn, noted the applicant is not present and 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 Staff.

There was no public comment.

There were no Commission questions or discussion.

There were no closing arguments by Staff.

Mayor White closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the Wellen Park Downtown Phase 3 Final Plat, Petition No. PLF-23-201, 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 - Commissioner Emrich, Commissioner McDowell, Mayor White, Vice Mayor Stokes and Commissioner Langdon

C. CC PLF-23-245 Consideration of Petition PLF-23-245, Palmera at Wellen Park Phases 1A, 1B, 1C & 1D Final Plat (QUASI-JUDICIAL)

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

Mr. Powell read the Petition by title only and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

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

Mr. Powell stated there were no aggrieved parties.

Mr. Grubb, being duly sworn, noted the applicant is not present and 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 Staff.

There was no public comment.

Commission questions and discussion took place regarding preservation.

There were no closing arguments by Staff.

Mayor White closed the public hearing and requested a motion.

A motion was made by Commissioner Langdon, seconded by Commissioner Emrich, to approve the Palmera at Wellen Park Phases 1A, 1B, 1C, and 1D Final Plat, Petition No. PLF-23-245, 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 - Commissioner Emrich, Commissioner McDowell, Mayor White, Vice Mayor Stokes and Commissioner Langdon

ORDINANCE - FIRST READING:

A. ORD. NO. 2024-05

An Ordinance of the City of North Port, Florida, Rezoning ±262.34 Acres Located East of Toledo Blade Boulevard Approximately 1 Mile North of I-75 in Section 6, Township 39 South, Range 22 East of Sarasota County and Further Described in Instrument No. 2023042804 in Official Records of Sarasota County, From No Zoning Designation District (NZD) Classification to Residential Multi-Family District (RMF) Classification; Amending the Official Zoning Map; Providing for Findings; Providing for Filing of Approved Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL)

Mayor White announced the item, stated this is a quasi-judicial hearing, and requested a motion to direct the City Clerk to read by title only.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:

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

Mr. Powell read the Ordinance by title only and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

Ms. Slayton spoke to process for documents distributed prior to the meeting.

Recess was taken from 6:48 p.m. to 6:54 p.m.

Commissioner McDowell disclosed all previous ex parte disclosures regarding Comprehensive Plan Amendment and rezoning and public commenter documentation.
Vice Chair Stokes disclosed public commenter documents.
Commissioner Langdon disclosed public commenter documents.

Mayor White disclosed public commenter documents.
Commissioner Emrich disclosed public commenter documents.

Mr. Powell stated there were no aggrieved parties.

Jeffrey Boone, Boone Law firm and Kenrick Gallander, RWA Engineering, being duly sworn, provided a presentation including overview, land, zoning district, master plan, transportation, analysis, conservation, economic development, benefits, and requested approval.

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

Mr. Boone provided a rebuttal regarding consistency with prior petitions for the property and the Comprehensive Plan.

Mr. Benge provided a rebuttal regarding Planning and Zoning Advisory Board vote in favor of the project.

Ronzo Lott: expressed opposition to the proposed Ordinance.
Pam Tokarz: expressed opposition to the proposed Ordinance.
Susan Balmer: expressed opposition to the proposed Ordinance.
Linda Riley: expressed opposition to the proposed Ordinance.
Kevin Riley: expressed opposition to the proposed Ordinance.
Carolyn Price: expressed opposition to the proposed Ordinance.

Commission questions and discussion took place regarding concern with rezoning to high residential and allowable dwelling units per acre.

Staff provided closing arguments regarding support of the rezone.

Mr. Boone provided a closing argument regarding safety, traffic study, permitting, environment, federal review, and staff recommendation.

Mayor White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to continue Ordinance No. 2024-05 to second reading on March 5, 2024.

Discussion continued regarding to increasing tax income, missed opportunity, and being left with no choice but to vote yes.

The motion carried on the following vote with Commissioner Emrich dissenting due to opposing the project from the start:

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

No: 1 - Commissioner Emrich

Recess was taken from 7:55 p.m. to 8:05 p.m.

B. ORD. NO. 2024-02 An Ordinance of the City of North Port, Florida, Annexing ± 2.491 Acres of Real Property Located on the Northwest Corner of North River Road and

South Tamiami Trail in the Unincorporated Area of Sarasota County, Florida and Contiguous to the Existing City Limits of the City of North Port, Florida; Redefining the Boundary Lines of the City of North Port to Include the Property; Providing for Findings; Providing for Annexation; Amending the Official Zoning Map; Providing for Assessment and Taxation; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor White announced the item and requested a motion to direct the City Clerk to read by title only.

A motion was made by Vice Mayor Stokes, seconded by Commissioner McDowell, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:

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

Not Present: 1 - Commissioner Emrich

Mr. Powell read the Ordinance by title only.

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

Commission questions and discussion took place regarding Joint Plan Agreement with the county.

There was no public comment.

Mayor White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to continue Ordinance No. 2024-02 to second reading on March 5, 2024. The motion carried on the following vote:

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

C. ORD. NO. 2024-04 An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code to Incorporate the Revised Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps and Related Definitions by Amending Sections 17-9 and 17-84; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor White announced the item and requested a motion to direct the City Clerk to read by title only.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:

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

Mr. Powell read the Ordinance by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding Federal Emergency Management Agency (FEMA) maps.

There was no public comment.

Mayor White closed the public hearing and requested a motion.

A motion was made by Commissioner Langdon, seconded by Commissioner McDowell, to continue Ordinance No. 2024-04 to second reading on March 5, 2024. The motion carried on the following vote:

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

ORDINANCE - SECOND READING:

A. ORD. NO. 2024-03 An Ordinance of the City of North Port, Florida, Annexing ± 6.89 Acres of Real Property Located in the Unincorporated Area of Sarasota County, Florida and Contiguous to the Existing City Limits of the City of North Port, Florida; Redefining the Boundary Lines of the City of North Port to Include this Property; Providing for Findings; Providing for Annexation; Amending the Official Zoning Map; Providing for Assessment and Taxation; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Mr. Powell read the Ordinance by title only.

Mr. Fletcher introduced the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to adopt Ordinance No. 2024-03 as presented. The motion carried on the following vote:

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

6. GENERAL BUSINESS:

A. 24-0204 Consider the City's Application for an Exception by Special Permit and for a Variance to the Noise Regulations in the Code of the City of North Port, Florida, Sections 46-40 Through 46-45 for an Extension to the Toledo Blade Boulevard Rehabilitation Project.

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding recommended language.

There was no public comment.

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to approve the issuance of a variance to the Code of the City of North Port, Florida, Section 46-42, Subsection (6) and approve the issuance of an exception by special permit for the Toledo Blade Boulevard Rehabilitation Project, subject to the following parameters and conditions:

Parameters:
Timeframe: Commence work on February 28, 2024, and complete work on April 30, 2024.
Work hours:
Work zone area hours:
Setup: 8:00 p.m. on weekdays, weekends and holidays in or within 50 yards of any residential area
Breakdown: 8:00 a.m. on weekdays and 8:30 a.m. on weekends and holidays in or within 50 yards of any residential area
Road rehabilitation work hours:
9:00 p.m. and 7:00 a.m. the following day on weekdays or 9:00 p.m. and 7:30 a.m. on weekends and holidays in or within 50 yards of any residential property

Conditions:
The contractor shall be required to maintain applicable maintenance of traffic operations.
The contractor shall maintain one (1) travel lane in each direction at all times.
The contractor will prioritize emergency response vehicles through the work zone.

The motion carried on the following vote:

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

B. 24-0324 Discussion and Possible Action Regarding Use of the City Seal on the Mural Located at the North Port Aquatic Center by Catherine Beausoleil (Requested by Mayor White).

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding use of logo, legal, and defacing City Seal.

Mr. Powell read the following eComments into the record:

Catherine Beausoseil: expressed support of mural.

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, for the artist to remove the City Seal from the back of the turtle at the North Port Aquatic Center. The motion carried on the following vote with Mayor White dissenting due to not seeing an issue with the placement:

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

No: 1 - Mayor White

7. PUBLIC COMMENT:

Mr. Powell read the following eComments into the record:
Nonprofits Nonprofits: Opposed the city using signs for advertisement.

8. COMMISSION COMMUNICATIONS:

Mayor White called on Commissioners for communications.

A. 24-0236 Commissioner Langdon's Communications

Commissioner Langdon reported on important topics and events attended.

B. 24-0304 Mayor White's Communications

Mayor White reported on important topics and events attended.

C. 24-0253 Commissioner McDowell's Communications

Commissioner McDowell reported on important topics and events attended.

D. 24-0285 Commissioner Emrich's Communications

Commissioner Emrich reported on important topics and events attended.

E. 24-0272 Vice Mayor Stokes' Communications

Vice Mayor Stokes reported on important topics and events attended.

9. ADMINISTRATIVE AND LEGAL REPORTS:

A. 24-0224 City Clerk's Monthly Report

Mr. Powell did not provide a report.

B. 24-0333 City Attorney's Monthly Report

Ms. Slayton did not provide a report.

C. 24-0340 City Manager Monthly Report

Mr. Fletcher did not provide a report.

10. ADJOURNMENT:

Mayor White adjourned the meeting at 8:47 p.m.

City of North Port, Florida

By: _____
Alice White, Mayor

Attest: _____
Heather Faust, City Clerk