



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, November 23, 2021

6:00 PM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

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

Also Present

City Manager Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Taylor, Recording Secretary Amanda Baker, Fire Chief Scott Titus, Police Commander Eric Sineath, and Zoning Coordinator Sherry Willette-Grondin

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Debbie McDowell.

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 McDowell and Commissioner White

2. PUBLIC COMMENT:

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

Edie Driest: supports designating the Florida scrub jay as State bird

PUBLIC COMMENT:

Jeffrey Scott: City of North Port's Vision and accountability of City staff

Valdy Olender: organizational chart, Supreme Court opinions, and bureaucracies

Allain Hale: supports designating the Florida scrub jay as State bird

3. ANNOUNCEMENTS

- A. [21-1913](#) Current Vacancies and Upcoming Expiration Dates for Board and Committees

Ms. Taylor read the announcements into the record.

4. CONSENT AGENDA:

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

Commissioner McDowell rescinded her request to pull Item No. 21-1772.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve the Consent Agenda as presented. The motion carried on the following vote:

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

- A. [21-1579](#) Approve the Second Amendment to the City of North Port, Florida, and North Port Health Investors, LLC Water and Wastewater System Developer's Agreement.

This item was approved on the Consent Agenda.

- B. [21-1584](#) Approve the Purchase of One (1) New International MV Ambulance from REV RTC, Inc. for the North Port Fire-Rescue District for an Estimated Cost of \$298,890 and, Due to Current Nationwide Logistical and Manufacturing Issues Causing Significant Delays and Availability, Authorize the City Manager to Approve the Sourcing and Purchase of an Equivalent Asset, if Necessary.

This item was approved on the Consent Agenda.

- C. [21-1682](#) Approve the Application for Funding Assistance to the Federal Fiscal Year (FFY) 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program-Florida JAG Direct in the amount of \$7,930 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.

- D. [21-1688](#) Approve Sole Source Procurement of Annual Maintenance from Central Square Technologies, LLC in the Estimated Cost Amount of \$180,750.76 with a Contingency Amount of \$10,000.00.
This item was approved on the Consent Agenda.
- E. [21-1720](#) Approve the Utilization of the Florida Sheriffs Association Contract FSA20-VEL28.0 and FSA20-VEH18.0 to Purchase One (1) 2022 Ford E-350; Two (2) 2022 Ford F-350 and One (1) 2022 Ford F-350F From Duval Ford, LLC, in the Estimated Amount of \$241,149.20 and, Due to Current Nationwide Logistical and Manufacturing Issues Causing Significant Delays and Availability Authorize the City Manager to Approve the Sourcing and Purchase of an Equivalent Asset, if Necessary.
This item was approved on the Consent Agenda.
- F. [21-1723](#) Approve the Application to the U.S. Department of Health & Human Services CARES Act Provider Relief Fund: Phase 4 General Distribution and any future phases 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.
- G. [21-1739](#) Approve the Equitable Sharing Agreement and Certification between the U.S. Department of Justice, the U.S. Department of Treasury and the City of North Port Related to the Use of Federally Forfeited Funds
This item was approved on the Consent Agenda.
- H. [21-1754](#) Approve the Utilization of the U.S. General Services Administration (GSA) Contract No. GS-07F-0031 for Equipment and Construction Services of a Real Time Crime Center from Millenium Products, Inc. in the Amount of \$365,626.85 with an Additional Contingency Amount of \$20,000.00
This item was approved on the Consent Agenda.
- I. [21-1771](#) Appointment of Robert C. Dyer as a Regular Member of the Zoning Board of Appeals, to Serve a Three-Year Term from November 23, 2021 to November 23, 2024.
This item was approved on the Consent Agenda.
- J. [21-1772](#) Approve the Award of Funds in the Amount of \$74.55 From the Special Event Assistance Program to Brandi Bond to Cover the Costs of City Fees and Resources Associated with the October 30, 2021, Trunk or Treat Event.
This item was approved on the Consent Agenda.

- K. [21-1773](#) Appointment of Larry McNellis as a Regular Member of the Citizens' Tax Oversight Committee, to Serve a Two-Year Term From November 23, 2021, to November 23, 2023.

This item was approved on the Consent Agenda.

- L. [21-1774](#) Approval of Minutes for the October 12, 2021 Commission Regular Meeting, October 27, 2021 Commission Workshop Meeting, and November 1, 2021 Commission Joint Meeting with Planning and Zoning Advisory Board

This item was approved on the Consent Agenda.

- M. [21-1785](#) Approve Consent to Deemed Assignment of Investment Advisory Agreement(s) With PFM Asset Management LLC to U.S Bancorp Asset Management, Inc., and Ratify all the City's Prior Consents to Assignment Related to the Investment Advisory Agreement.

This item was approved on the Consent Agenda.

5. PUBLIC HEARINGS:

RESOLUTION:

- A. [RES. NO. 2021-R-47](#) A Resolution of The City Of North Port, Florida, Vacating Utility and Drainage Easements for Lots 12 And 13, Block 691, Seventeenth Addition to Port Charlotte Subdivision; Providing for Findings; Providing for Filing of Approved Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL).

Mayor Emrich announced the item, stated this is a quasi-judicial item, opened the public hearing, and directed the City Clerk to read the Resolution by title only.

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

There were no ex-parte communications.

Ms. Taylor noted there were no aggrieved parties.

Robert Rizzo, Applicant, being duly sworn, provided an overview of the request.

Ms. Willette-Grondin, being duly sworn, provided a presentation including an aerial map of the lots, proposed land use, approval from all applicable utilities entities, building permits, conditions met, noticing and revised noticing requirements, corrected notice of intent, and Planning and Zoning Advisory Board (PZAB) and staff recommendations.

There was no rebuttal by the Applicant or Staff.

There was no public comment.

There was no Commission discussion.

There was no closing argument by Staff or the Applicant.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to approve Resolution No. 2021-R-47 as presented. The motion carried on the following vote:

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

- B.** [RES. NO. 2021-R-55](#) A Resolution of the City Commission of the City of North Port, Florida Authorizing Settlement of a Forfeiture Action in Sarasota County Circuit Court Case No. 2020-CA-4734, Regarding Seizure of 1867 Clarinet Avenue, North Port, Florida; Accepting Ownership of Real Property Located at 1867 Clarinet Avenue, North Port, Florida, and Described as Lots 11 and 16, Block 1644, 33rd Addition to Port Charlotte Subdivision, Sarasota County Property Appraiser Parcel Identification Number 1137164411; Authorizing Sale of the Property; Incorporating Recitals; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by title only.

Ms. Taylor read the Resolution by title only.

Ms. Slayton introduced the item.

Discussion took place regarding the property lien, amount of time it would take to sell the property, and if Commission approval is required for the sale.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve Resolution No. 2021-R-55 as presented. The motion carried on the following vote:

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

ORDINANCE - Second Reading:

- C.** [ORD. NO. 2021-42](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Section 74-151, Related to the Operation of Golf Carts in Cedar Grove Phase 1A; Providing for Findings; Providing or Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Ordinance by title only.

Ms. Taylor read the Ordinance by title only.

Mr. Fletcher introduced the item.

There was no Commission discussion.

PUBLIC COMMENT:

William Barhydt: supports removing the operation of golf carts from Cedar Grove Phase 1A

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve Ordinance No. 2021-42 as presented. The motion carried on the following vote:

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

D. [ORD. NO. 2021-43](#) An Ordinance of the City of North Port, Florida, Establishing a Schedule and Location of City Commission Regular Meetings and Workshops for the 2022 Calendar Year; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Ordinance by title only.

Ms. Taylor read the Ordinance by title only and introduced the item.

There was no Commission discussion.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Vice Mayor Langdon, seconded by Commissioner McDowell, to approve Ordinance No. 2021-43 as presented. The motion carried on the following vote:

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

ORDINANCE - First Reading:

E. [ORD. NO. 2021-44](#) An Ordinance of the City of North Port, Florida, Adopting the FY 2021- FY 2025 Five-Year Schedule of Capital Improvements of the Capital Improvements Element of the North Port Comprehensive Plan; 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 City Clerk to read the Ordinance by title only.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to

direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote

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

Ms. Taylor read the Ordinance by title only.

Mr. Fletcher introduced the item.

There was no Commission discussion.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to continue Ordinance No. 2021-44 to second reading on December 14, 2021. The motion carried on the following vote:

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

6. GENERAL BUSINESS:

A. [21-1753](#) Discussion and Possible Action Regarding the Commission Board and Committee Assignments for 2021-2022.

Mayor Emrich announced the item.

Ms. Taylor introduced the item.

Discussion took place regarding designating Vice Mayor Langdon as primary for the Tourist Development Council (TDC), Florida League of Cities (FLC) Advocacy not being on the list, and alternates for designations.

There was no public comment.

A motion was made by Vice Mayor Langdon, seconded by Commissioner McDowell, to approve the 2021-2022 Committee Assignments with the following change:

1. Designate Vice Mayor Langdon as the Visit Sarasota Tourist Development Council (TDC) primary with Commissioner Luke designated as backup.

A motion to amend was made by Commissioner McDowell, seconded by Commissioner Luke, to add Florida League of Cities (FLC) Advocacy with Commissioner McDowell as the designated representative. The motion to amend carried on the following vote:

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

The main motion as amended carried on the following vote:

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

- B.** [21-1799](#) Discussion and Possible Action Regarding Support of House Bill 207 and Senate Bill 378 Adopting the Florida Scrub Jay as the Official Bird of the State of Florida.

Mayor Emrich announced the item.

Commissioner McDowell spoke to the item including the State not having a designated official bird, the Florida scrub jay, and adding a whereas clause in the Bill to include North Port having a presence of scrub jays.

Discussion took place regarding the counties in which the scrub jays reside, designating the sandhill crane as the State bird or City bird, and legislation pushing for the scrub jay to be the State bird.

Ms. Taylor read the following e-comment into the record:

Robin SanVincente: supports designating the Florida scrub jay as the State bird

A motion was made by Commissioner McDowell, seconded by Commissioner White, to direct staff to use the draft Resolution in the agenda backup to create a formal Resolution to be placed on the December 14, 2021 agenda with a whereas clause to be added that represents the abundance of scrub jays in North Port. The motion carried on the following vote:

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

- C.** [21-1800](#) Discussion and Possible Direction From City Commission Regarding the Process of Informing Staff of Scrivener's Errors Prior to Ordinance First Readings for Both Quasi-Judicial and Regular Hearings.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Discussion took place regarding the current process being used for the Unified Land Development Code (ULDC) rewrite, utilizing one staff member from the City Manager's office to work with the City Clerk's office, time constraints with agenda posting, process for regular agenda items, and legalities with quasi-judicial items.

Ms. Slayton explained the definition of a scrivener's error.

There was no public comment.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to have a formal policy for scrivener's errors stating that Commissioners send notice of errors to the City Manager for regular agenda items, not including quasi-judicial items.

Discussion took place regarding giving direction to form a process of addressing scrivener's errors.

Commissioner McDowell stated she does not believe the time it will take to implement a policy is an effective use of staff's time.

Discussion took place regarding the benefits of a formal policy.

The motion carried on the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented for reasons stated.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Commissioner McDowell reported on the Veterans Day ceremony, Heart of War ceremony, National Night Out, Peace River barbecue event, Homeless to Home luncheon, Awaken Church food drive, National League of Cities virtual attendance, and wished all a happy Thanksgiving.

Commissioner White reported on the Gabby Petito memorial bench, community kindness, Home Rule, and large governmental entities overruling small government decisions.

Commissioner Luke reported on the Veterans Day ceremonies, Heart of War ceremony, Peace River barbeque event, North Port symphony, grilled cheese festival, NPPD food drive, Teen Court, National Night Out, Florida Cancer Center ribbon cutting, National League of Cities, Awaken Church food drive, Concert in the Park, North Port High School play, Turkey in the Hole event, delivering the Certificate of Appreciation to the American Red Cross for their assistance during Tropical Storm Elsa, and wished all a happy Thanksgiving.

Vice Mayor Langdon reported on the Awaken Church food drive, stuff a cruiser event, National Night Out, Veterans Day ceremonies, and wished all a happy Thanksgiving.

Mayor Emrich reported on National Night Out, Veterans Day ceremonies, Heart of War ceremony, and wished all a happy Thanksgiving.

9. ADMINISTRATIVE AND LEGAL REPORTS:

B. [21-1911](#) City Manager Report on Commission Directives

Mr. Fletcher did not have a report.

A. [21-1792](#) City Attorney Report

Ms. Slayton did not have a report.

C. [21-1916](#) City Clerk Report

Ms. Taylor did not have a report.

10. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 7:19 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__.