



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Draft City Commission Special Meeting

### *CITY COMMISSIONERS*

*Jill Luke, Mayor*

*Pete Emrich, Vice Mayor*

*Barbara Langdon, Commissioner*

*Debbie McDowell, Commissioner*

### *APPOINTED OFFICIALS*

*Jason Yarborough, Interim City Manager*

*Amber L. Slayton, City Attorney*

*Heather Taylor, City Clerk*

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Thursday, December 3, 2020

1:00 PM

CITY COMMISSION CHAMBERS

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### CALL TO ORDER

Mayor Luke called the meeting to order at 1:00 p.m.

### ROLL CALL

**Present:** 4 - Mayor Jill Luke, Vice Mayor Pete Emrich, Commissioner Barbara Langdon and Commissioner Debbie McDowell

### Also Present:

Interim City Manager Jason Yarborough, Assistant City Manager Julie Bellia, Assistant City Manager Cari Branco, City Attorney Amber Slayton, Assistant City Attorney Michael Golen, City Clerk Heather Taylor, Recording Secretary Susan Hale, Deputy Police Chief Chris Morales, Fire Chief Scott Titus, Human Resource Director Christine McDade, Planning Division Manager Nicole Galehouse, Parks and Recreation Director Sandy Pfundheller, Assistant Parks and Recreation Director Tricia Wisner, Parks & Grounds Manager Jeff Nelson, Aquatic Supervisor Patricia Sturgess, Assistant Aquatic Supervisor Devon Paulos, Community & Outreach Coordinator Laura Ansel, and IT Business Administrator Vicki Edwards.

**The Pledge of Allegiance was led by Recreation Supervisor Jonathan Wheatley.**

### 1. APPROVAL OF AGENDA

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

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

### 2. PUBLIC COMMENT:

Ms. Taylor read the following public comment into the record:

Anonymous - Decorum at Commission meetings, a social media/code of ethics policy, and a possible bias demonstrated by the Commissioners.

**3. WELCOME OF NEW EMPLOYEES:**

A. [20-2923](#) Welcome New Employees

Ms. McDade introduced the new employees.

**4. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

A. [20-2945](#) Parks & Recreation Department Presentation

Mr. Yarborough introduced the item and Ms. Pfundheller provided a review of the Parks and Recreation Department including the vision and mission.

Ms. Wisner presented an overview of the Recreation Division.

Ms. Sturgess provided an overview of the Aquatics Division.

Mr. Nelson provided an overview of the Park Maintenance Division.

Ms. Wisner presented community feedback comments, the annual community interest survey results, and North Port parks as compared nationally.

Ms. Pfundheller reviewed the 2021 Strategic Plan action items, the Capital Improvement Program, and promotion of the area's Warm Mineral Springs heritage.

Ms. Ansel provided a report of sponsorships, scholarships, departmental awards programs, program partners, and the Recreate at Home initiative.

Ms. Pfundheller presented future developments, projects, and park improvements.

Ms. Sturgess spoke to the calculation of Warm Mineral Springs visitors.

Mr. Yarborough spoke to the Interlocal Agreement with Sarasota County assuming park maintenance, and an update regarding the Environmental Park.

Ms. Wisner explained the regional park requirement prerequisites.

Mr. Nelson spoke to safety and aesthetic attributes of park maintenance.

**5. GENERAL BUSINESS:**

A. [20-2943](#) Discussion and Possible Action Regarding Letter of Support for Environmentally Sensitive Land Nominations

Mr. Yarborough introduced the item.

Debbie Blanco, representing the Environmental Conservancy of North Port, presented a review of the environmentally sensitive land nominations for protection of scrub jays, a map overview of bird habitats in the area, map and description of the scrub jay active area, the Constitution Drive area acquisition, areas in North Port identified as scrub jay habitats, benefits of acquisition, economics of land conservation, management of nominated sites by the county, stepping stone habitats aiding survival of scrub jays, challenges to the bird's survival and scrub jay survival statistics, requested a letter of

support by the Commission to the Environmentally Sensitive Lands Oversight Committee (ESLOC), and spoke to the letter of support for additional acquisition of properties not affecting other lots already nominated.

Mr. Yarborough responded questions regarding to the proposed areas being tax exempt once acquired.

Ms. Blanco spoke to feasibility of acquiring the land, continuing to search possible areas for purchase, red designated scrub jay areas being identified by Fish and Wildlife Services, how sites are considered for conservation acquisition, identified areas needing protection having no effect on homeowners ability to build, 13 acres needed per scrub jay family, and recouping Heron Creek scrub jay habitats.

Chief Titus spoke to addressing a wildlife protection plan, fire mitigation, and mechanical mitigation.

Ms. Blanco continued regarding ways to maintain the habitat through fire and mechanical mitigation.

**PUBLIC COMMENT:**

Edit Driest - Conservation not being costly to the City and adds value to homes.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to instruct the City Manager to send a letter of support within 30 days to the Environmentally Sensitive Lands Oversight Committee (ESLOC) for acquisition of the North Port Scrubby Flatwoods Area, in addition to what was sent out in April of 2020. The motion carried by the following vote:***

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

Ms. Branco provided the latest update regarding ESLOC properties.

***There was a consensus for staff to contact Sarasota County to receive an update of the ESLOC designated properties already in process.***

**B. [20-2949](#)**

Discussion and Possible Action Regarding the Language and Intent of Chapter 53, Article XIX of the Unified Land Development Code Related to the Commercial Redevelopment Low Impact (CRL) District within Activity Center 1 on U.S. 41

Mr. Yarborough introduced the item.

Discussion ensued regarding updating Chapter 53 for consistency, possible review of the Unified Land Development Code (ULDC) for first reading in April, and non-conforming businesses on U.S. 41.

Ms. Galehouse spoke to non-conforming small scale commercial or professional use limitations, restaurant limitations, allowable uses and maintaining intensity of zoning district, removal of art, music and dance studios as a special exception, measurement of intensity of use, input from economic development on best uses for property, expanding space for development, not restricting commercial space, consistency adjustments of City Code needed, protecting resident peace and quiet, 45-day timeline for processing an ordinance, and workshops and discussions planned prior to first reading of the ordinance.

***A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich,***

*to provide guidance that the special exceptions of the Commercial Redevelopment Low Impact (CRL) be removed.*

Discussion ensued regarding defining permitted uses after special exceptions are removed, and the motion and second were withdrawn.

*A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to add bed and breakfast establishments to permitted use, remove artist's studio as a special exception, and add professional offices to permitted uses.*

*A motion was made by Commissioner McDowell, to amend the motion to incorporate these changes into the Unified Land Development Code rewrite when it comes before the Commission in April. The motion died for lack of a second.*

*Commissioner Langdon stated that was understood within the motion, therefore no action was taken on the amendment.*

Discussion ensued regarding the intensity of the use within the CRL, staff drafting legislation with the Commission's current direction, and discussions with the consultant.

*The main motion carried by the following vote:*

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

Ms. Galehouse spoke to providing a draft of the ULDC as soon as possible including definitions.

**8. COMMISSION COMMUNICATIONS:**

Commissioner McDowell attended the Hearts Luncheon

Vice Mayor Emrich had nothing to report.

Commissioner Langdon had nothing to report.

Mayor Luke recognized work the Parks and Recreation Department did with multiple events over the weekend.

**9. ADMINISTRATIVE AND LEGAL REPORTS:**

Mr. Yarborough spoke to the sprinkler system failure at Willow Creek Apartments, and Social Services providing assistance to 10 families.

Ms. Slayton had nothing to report.

Ms. Taylor had nothing to report.

Recess was taken from 3:10 p.m. to 4:00 p.m.

**6. PROCLAMATIONS AND RECOGNITIONS: TIME CERTAIN AT 4:00 P.M.**

**D.** [20-2937](#) Recognize Commissioner McDowell for Service as Mayor from November 2019 through November 2020

Mayor Luke presented the recognition and plaque to Commissioner McDowell.

- A. [20-2926](#) Presentation of the City Hall Trick or Treat Trophy to the North Port Police Department  
Ms. Edwards presented this recognition to the Police Department.
- B. [20-2977](#) Present Advisory Board Certificates of Appreciation to Michelle Bisson for Serving on the Beautification and Tree/Scenic Highway Committee and Philip Lamade for serving on the Planning and Zoning Advisory Board  
The Commission presented this certificate.
- C. [20-2811](#) Recognize City Staff for Assistance Following a Dump Truck Gas Tank Explosion on Sumter Boulevard  
Ms. Bellia presented this recognition to City Staff members who were involved in the cleanup effort.
- E. [20-2948](#) Recognize Tricia Wisner for Achieving Certified Parks and Recreation Executive (CPRE) Professional Designation  
The Commission presented this recognition.
- F. [20-2951](#) Recognize Sandy Pfundheller for Achieving Certified Parks and Recreation Executive (CPRE) Professional Designation  
The Commission presented this recognition.
- G. [20-2952](#) Recognize Christine McDade for Achieving Certified Public Manager (CPM) Professional Designation  
The Commission presented this recognition.
- H. [20-2953](#) Recognize Deborah Hope for Achieving Certified Public Manager (CPM) Professional Designation  
The Commission presented this recognition.

### **GENERAL BUSINESS - Continued**

- C. [20-2925](#) TIME CERTAIN 4:15 P.M. - Discussion and Direction on the Non-Exclusive Facility Use Agreement Between the Southwest Florida Water Polo Foundation, Inc. and the City of North Port, Florida, Regarding Use of the North Port Aquatic Center.  
Mr. Yarborough introduced the item.  
  
Ms. Pfundheller and Ms. Wisner provided an overview of the Southwest Florida Water Polo (SWFWP) agreement including the following modification requests: an increase in allowable hours, use of facility inside and outside operating hours, a discount from standard fees, purchasing additional lap hours, a discount on the rate for fewer hours, a reduction of the rate and cost for staffing if additional lifeguards are needed, reducing lap charges for 30 minutes or less, lane reservations reductions, use of shot clocks and

buzzers, and providing an emergency action plan to the agreement.

Ms. Wisner spoke to North Port High School polo team being a separate entity, high school having priority for the lanes, finalizing reservation dates 60 days prior to each water polo season, City maintaining the right to decide priority usage of the pool, public availability for pool access, exclusive use during certain tournament events, and cost for exclusive use of facility.

***A point of order was called by Commissioner Langdon regarding time frame for individual Commissioner questions and answers. No ruling was made as the floor was relinquished.***

Discussion continued regarding resident access to the pool, discounts, standardizing pricing, and maintaining staff confidence.

Ms. Wisner responded to questions regarding payments received, total rental fees for the year, and fees for classes.

Discussion ensued regarding the advantages of swim programs, after hours rates being unfair, termination clauses with or without cause, refunds, lane rentals excluding admission fees, using the high school agreement as a template, agreement renewal language, exclusive use of lanes for competition during regular hours, the cost for after hours use of dive well contemplating lifeguards, confirming after hours fees being at standard rates, force majeure situations being addressed in the agreement, standardizing user agreements, and removing the clause addressing "renewal after one year."

***A consensus was requested to remove the renewal clause on lines 332 and 333. The consensus failed on a two-two (2-2) vote.***

Discussion ensued regarding the number of hours per week.

***There was a consensus to allow Southwest Florida Water Polo 90 hours per week.***

Discussion continued regarding lap lane reservations per hour during regular hours, pros and cons to rental rates, after hour rates, and scheduling a workshop.

***A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to direct the Interim City Manager to create an agenda item for January 26, 2021 at 10:00 a.m. for a Special Meeting for a presentation on the Aquatic Center to include the numbers, hours, possible changes, and to include contract user rates. The motion carried by the following vote:***

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

## **7. PUBLIC COMMENT:**

There was no public comment.

## **10. ADJOURNMENT:**

Mayor Luke adjourned the meeting at 6:16 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Gisele "Jill" E. Luke, Mayor

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

Minutes approved at the Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_,  
2021.