



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Jill Luke, Mayor

Pete Emrich, Vice Mayor

Barbara Langdon, Commissioner

Debbie McDowell, Commissioner

Alice White, Commissioner

APPOINTED OFFICIALS

Jason Yarborough, Interim City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Tuesday, September 28, 2021

6:00 PM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

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

Also Present

Interim City Manager Jason Yarborough, City Attorney Amber Slayton, City Clerk Heather Taylor, Recording Secretary Amanda Baker, Fire Chief Scott Titus, Police Chief Todd Garrison, Acting Assistant City Manager Julie Bellia, Interim Planning and Zoning Division Manager Monica Bramble, Code Enforcement Manager Kevin Raducci, Planner III Rhea Lopes, Planner II Thomas Sacharski, Planner I Noah Fossick, Social Services Manager Janet Carrillo, and Parks and Recreation Assistant Director Tricia Wisner

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Interim Planning and Zoning Division Manager Monica Bramble.

Mr. Yarborough spoke to Ms. Bramble's tenure with the City and transition to oversee for the Unified Land Development Code (ULDC).

1. APPROVAL OF AGENDA

Discussion took place regarding reordering the agenda.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the Agenda moving Item No. 21-1325 before the Consent Agenda, moving Item No. 21-1283 and Item No. 21-1483 after Presentations, moving Item No. 21-1268 before Item No. 21-1323 in General Business, and removing Item No. 21-1445 from the Agenda in its entirety. The motion carried on the following vote:

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

2. PUBLIC COMMENT:

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

Karen Arlington: Kiwanis' role in operating the Clothing Closet

Jamie Nicastro: Kiwanis' role in operating the Clothing Closet

PUBLIC COMMENT:

Jeffrey Scott: expressed concerns with transparency in the Police Department.

Mr. Yarborough explained the hierarchy of City government.

Valerie Olinger: the Tour de North Port event

Reyetta Haugh: Kiwanis' charitable assistance

Joan Morgan: support of law enforcement and first responders, and the Gabby Petito case

3. ANNOUNCEMENTS

- A. [21-1491](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees

Ms. Baker read the announcements into the record.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [21-1325](#) Sarasota County Commissioner Ron Cutsinger Update to North Port City Commission

Mayor Luke announced the item and introduced Sarasota County Commissioner Ron Cutsinger.

Commissioner Cutsinger provided a presentation to include expressing support to North Port law enforcement and first responders, gratitude to Mr. Yarborough for his tenure as Interim City Manager, meeting Mr. Fletcher, Centennial Celebration Closeout at Warm Mineral Springs, Legacy Trail groundbreaking, the new R.L. Anderson Courthouse building completion, I-75 interchange proposal in the Yorkshire/Raintree area, River Road widening project, County Commission approving adding the Nona Springs site to the County's Environmental Sensitive Land Purchase program, the San Mateo parcel contract, negotiating on Myakka River parcel to boost eco-tourism, new on-demand transport service, Surtax IV, and the results of the 2020-2021 Citizens' Survey.

4. CONSENT AGENDA:

Mr. Yarborough noted items to be pulled from the consent agenda for discussion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the Consent Agenda, pulling Item Nos. 21-1283, SAP-21-247, and 21-1426 for discussion. The motion carried on the following vote:

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

- B.** [CCSAP-21-247](#) Award Funds from the Special Event Assistance Program in the Amount of \$309.96 to the People for Trees to Cover the Costs of City Fees and Resources for the 11th Annual Tour de North Port to be held on October 24, 2021.

Mayor Luke announced the item.

Commissioner White noted she will abstain due to being the Director of People for Trees.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Item No. SAP-21-247 as presented. The motion carried on the following vote:

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

Abstain: 1 - Commissioner White

- C.** [21-1353](#) Approve the Application to the Florida Department of Environmental Protection Protecting Florida Together Resiliency Grant for a Citywide Vulnerability Assessment and Adaptation Plan in the Amount of \$200,000, 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.** [21-1426](#) Approve the Appointment of David Pankiw as the Financial Services Representative and Amy Downs as a North Port Resident Representative on the Community Economic Development Advisory Board to Serve a Term of Two Years from September 28, 2021 to September 28, 2023.

Mayor Luke spoke to pulling the item to request Amy Downs be appointed as a medical representative instead of a regular member.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the appointment of David Pankiw as the Financial Services Representative and Amy Downs as the Health Care Representative to the Community Economic Development Advisory Board. The motion carried on the following vote:

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

- E. [21-1440](#) Approve the Utilization of Temporary Staffing Agencies, Including but not Limited to, Ad-Vance Talent Solutions, for Employment Services on an "As Needed Basis" for an Estimated Amount of \$259,000 in Fiscal Year 2022
This item was approved on the consent agenda.
- F. [21-1441](#) Approve Work Assignment 2021-15 with CDM Smith, Inc. for \$140,790.00, for the Myakkahatchee Creek Water Treatment Plant (MCWTP) Phase 3 Improvements.
This item was approved on the consent agenda.
- G. [21-1442](#) Approve the Central Florida Internet Crimes Against Children Task Force Memorandum of Understanding Between the Osceola County Sheriff's Office and the City of North Port, Florida on Behalf of the North Port Police Department.
This item was approved on the consent agenda.
- H. [21-1445](#) Approve the Application to the Florida Department of Environmental Protection 319(h) Nonpoint Pollution Grant for the Blue Ridge/Salford North Sewer Expansion Project in the Amount of \$120,000, 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 removed from the agenda.
- I. [21-1472](#) First Amendment to Agreement No. 2018-16 Development Code Analysis and Revision Agreement with Calvin, Giordano & Associates, Inc. for a Total Compensation of \$352,750.00.
This item was approved on the consent agenda.
- J. [21-1481](#) Approve the Appointment of Keith Brown for a Third Term as a Trustee to the North Port Police Officers' Pension Board of Trustees.
This item was approved on the consent agenda.
- K. [21-1484](#) Approve the Appointment of Mark Murphy as a Regular Member to the Parks and Recreation Advisory Board to Serve a Two-year Term from September 28, 2021 to September 28, 2023.
This item was approved on the consent agenda.
- L. [21-1494](#) Approval of Minutes for the September 2, 2021 Commission Workshop with Parks and Recreation and the September 2, 2021 Commission Regular Meeting
This item was approved on the consent agenda.

- M. [21-1485](#) Approve Commissioner McDowell to Serve on the Florida League of Cities 2022 Advocacy Committee

This item was approved on the consent agenda.

PRESENTATIONS: Continued

- B. [21-1404](#) Code Enforcement Division of the Department of Neighborhood Development Services Annual Presentation to the City Commission.

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Mr. Raducci provided a presentation to include Code Enforcement's mission, department staff, lien searches, abandoned property registration, case total breakdown, call volume, scrub-jay sightings in April 2021, updated scrub-jay area map, gopher tortoise sightings in April 2021, Chapter 42 of City Code pertaining to excess growth of grass/weeds, House Bill 883/Senate Bill 60, House Bill 403 regarding home-based businesses, and information pamphlets.

Discussion took place regarding call volume, registration fee for lien searches, due process for grass/weed violations, and the North RePort app.

CONSENT AGENDA: Continued

- A. [21-1283](#) Approve the Tenant Lease Agreement Between the City of North Port, Florida and the Kiwanis Club of North Port, Inc. for Space at the Al Goll Ancillary Building Located at 5925 Greenwood Ave.

Mayor Luke announced the item.

Commissioner McDowell spoke to pulling the item to discuss the non-profit organizations in the City, which organizations use City space, and the current agreement between the City and Kiwanis.

Discussion took place regarding leasing City-owned spaces to non-profit organizations in general, Kiwanis volunteering to staff the Clothing Closet, and keeping equity within the non-profit organizations.

Ms. Carrillo answered questions regarding the Clothing Closet being a Social Services project and hours of operation.

Discussion ensued regarding Clothing Closet staffing, statistics of visitors throughout the week, the probability of the project being open without Kiwanis' assistance, comparing Police Department volunteer services to Kiwanis' volunteer services, list of volunteers within Social Services, continuing Item No. 21-1483 to January, and determining who is responsible for the Clothing Closet project.

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

Christine Willis: the City's partnerships with non-profit organizations

Heather Jorge: Kiwanis' role in assisting needs of children

PUBLIC COMMENT:

Cindy Hemberger: Kiwanis' role in assisting needs of children and delivering necessary items to Louisiana

Joan Morgan: Kiwanis' history in North Port and their presence and notoriety in the community

A motion was made by Commissioner Langdon, seconded by Commissioner McDowell, to approve Item No. 21-1283 as presented. The motion carried on the following vote:

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

7. GENERAL BUSINESS:

- B.** [21-1483](#) Discussion and Possible Action Regarding Kiwanis Letter Submitted August 21, 2021 to the Social Services Division, Requesting a Potential Lease with the City for the Children's Community Clothing Closet for a fee of \$1.00 Per Year

In response to Commission questions, Ms. Slayton stated the carryover of proof of insurance from the daycare to the Clothing Closet would depend on the insurance policy itself, and would need to be addressed with Risk Management.

Discussion ensued regarding placing this item on hold for the larger discussion regarding non-profit organizations in January/February.

A motion was made by Commissioner McDowell, seconded by Commissioner White, to continue Item No. 21-1483 to the January/February 2022 discussion regarding use of public spaces by non-profit organizations.

Discussion took place regarding directing staff to advise Commission of the relationship between Kiwanis and Social Services with regard to the Clothing Closet.

The motion carried on the following vote:

Yes: 3 - Mayor Luke, Commissioner McDowell and Commissioner White

No: 2 - Vice Mayor Emrich and Commissioner Langdon

Vice Mayor Emrich dissented because he did not have a chance to speak prior to voting and his belief that the discussion needs to take place prior to January to determine whether or not Kiwanis would be in partnership with the City.

Commissioner Langdon dissented, agreeing with Vice Mayor Emrich, and in anticipation that the Clothing Closet would not be part of January's discussion.

Recess was taken from 7:50 p.m. to 8:00 p.m.

6. PUBLIC HEARINGS:

PETITIONS:

- A. [CC](#) Consideration of Petition PLF-21-099, Watercress Cove Final Plat
[PLF-21-099](#) (QUASI-JUDICIAL).

Mayor Luke announced the item, stated this is a quasi-judicial hearing, and opened the public hearing.

Ms. Taylor read the petition title and swore in those wishing to provide testimony.

There were no ex-parte communications from Commissioners.

Ms. Taylor noted there are no aggrieved parties.

Shane McGee, a representative for Garden Street Communities LLC, being duly sworn, provided a presentation including number of units, size, location, approval by surveyor and staff, compliance, and stated the site is currently under construction.

Mr. Sacharski, being duly sworn, provided a presentation including infrastructure and subdivision plans approval, number of lots, total site size, surety bond receipt, surveyor approval, and Planning and Zoning Advisory Board (PZAB) and staff recommendation.

There was no rebuttal by staff or the applicant.

There was no public comment.

Discussion took place regarding the number of units, property location, probability of flooding, and onsite stormwater.

Ms. Lopes, being duly sworn, answered questions regarding surrounding property owners receiving notification about the construction.

There was no closing argument by staff or the applicant.

Mayor closed the public hearing and requested a motion.

A motion was made by Commission McDowell, seconded by Vice Mayor Emrich, to approve Petition No. PLF-21-099 as presented and find that, based on the competent substantial evidence, the Watercress Cove final plat complies with the Unified Land Development Code and Florida Statute Chapter 177. The motion carried on the following vote:

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

- B. [CC](#) Development Master Plan, North Port Self Storage, Located at 4851 Trott
[DMP-20-198](#) Circle, DMP-20-198 (QUASI-JUDICIAL)

Mayor announced the item, stated this is a quasi-judicial hearing, and opened the public hearing.

Ms. Taylor read the petition title and swore in those wishing to provide testimony.

Commissioner McDowell disclosed she e-mailed the City Manager on September 24, 2021 regarding various questions, received answers, and forwarded the e-mail to the City Clerk for the record.

Mayor Luke disclosed discussion with the City Clerk's office regarding a Planning and Zoning Advisory Board (PZAB) Board Member's dissention.

Vice Mayor Emrich disclosed discussion regarding e-mails with the City Manager in the presence of the City Attorney.

There were no other ex-parte communications.

Ms. Taylor noted there are no aggrieved parties.

Tom Holzer, Manager of North Port Self Storage, LLC, being duly sworn, provided a presentation including the purpose and the layout of the site.

Mr. Fossick, being duly sworn, provided a presentation including site size and location, parcel zone, site layout, landscaping and underground stormwater system, access points, staff responses to the applicant's requested waivers, compliance, consistency with the Comprehensive Plan, and PZAB and staff recommendation of approval with staff conditions and waivers.

There was no rebuttal by staff or the applicant.

There was no public comment.

Mr. Fossick answered questions regarding waiver #2 stating the waiver only applies to the sides of the site and the rear will have the Type C buffer.

Discussion ensued regarding no physical structure being constructed on the site, stormwater being stored underground, staff recommendation for the lighting waiver, and replacing the dumpster with a garbage tote.

Ms. Bramble, being duly sworn, spoke to the City Code regarding commercial entities maintaining appropriate solid waste service.

Discussion ensued regarding the landscape buffer, trees being in the rear of the site, principal use of the site being for recreational vehicle (RV), boat storage, and outside storage permitted zoning locations, and ensuring conditions are in the motion.

There was no closing argument by staff or the applicant.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve DMP-20-198 as presented with the below waivers and conditions and find that based on the competent substantial evidence, the Development Master Plan meets the standards in Section 53-7 of the Unified Land Development Code.

Waivers:

1. Remove the requirement for the installation of lighting as the business will only operate between 8:00 a.m. and 5:00 p.m. with the condition that the applicant provides at least 0.4 footcandles to be consistent with the lowest minimum

requirement for lighting in the City.

2. Reduce the requirement for a Type C buffer in the side yard to a 3-foot buffer using only shrubs with the condition that a Type C buffer be required in the rear of the property adjacent to the incompatible land uses.

3. Reduce the front setback requirement from 25 feet to 14 feet.

4. Remove the requirement to lease a city-owned dumpster as the proposed outdoor storage yard will need no garbage collection with the condition that the applicant rents, at minimum, a garbage tote in lieu of a dumpster and provided that the applicant must rent a dumpster should there be multiple code violations for litter on the property.

Conditions:

1. A 100% gopher tortoise survey was done on September 16, 2020 and showed one potentially occupied gopher tortoise burrow. One additional potentially occupied gopher tortoise burrow was observed outside of the western boundary directed towards the survey area. Please note that no more than 90 days prior to, and no fewer than 72 hours before (excluding weekends and 1 holiday) commencing gopher tortoise capture and relocation activities, the gopher tortoise authorized agent shall complete the 100% gopher tortoise survey. The gopher tortoise relocation must be completed before 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, a Florida Fish and Wildlife Conservation Commission (FWC) relocation permit for the relocation is needed, and a copy of the survey and permit 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.

The motion carried on the following vote:

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

No: 1 - Commissioner White

Commissioner White dissented due to disagreeing with waiver #2 and no trees being planted on the site.

RESOLUTION:

- C.** [RES. NO. 2021-R-36](#) A Resolution of the City of North Port, Florida, Adopting City Commission Policy No. 2021-09 Related to the Purchase of Flowers, Gifts, and Food; Incorporating Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Ms. Taylor read the Resolution by title only.

Ms. Slayton introduced the item.

Discussion took place regarding Commission working with staff in drafting the policy and the requirements within, and the reason behind the \$99 limit and food provided for lunch or dinner break.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Resolution No. 2021-R-36 as presented. The motion carried on the following vote:

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

ORDINANCE - Second Reading:

- D. [ORD. NO. 2021-38](#) An Ordinance of the City of North Port, Florida, Repealing Section 2-418 of the Code of the City of North Port, Florida, Relating to the Purchase of Food, Flowers, or Gifts; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Ms. Taylor read the Ordinance by title only.

Ms. Slayton introduced the item.

There was no discussion.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Ordinance No. 2021-38 as presented. The motion carried on the following vote:

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

- E. [ORD. NO. 2021-06](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Chapter 18 - Emergency Services, Article II. - Burglar Alarm Systems, to Modify the Regulation of Burglar Alarm Systems; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

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

Ms. Taylor read the Ordinance by title only.

Mr. Yarborough introduced the item.

There was no discussion.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Vice Mayor Emrich, seconded by Commissioner White, to approve Ordinance No. 2021-06 as presented. The motion carried on the following vote:

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

- F.** [ORD. NO. 2021-39](#) An Ordinance of the City of North Port, Florida, Recognizing that the Florida Legislature's Retroactive Application of Florida Statutes Section 163.31801(6) Invalidated and Preempted the City's Impact Fee Rate Schedules Increased in Ordinance No. 2020-42; Ratifying and Reinstating the Previous Impact Fee Rate Schedules in Ordinance No. 2019-06; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification in Section 58-105 of The Code of the City of North Port, Florida; and Providing an Effective Date.

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

Ms. Taylor read the Ordinance by title only.

Ms. Slayton introduced the item.

There was no discussion.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Ordinance No. 2021-39 as presented. The motion carried on the following vote:

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

GENERAL BUSINESS: Continued

- D.** [21-1268](#) Discussion and Possible Action Regarding the Findings of Conversations with the Federal and State Regulatory Agencies on Florida Scrub Jays and Gopher Tortoises Including Presentations From Kyle Brown, Representative, Florida Fish and Wildlife Commission and Elizabeth Landrum, US Fish and Wildlife Services.

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Bellia spoke to the item and introduced Elizabeth Landrum with U.S. Fish and Wildlife Services (USFWS).

Ms. Landrum provided a presentation for the Florida scrub-jays to include geography, fire suppression, habitat fragmentation and loss, ecological changes, history, habitats,

territories, affected parcels, intersected buffers, survey protocols, Incidental Take Permit (ITP) process overview, large vs. small parcels, and solutions.

Discussion took place regarding inspecting recently added properties, mitigation process as per Federal law, the decline of scrub-jays in Sarasota County, preventing land-clearing during nesting season, providing a safe space to re-home scrub-jays, explaining Section 10 of the Endangered Species Act, and placing the City under Section 10 of the Endangered Species Act.

Mr. Yarborough spoke to application process for the City to be placed under Section 10.

Discussion ensued regarding barring construction on a scrub-jay occupied lot.

Mr. Yarborough spoke to the process of updating the identification map.

Discussion ensued regarding conflicting issues between Federal and State laws, and recent scrub-jay sightings.

There was consensus to review the St. Lucie code as a guide for the City to appease the State and Federal scrub-jay permitting laws.

There was consensus to verify and update the scrub-jay area map.

There was consensus to evaluate current environmental properties around the City to determine habitat areas.

There was consensus to issue a no underbrush or land clearing permit during scrub-jay nesting season in scrub-jay areas with legal review to be effective after the map is confirmed.

PUBLIC COMMENT:

Debbie Blanco: areas in the City that are scrub-jay habitats and parcels that were nominated as scrub-jay habitats to the County's Environmentally Sensitive Lands Program

Allain Hale: Scrub-jay extinction in the area, environmental dangers within scrub-jay habitats, and creating a Florida Wildlife Corridor

Jennifer Krajer: nesting survey procedure

There was consensus to bridge the gap requiring a nesting survey from U.S. Fish and Wildlife Services.

Discussion took place regarding environmental consultants having affiliations with builders and being USFWS and/or FWC certified.

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

Edie Driest: speculative clearing, St Lucie Co policies, clearing land during scrub-jay nesting season, make correspondence between the City and USFWS easily obtainable without requiring a public records request.

Robin SanVicente: recommends stricter guidelines to protect scrub-jays.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct staff to use the five consensuses given as a means to conduct the business

dictated by the consensuses. The motion carried on the following vote:

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

Ms. Bellia introduced Kyle Brown with Florida Fish and Wildlife (FWC).

Mr. Brown provided a presentation on gopher tortoises to include being a State-listed threatened species, candidate for Federal listing, history of legal status, management plan approved in 2012, identification, adult and juvenile identification, habitats, active and inactive burrows, laws and rules protecting gopher tortoises, rule violations, permitting guidelines, activities that do not require a permit, development activities that impact tortoises, types of permits, authorized agents, homeowners and registered agents, backhoe use, development-related violations, disturbed site permit criteria, disturbed site protocol, disturbed site prevention, and permit locator map.

Discussion took place regarding burrow depth, credibility of authorized agents, implementing environmental studies, process of becoming a registered agent, obtaining relocation permits, having the relocation permits on file with the City, and City Code pertaining to gopher tortoises.

PUBLIC COMMENT:

Jennifer Crajer: tortoises creating burrows under driveways, lanais, etc.

Discussion ensued regarding gopher tortoise nesting season, determining whether a gopher tortoise is male or female, and where females lay their eggs.

A. [21-1323](#)

Discussion and Possible Action Regarding Parks and Recreation Advisory Board Letter Dated July 27, 2021, Requesting Investigation into Expanding North Port's Existing Dog Park on Appomattox Drive Using a Portion of Land Leased by the Jockey Club Property Owners Association.

Mayor Luke announced the item.

Commissioner McDowell introduced the item.

Discussion took place regarding expanding the dog park, opening a park in the east, and the approved budget amount of \$100,000 for improvements to the existing dog park.

PUBLIC COMMENT:

Jim Scheidel: concerns with not expanding the dog park

Ms. Wisner answered questions regarding the cost of a small expansion, which would include relocating the gopher tortoises that are on site and redirecting stormwater, and the cost of fencing the proposed area.

Discussion took place regarding reviewing the pros and cons of using the allowed funds to renovate the park or using the funds to expand it and bringing the results back, and finding out if the Jockey Club is amenable to releasing property back to the City.

There was consensus to instruct the City Manager to work with the City Attorney and Jockey Club to gather information regarding the 99-year lease to determine if the Jockey Club will release property back to the City, and contingent upon that response, gather information regarding the cost of relocating the gopher tortoises.

Discussion took place regarding informing the Parks and Recreation Advisory Board of the consensus made, providing a copy of the Capital Improvement Project (CIP) sheet to the Board pertaining to the improvements for the dog park, and future plans for opening a dog park in the east.

PUBLIC COMMENT:

Jim Scheidel: contents of the letter

C. [21-1538](#)

Discussion and Possible Action Regarding the Community Economic Development Advisory Board Recommendation to Commission for the City of North Port to Send a Letter of Support for the Funding Request to be Brought Forth by the North Port Suncoast Technical College in Tallahassee Regarding Future Build Out and Workforce Programs in North Port

Mayor Luke announced and introduced the item.

Discussion took place regarding the contents of Mayor Luke's speech and the support letters for the draft bill for North Port.

Mayor Luke passed the gavel to Vice Mayor Emrich.

A motion was made by Mayor Luke, seconded by Commissioner McDowell, to direct the Interim City Manager to draft a letter of support to the Sarasota County Legislative Delegation regarding Suncoast Technical College's (STC) request that the process of allocating State workforce funding is amended to better reflect the current enrollment of the technical centers.

Discussion took place regarding the method of sending the letter to the Delegation.

The motion carried on the following vote:

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

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner McDowell opted to report her communications at the next meeting.

Commissioner White reported on the Gabby Petito investigation, community outreach, and attending the Coastal and Heartland National Estuary Program (CHNEP) meeting.

Mayor Luke opted to report her communications at the next meeting and stated those opting to wait to report communications will do so on October 7, 2021.

Vice Mayor Emrich reported on attending the American Veterans (AmVets) meeting to celebrate first responders and the Metropolitan Planning Organization (MPO) meeting.

Commissioner Langdon reported on attending the MPO meeting, Tiger Bay Club meeting, and Gabby Petito's vigil, and expressed gratitude to Mr. Yarborough for assuming his

position as the Interim City Manager.

10. ADMINISTRATIVE AND LEGAL REPORTS:

A. [21-1500](#) City Manager Report

Mr. Yarborough expressed gratitude to Ms. Bramble, Commission, and staff.

B. [21-1482](#) City Attorney Report

Ms. Slayton did not have a report.

C. [21-1496](#) City Clerk Report

Ms. Taylor did not have a report.

11. ADJOURNMENT:

Mayor Luke adjourned the meeting at 11:31 p.m.

City of North Port, Florida

By: _____
Gisele "Jill" E. Luke, Mayor

Attest: _____
Heather Taylor, City Clerk

Minutes approved at the Commission Meeting this ___ day of _____, 2021.