



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

Jerome Fletcher, City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Tuesday, November 9, 2021

10:00 AM

City Commission Chambers

CALL TO ORDER

Mayor Luke called the meeting to order at 10:00 a.m.

ROLL CALL

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

Also Present

City Manager Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Taylor, Assistant City Clerk Adrian Jianelli, Recording Secretary Amanda Baker, Assistant City Attorney Michael Golen, Fire Chief Scott Titus, Fire Division Chief Nick Herlihy, Police Chief Todd Garrison, Deputy Police Chief Chris Morales, Assistant City Manager Julie Bellia, Planner III Rhea Lopes, and Human Resources Director Christine McDade

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Clerk Heather Taylor.

1. APPROVAL OF AGENDA

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

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

2. PUBLIC COMMENT:

Alisha Playter - supports the use of golf carts in Cedar Grove.

3. ANNOUNCEMENTS

- A. [21-1730](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees

Ms. Taylor read the announcements into the record.

4. CONSENT AGENDA:

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

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

- A. [21-1571](#) Approve the Application to the Florida Department of Economic Opportunity Community Development Block Grant Rebuild Florida Mitigation General Infrastructure Program for Myakkahatchee Creek Water Treatability Improvements in the Amount of \$4,500,000, 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.

- B. [21-1694](#) Approve the Disposition of Surplus Assets in an Appropriate Fashion Pursuant to Chapter 2 Administration, Article VIII Procurement, Section 2-419, Disposition of City Assets and Property (d), (1) of the Code of the City of North Port, Florida.

This item was approved on the Consent Agenda.

- C. [21-1711](#) Approve Change Order No. 1 to Work Assignment 2021-04 Under Continuing Services Contract 2020-58-12 for the Sumter Boulevard Utility Extensions Project with Stantec Consulting Services, Inc. for an Additional Cost of \$24,230.17, Increasing the Total Work Assignment Cost to \$202,390.20

This item was approved on the Consent Agenda.

- D. [21-1741](#) Approval of Minutes for the October 7, 2021 Commission Special Meeting

This item was approved on the Consent Agenda.

- E. [21-1699](#) Appointment of Gail Stevens as an Alternate I Member on the Parks and Recreation Advisory Board, to Serve a Two-Year Term from November 9, 2021, to November 9, 2023.

This item was approved on the Consent Agenda.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [21-1742](#) Annual City Commission Presentation from the North Port Fire Rescue District

Mayor Luke announced the item.

Mr. Fletcher introduced the item.

Chief Titus provided a presentation including helmet distribution to Commission, recognition of staff, mission statement, 2022 vision statement, organizational chart, Fire Prevention Division, Emergency Management, additional services, Administrative Services, Emergency Services, Emergency Medical Services (EMS) Division, Emergency Operations and Fire Training, fire/police training tower, Apprenticeship Program, Driver/Engineer Program, Special Operations/Technical Rescue, North Port Fire Rescue Honor Guard, 2021/22 challenges, North Port Fire Rescue District response areas, and current and future Fire Stations and answered questions on success in recruitments, local and out of state applications, fire tower Surtax funds, ISO rating differences, homeowners insurance savings, funds for the recruit program, diabetic sharps containers, re-taking of a driver's test qualifications, and equipment training.

6. PUBLIC HEARINGS:**PETITION:**

- A. [CC](#) Consideration of PLF-21-200, Wellen Park Village E Final Plat
[PLF-21-200](#) (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.

Ms. Taylor noted there were no aggrieved parties.

John Luczynski, Wellen Park Senior Vice-President, being duly sworn, provided a presentation including location map, infrastructure, commercial tract selling, road projects, and projected timeline.

Ms. Lopes, being duly sworn, provided a presentation including approval of master and infrastructure plans, land use, site size, surety bond receipts, West Villages Improvement District (WVID) approval, surveyor approval, requested plat changes, and Planning and Zoning Advisory Board (PZAB) and staff recommendations.

The Applicant provided a rebuttal regarding tract 505 requested changes.

Staff had no rebuttal.

There was no public comment.

Discussion took place regarding areas of tract 505 being wetlands, percentage of open

space, plans to keep Heritage Trees, and if the area is in a flood zone.

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 Commissioner Langdon, to approve PLF-21-200 as presented with the following changes, and find that, based on the competent substantial evidence, the Wellen Park Village E Final Plat complies with the Unified Land Development Code and Florida Statute Chapter 177:

- 1. To correct the scrivener's error on the acreage on Tract 6 to be 320,924 square feet; and***
- 2. To not convey Tract 505 to the West Villages Improvement District.***

The motion carried on the following vote:

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

ORDINANCE - FIRST READING:

B. [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 Luke announced the item and requested a motion to direct the City Clerk to read the Ordinance by title only.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to direct the City Clerk to read Ordinance No. 2021-42 by title only. The motion carried on the following vote:

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

Ms. Taylor read the Ordinance by title only.

Mr. Fletcher introduced the item.

Ms. Bellia spoke to amending Ordinance No. 2020-44 pertaining to operation of golf carts on subdivision roadways, Commission direction to strike Cedar Grove Phase 1A from the Ordinance, and staff preparation.

Discussion took place regarding low-speed vehicles (LSV) vs. golf carts, golf cart operation in Cedar Grove Phase 1B, Cedar Grove Homeowner's Association (HOA) precluding golf carts from operation, language in Ordinance 2020-44 pertaining to operating LSVs, reasons for amending the Code, and speed limits in Phase 1A.

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

Kent Andrews: opposes disallowing golf carts in Cedar Grove Phase 1A

Art Bilski: opposes disallowing golf carts in Cedar Grove Phase 1A

Andrew Metz: opposes disallowing golf carts in Cedar Grove Phase 1A

Amy Beheler: opposes disallowing golf carts in Cedar Grove Phase 1A

Adriana Boucher: opposes disallowing golf carts in Cedar Grove Phase 1A

Andrea Leclerc: supports removing golf carts in Cedar Grove Phase 1A

Bill Keast: opposes disallowing golf carts in Cedar Grove Phase 1A

Thomas Manley: supports removing golf carts in Cedar Grove Phase 1A

Jacqueline Keast: opposes disallowing golf carts in Cedar Grove Phase 1A

Mandy Lorenz: opposes disallowing golf carts in Cedar Grove Phase 1A

Bailey Beheler: opposes disallowing golf carts in Cedar Grove Phase 1A

Jason Beheler: opposes disallowing golf carts in Cedar Grove Phase 1A

Jamie Foster: opposes disallowing golf carts in Cedar Grove Phase 1A

Christine Black: opposes disallowing golf carts in Cedar Grove Phase 1A

Jessica Meyers: opposes disallowing golf carts in Cedar Grove Phase 1A

PUBLIC COMMENT:

William Barhydt: supports removing golf carts in Cedar Grove 1A

Discussion ensued regarding the HOA process for changing covenants.

Ms. Slayton spoke to the difference between City law and HOA regulations.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner White, to continue Ordinance No. 2021-42 to second reading on November 23, 2021.

Discussion took place regarding larger governmental entities overthrowing regulations set forth by smaller governmental entities.

The motion carried on the following vote:

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

C. [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 Luke announced the item and requested a motion to direct the City Clerk to read

the Ordinance by title only.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to direct the City Clerk to read Ordinance No. 2021-43 by title only. The motion carried on the following vote:

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

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

Discussion took place regarding the 2022 Florida League of Cities conference date, 2022 District meeting calendars, approval by Ordinance, special meeting holds, and Commission workshops being scheduled.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell to continue Ordinance No. 2021-43 to second reading on November 23, 2021, adding District meetings to the title block and removing the November 3, 2022 Commissioner Regular Meeting at 4:00 p.m. due to Florida League of Cities.

Ms. Slayton recommended modifying the motion to allow staff to work together to correct the Ordinance title block.

Commissioner McDowell withdrew her motion.

Discussion ensued regarding moving the Commission Regular Meeting from November 3, 2022 at 4:00 p.m. to November 8, 2022 at 4:00 p.m.

A motion was made by Commissioner McDowell, seconded by Commissioner White, to continue Ordinance No. 2021-43 to second reading on November 23, 2021, to remove the 4:00 p.m. Commissioner Regular Meeting on November 3, 2022, to add a 4:00 p.m. Commission Regular Meeting on November 8, 2022, and to direct the City Clerk and City Attorney to coordinate the District meetings and title block as needed. The motion carried on the following vote:

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

RESOLUTION:

D. [RES. NO. 2021-R-49](#)

A Resolution of the City of North Port, Florida, Authorizing the City Commission to Participate in a Joint Meeting with the Sarasota County Commission to Discuss and Plan Matters of Mutual Interest; Incorporating Recitals; Providing for Severability; and Providing an Effective Date.

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

Ms. Taylor read the Resolution by title only and 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 Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Resolution No. 2021-R-49 as presented. The motion carried on the following vote:

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

E. [RES. NO. 2021-R-51](#)

A Resolution of the City Commission of the City of North Port, Florida Adopting City Commission Policy No. 2021-10 Related to procedure for Hybrid Meetings and Allowing City Commissioners, Advisory Board Members, Committee Members, and Task Force Members to Attend Public Meetings Virtually When an In-Person Quorum Has Been Established; Incorporating Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

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

Discussion took place regarding the seven-day notice requirement, extraordinary circumstances, "as soon as possible" in Section C2 of the resolution, Section C1 also pertaining to City Commission, City Clerk notifying the Mayor of a Commission hybrid meeting, limiting the number of times a board member or Commissioner can attend virtually, requirement of a physical quorum, time frame for amending the agenda, allowing the Resolution to proceed as preliminary and adjust as needed, what constitutes as an extraordinary/extenuating circumstance, and ensuring the policy is not taken advantage of.

Mr. Golen spoke to the number of allowed absences for board members per City Code, and the legal considerations regarding limiting the number of hybrid meetings a board member can attend virtually.

Discussion ensued regarding snowbirds being allowed to serve on boards.

Ms. Taylor spoke to the number of board members influencing a quorum, and board members being allowed excused absences.

Discussion ensued regarding amending an agenda to reflect a hybrid meeting, publishing the meeting as hybrid for public notification purposes, and meetings for hybrid quasi-judicial boards.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Mayor Luke, to approve Resolution No. 2021-R-51 with the following change to Section C2 changing "as soon as possible" to "24 hours prior to start of the meeting".

Discussion took place regarding allowing enough time to amend an agenda to reflect a hybrid meeting, and keeping "as soon as possible" in Section C2 but adding that notification be "no later than 24 hours prior to the meeting".

A motion to amend was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to amend the motion to strike "as soon as possible" to add "as soon as possible but no later than 24 hours prior to start of the meeting".

Recess was taken from 12:23 p.m. until 12:33 p.m.

Discussion took place regarding clarification of the intent of the amendment.

The motion to amend 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 not believing there should be a 24-hour requirement.

The main motion as amended carried on the following vote:

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

11. COMMISSION COMMUNICATIONS:

Commissioner McDowell reported on the Florida League of Cities (FLC) Legislative Conference, Leadership Academy II, North Port Police Department (NPPD) deputizing by Sheriff Hoffman, Sarasota Memorial Ribbon Cutting, Halloween event, Pregnancy Solutions Ribbon Cutting, and Chamber Government Relations meeting.

Commissioner White reported on the Halloween event, Newcomers Day, and the FLC Conference and Workshops.

Vice Mayor Emrich reported on NPPD deputizing by Sheriff Hoffman, Halloween event, and the Metropolitan Planning Organization (MPO) meeting.

Commissioner Langdon reported on the Surtax meeting, MPO meeting, FLC Conference, Halloween event, and North Port Real Estate Investor's Group meeting.

Mayor Luke reported on the Veterans Ceremony, FLC Conference, Leadership Academy II, Pregnancy Solutions Ribbon Cutting, Warton Smith Construction Company Ribbon Cutting, Strategic Planning, Chamber Meetings, Sarasota Memorial Hospital Ribbon Cutting, swearing in of Police Officers, Tiger Bay, Halloween event, National League of Cities (NLC) voting delegate, and the Atlanta Braves.

12. ADMINISTRATIVE AND LEGAL REPORTS:

Mr. Fletcher reported on the Veterans Ceremony, Strategic Planning update, the Florida City and County Management Association (FCCMA) meeting, and the Parks and Recreation annual report.

Ms. Slayton did not have a report.

Ms. Taylor did not have a report.

Recess was taken from 12:51 p.m. to 4:00 p.m.

7. WELCOME OF NEW EMPLOYEES: - Time certain 4:00 p.m.

- A. [21-1687](#) Welcome New Employees

Ms. McDade introduced the new employees.

8. PROCLAMATIONS AND RECOGNITIONS

- A. [21-1486](#) Police Department Presentation of Checks to Local Organizations Receiving a Donation of Forfeiture Funds

Chief Garrison introduced the item and presented checks to Centerstone, First Step, Teen Court, Holly's Hope, Do the Right Thing - Kiwanis Club, Making an Impact, Mothers Against Drunk Driving (MADD), and Imagine School Young Marines.

- B. [21-1722](#) Proclaim November 27, 2021 as Small Business Saturday, Presented to the Economic Development Division and the Chamber of Commerce.

Commission presented the Proclamation.

- C. [21-1672](#) Proclaim November 11, 2021, as Veterans Day, Presented to Veterans

Commission presented the Proclamation.

Commission presented the Proclamation.

- D. [21-1560](#) Proclaim November 2021 as Family Court Awareness Month, Presented to One Mom's Battle.

Commission presented the Proclamation.

- E. [21-1513](#) Proclaim November 17, 2021 as National Geographic Information Systems Day, Presented to City of North Port GIS Staff.

Commission presented the Proclamation.

- F. [21-1676](#) Presentation of Certificate of Appreciation to Nicholas Trolli for Serving on the Planning and Zoning Advisory Board.

Commission presented the Certificate.

- G. [21-1784](#) Proclaim November 9, 2021 as World Champion Atlanta Braves Day, presented to Mike Dunn, Vice President Atlanta Braves

Mr. Fletcher noted the request to continue this item due to the Atlanta Braves representative not being able to attend.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to continue Item No. 21-1718 to the December 2, 2021 Commission meeting. The motion carried on the following vote:

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

- H. [21-1718](#) Recognize Commissioner Luke for Service as Mayor from November 2020 through November 2021.

Vice Mayor Emrich presented the award to Mayor Luke.

Commissioner Luke thanked the entire City team for a tremendous year and recognized the various levels of the team for their valuable work.

9. GENERAL BUSINESS:

- A. [21-1572](#) Election of Mayor and Vice Mayor

Mayor Luke announced the item.

Public Comment:

Justin Willis: expressed gratitude to Mayor Luke and Vice Mayor Emrich

Joan Morgan: expressed gratitude to Mayor Luke

Mayor Luke requested nominations for Mayor.

Commissioner McDowell nominated Commissioner Langdon as Mayor.

Commissioner Langdon spoke to Vice Mayor Emrich's ability to run an efficient and effective meeting, support of the rotating of positions, and nominated Vice Mayor Emrich as Mayor.

Mayor Luke queried Commissioners for additional nominations, and with no other nominations, closed the nomination.

The nomination of Commissioner Langdon as Mayor failed on the following vote:

Yes: 1 - Commissioner McDowell

No: 4 - Mayor Luke, Vice Mayor Emrich, Commissioner Langdon and Commissioner White

The nomination of Vice Mayor Emrich as Mayor carried on the following vote:

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

No: 1 - Commissioner McDowell

Mayor Luke opened the floor for nominations for Vice Mayor.

Commissioner McDowell nominated Commissioner White as Vice Mayor.

Vice Mayor Emrich nominated Commissioner Langdon as Vice Mayor.

Mayor Luke queried Commissioners for additional nominations, and with no other nominations, closed the nominations.

The nomination of Commissioner White as Vice Mayor failed on the following vote:

Yes: 1 - Commissioner McDowell

No: 4 - Mayor Luke, Vice Mayor Emrich, Commissioner Langdon and Commissioner White

The nomination of Commissioner Langdon as Vice Mayor carried on the following vote:

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

Mayor Emrich spoke to intent to follow Policy No. 2021-05 and Policy No. 2021-03.

Vice Mayor Langdon expressed her gratitude for being appointed as Vice Mayor.

Discussion took place regarding following rotation practices in the future.

10. PUBLIC COMMENT:

Justin Willis: thanked Commissioners for following rotation.

13. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 5:07 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____.