



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, January 23, 2024

6:00 PM

City Commission Chambers

CALL TO ORDER

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

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 Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Faust, Assistant City Clerk Matthew Powell, Police Chief Todd Garrison, Fire Chief Scott Titus, Legislative Analyst Todd Miles, Development Services Director Alaina Ray, and Public Works Director Chuck Speake

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Miles.

1. APPROVAL OF AGENDA

Mayor White requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, 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:

Valdy Olender: expressed concern with City policy and actions.

3. CONSENT AGENDA:

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

There was no public comment.

Mayor White requested a motion.

A motion was made by Commissioner Emrich, seconded by Commissioner McDowell, to approve the consent agenda with the exception of Item No. 24-0128 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.** [24-0018](#) Approve the Reappointment of Paul Kaskey as a Regular Member of the Municipal Firefighters Pension Trust Fund Board, to Serve a Third Term From January 23, 2024, to January 23, 2026.

This Item was approved on the consent agenda.

- B.** [24-0021](#) Accept the Cash Receipts Summary Report for November 2023.

This Item was approved on the consent agenda.

- C.** [24-0034](#) Approve the Sole Source Purchase of Replacement Public Safety Radios from Motorola Solutions, Inc in the Amount of \$2,415,455.63.

This Item was approved on the consent agenda.

- D.** [24-0128](#) Approve Template for a Contract for Reimbursement of Firefighter or Paramedic Training Expenses (Current Employee – Tuition and Fees Paid by the City) and Authorize the City Manager or Designee to Sign Future Agreements Using the Approved Template.

Mayor White announced the item.

Commissioner McDowell spoke to the item.

Commission questions and discussion took place regarding recruit success rate, comparison with Police Department training opportunities and reimbursement, and paramedic school cost.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Item No. 24-0128 as presented. The motion carried on the following vote:

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

- E.** [24-0144](#) Approve the January 4, 2024 Commission Regular Meeting Minutes, the January 4, 2024 Commission Special Meeting Minutes, and the January 8, 2024 Commission Workshop Minutes.

This Item was approved on the consent agenda.

4. PUBLIC HEARINGS:

ORDINANCE - Second Reading:

- A. [ORD. NO. 2023-31](#) An Ordinance of The City of North Port, Florida, Amending the Future Land Use Designation from Low Density Residential to Medium Density Residential for a ±18.63 Acre Area Generally Located North of Hillsborough Boulevard and West of Toledo Blade Boulevard; Amending the City of North Port Comprehensive Plan Chapter 2, Future Land Use Map 2-7; Providing for Findings; Providing for Adoption; 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 called on the City Clerk to read by title only.

Ms. Faust read the Ordinance by title only and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

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

Commissioner McDowell disclosed the same ex-parte communications from first reading and a meeting with citizens on January 15, 2024 regarding next steps and processes of development.

Ms. Faust stated there were no aggrieved parties.

Jeffery Boone, Boone Law Firm, being duly sworn, requested all testimony from first reading be included in the record.

Ms. Ray, being duly sworn, requested all testimony from first reading be included in the record.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

There were no Commission questions or discussion.

Staff provided a closing argument regarding recommendations.

There was no closing argument by the Applicant.

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. 2023-31 as presented and find that, based on competent substantial evidence, the amendment is consistent with the standards and intent of

the City of North Port Comprehensive Plan and Florida Statutes. The motion carried on the following vote with Commissioner McDowell dissenting due to not in City's best interest and a need for more commercial land as opposed to residential:

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

No: 1 - Commissioner McDowell

B. [ORD. NO. 2023-32](#)

An Ordinance of The City of North Port, Florida, Rezoning ± 18.63 Acres Located in Section 36, Township 39S, Range 21E of Sarasota County and Further Described as Tract "B" Fifty-First Addition to Port Charlotte Subdivision and in Instrument No. 2008066012 in the Official Records of Sarasota County, from Residential Single-Family District (RSF) Classification to Residential Multi-Family District (RMF) Classification; Amending the Official Zoning Map; Providing for Findings; Providing for Filing of Approved Documents; Providing for Severability; Providing for Conflicts; and Providing an Effective Date.(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.

Ms. Faust read the Ordinance by title only and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

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

Commissioner McDowell disclosed the same ex-parte communications from first reading and a meeting with citizens on January 15, 2024 regarding next steps and processes of development.

Ms. Faust stated there were no aggrieved parties.

Jeffrey Boone, Boone Law Firm, being duly sworn, requested all testimony from first reading be included in the record.

Ms. Ray, being duly sworn, requested all testimony from first reading be included in the record.

There were no rebuttals by the Applicant or Staff.

Ms. Faust read the following public comment card into the record:

Diane Sutton: being duly sworn, opposed to Ord. No. 2023-32.

In person public comment:

Cynthia Cunningham: being duly sworn, spoke to neighborhood in Activity Center 6 being rezoned with City rezoning.

There were no Commission questions or discussion.

Staff provided a closing argument regarding recommendations.

There was no closing argument by the Applicant.

Mayor White closed the public hearing and requested a motion.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Stokes, to adopt Ordinance No. 2023-32 and find that, based on the competent substantial evidence, the rezoning will not adversely affect the public interest, health, safety and general welfare; and that the specific requirements in the City of North Port Comprehensive Plan, and the standards listed in Section 1-33.E(1) of the Unified Land Development Code have been met. The motion carried on the following vote with Commissioner McDowell dissenting due to large parcels of land being used for residential instead of commercial adversely affecting the City:

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

No: 1 - Commissioner McDowell

PETITION:

**A. [CC](#) Consideration of Petition No. DMP-23-121 Serenity Multi-Family
[DMP-23-121](#) Development Master Plan (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.

Ms. Faust read the Petition by title only and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

Commissioner Langdon disclosed no ex-parte communications.

Commissioner McDowell disclosed a meeting with the developer in August 2023 regarding revised plans, town hall meetings regarding development process and procedures and quasi-judicial purpose, conversations and meetings with citizens regarding development process and procedures, and emails connected to Comprehensive Plan amendment and rezoning.

Vice Chair Stokes disclosed a meeting with the developer regarding revised plans and emails received.

Mayor White disclosed a meeting with the developer in November 2023 regarding revised plans.

Commissioner Emrich disclosed a meeting with the developer regarding revised plans.

Ms. Faust stated there were no aggrieved parties.

Jeffrey Boone, Boone Law Firm, Michael Belfonti, Belfonti Companies, Mark Forlenza, Spinnaker Real Estate Partners, Sina Ebrahimi, Kimley-Horn, and Bob Agrusa, Kimley-Horn, all being duly sworn, provided a presentation including overview, location, size, targeted audience, amenities, neighborhood meeting changes, architecture, environmental and wildlife preservation, buffers, site plan, utilities, traffic impact, modification request, and requested approval.

Ms. Ray, being duly sworn, provided a presentation including overview, applicant, property owner, request, location, aerial view, neighborhood meeting, zoning, site plan, environmental and wildlife preservation, modification request, compliance with Comprehensive Plan, Unified Land Development Code (ULDC), and Florida Statutes, typographical error, public notice, and recommendations.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions and discussion took place regarding neighborhood meeting accommodation efforts, Toledo Blade Boulevard left turn lane installation responsibility and timeline, financial analysis impact fees, **no impact fee deferral request**, park overview and plans, wildlife perimeter fencing, wildlife and environmental preservation, and commendation regarding development process.

Staff provided a closing argument regarding recommendations.

The Applicant provided a closing argument regarding community needs, consistency with the Comprehensive Plan and ULDC, and requested approval.

Mayor White closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Petition No. DMP-23-121 with the following modification and conditions and find that, based on competent substantial evidence, the Development Master Plan and the modification and conditions comply and are consistent with the intent of the Unified Land Development Code and the Comprehensive Plan, and do not adversely affect the public interest.

Modification:

1. Modification to Sec. 53-153, to allow a minimum living area of the unit(s) of 650 square feet.

Conditions:

1. The future detailed design of the stormwater management system must meet all requirements in the City of North Port Unified Land Development Code (ULDC) Stormwater Regulations. Detailed stormwater quality treatment calculations and water quantity attenuation analysis must be provided in the later detailed design applications. If the later detailed design includes hydraulic modeling that shows additional pond footprint will be needed, changes will need to be made to the DMP plans and go through the entire DMP approval process again.

2. Has a trash compactor which works out fine, except recycling is mandatory and will need an area for recycling collection containers.

3. a. Before FDEP permits will be signed, North Port Utilities requires the following:

a. Four complete sets of DEP permit applications (water and sewer) and four sets of construction plans both sets of items shall be signed and sealed by the engineer of record.

b. One engineer certified (sealed) estimate for the cost of utility construction.

c. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction costs for projects \$0 to \$2 million, plus 2.5% of utility construction cost over \$2 million. The minimum fee is \$250.00.

d. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility

Department for review and approval.

e. Irrigation systems shall be designed and constructed to meet reuse standards.

f. Provide the Utility Department with floor plans and plumbing riser drawings for each building so meter sizes and capacity fees can be calculated. Meter and Capacity fees shall be paid prior to issuance of the building permit.

g. Prior to utility site construction the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting.

h. A developer agreement shall be negotiated with the utility department and approved by the Utility Director and City Staff prior to DEP or DOH permits being signed and released.

Commission discussion continued regarding development approval process.

The motion carried on the following vote:

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

Recess was taken from 7:23 p.m. to 7:33 p.m.

ORDINANCE - Second Reading - Continued:

- C. [ORD. NO. 2023-27](#) An Ordinance of the City of North Port, Florida, Amending the City of North Port Comprehensive Plan Chapter 4, Utilities Element, Policy 1.1.5; Adopting the City of North Port 10-Year Water Supply Facilities Work Plan; Providing for Findings; Providing for Adoption; Providing for Transmittal 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.

Ms. Faust 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 Emrich, to adopt Ordinance No. 2023-27, as presented. The motion carried on the following vote:

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

- D. [ORD. NO. 2023-34](#) An Ordinance of the City of North Port, Florida, Repealing and Replacing Section 74-84 and 74-93 of the Code of the City of North Port, Florida, Relating to Parking Violations; Clarifying the Penalties and Procedures for Contesting a Parking Violation Ticket; Prohibiting Parking for Storage Purposes in the Public Right-of-Way in Identified Zoning Districts and Along Tamiami Trail; and Updating Statutory References Related to

Parking Spaces for Disabled Persons; By Amending the Code of the City of North Port, Florida, Section 74-84 and Sections 74-92 Through 74-94; and Repealing Certain Fees Related to Parking Violations by Amending Appendix A, Section F, Police Fees; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

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

Ms. Faust read the Ordinance by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding uncorrected scrivener's error.

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 McDowell, to adopt Ordinance No. 2023-34, as presented with correcting the scrivener's error in the Business Impact Statement. The motion carried on the following vote:

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

5. GENERAL BUSINESS:

- A.** [24-0124](#) Discussion and Possible Action Regarding Request for Joint Meeting with the Charter Review Advisory Board to Discuss and Review the Board's Annual Report.

Mayor White announced the item.

Commissioner McDowell introduced the item.

Commission questions and discussion took place regarding Charter Review Advisory Board (CRAB) goals and intent, attracting candidates for Commission, joint meeting timing and history, bond and referendum requirements, and Commission and Advisory Board role.

Ms. Slayton spoke to the legal review process regarding the December 20, 2023 CRAB meeting discussion related to referendum options for City bonds and deadlines for the 2024 City election ballot.

Commission questions and discussion continued regarding direction provided, schedules, and joint meeting requirements.

There was no public comment.

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to direct the City Clerk to schedule a joint meeting with the Charter Review Advisory Board at a time that is convenient for both parties. The motion carried on

the following vote:

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

B. [24-0161](#) Discussion and Possible Action Regarding Talking Points for Commissioner Meetings with Legislators During Florida League of Cities Legislative Action Days

Mayor White announced the item.

Mr. Fletcher introduced the item.

Mr. Miles spoke to schedule limitations, prioritization, and recommendations.

Commission questions and discussion took place regarding current versus future legislative session discussion topics, topic prioritization and relevance to current needs, letter of support, current versus future City needs and impact, prioritizing topics versus open discussion, flood mitigation funding, Commission role as City advocates, current versus future year advocacy, connections to current bills, and available time for topic discussion.

There was no public comment.

Mayor White requested a motion.

A motion was made by Commissioner Emrich, seconded by Vice Mayor Stokes, to approve recommended talking points of Emergency Operations Center, Suncoast Technical College Expansion, and YMCA of Southwest Florida Early Learning Academy. The motion carried on the following vote with Commissioner McDowell dissenting due to disagreeing with these talking points because they are next years:

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

No: 1 - Commissioner McDowell

C. [24-0023](#) Consider the City’s Application for an Exception by Special Permit and for a Variance to the Noise Regulations in City Code Sections 46-40 through 46-45 for the Toledo Blade Boulevard Rehabilitation Project.

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding phase 2 timeline and public notice.

Ms. Slayton spoke to motion recommendations.

There was no public comment.

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to find that good cause exists to issue a variance to the City Code Section

46-42, Subsection (6) and move to issue a special exception permit for the Toledo Blade Boulevard rehabilitation project, allowing night-time construction work to occur from January 24, 2024 through February 29, 2024, with the following parameters and conditions:

Parameters:

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 area.

Conditions:

- 1. The contractor shall be required to maintain applicable maintenance of traffic operations.*
- 2. The contractor shall maintain one (1) travel lane in each direction at all times.*
- 3. 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

6. PUBLIC COMMENT:

There was no public comment.

7. COMMISSION COMMUNICATIONS:

- A.** [24-0058](#) Commissioner McDowell's Communications
Commissioner McDowell reported on important topics and events attended.
- B.** [24-0060](#) Commissioner Langdon's Communications
Commissioner Langdon reported on important topics and events attended.
- C.** [24-0052](#) Mayor White's Communications
Mayor White reported on important topics and events attended.
- D.** [24-0054](#) Vice Mayor Stokes' Communications
Vice Chair Stokes reported on important topics and events attended.
- E.** [24-0056](#) Commissioner Emrich's Communications
Commissioner Emrich reported on important topics and events attended.

8. ADMINISTRATIVE AND LEGAL REPORTS:

- A. [24-0127](#) City Attorney's Monthly Report
Ms. Slayton did not provide a report.

- B. [24-0129](#) City Manager Report
Mr. Fletcher did not provide a report.

- C. [24-0151](#) City Clerk's Monthly Report
Ms. Faust did not provide a report.

9. ADJOURNMENT:

Mayor White adjourned the meeting at 8:40 p.m.

City of North Port, Florida

By: _____
Alice White, Mayor

Attest: _____
Heather Faust, City Clerk