

City Commission Regular Meeting

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA

A motion was made by Commissioner Emrich, seconded by Commissioner McDowell, to approve the Agenda as presented. The motion carried on the following vote: all yes

2. PUBLIC COMMENT:

In person

3. ANNOUNCEMENTS

- A. **23-0158** Current Vacancies and Upcoming Expirations for Advisory Boards and Committees

4. CONSENT AGENDA:

A motion was made by Commissioner McDowell, seconded by Vice Mayor White, to approve the Consent Agenda with the exception of Item Nos. 23-0514, 23-0532, 23-0533, and 23-0563 being pulled for discussion. The motion carried on the following vote: all yes

- A. **23-0514** Approve the Award of Funds From the Special Event Assistance Program to Caribbean American Cultural Connections, Inc. in Support of the Caribbean American Heritage Month (CAHM) Celebration to be Held on June 24, 2023, in an Amount up to, and Not to Exceed, \$1,000 to Cover the Costs of City Fees and Resources.

A motion was made by Commissioner McDowell to approve Item No. 23-0514 as amended in an amount \$855. The motion failed due to lack of a second.

A motion was made by Commissioner Emrich, seconded by Vice Mayor White, to approve Item No. 23-0514 as presented. The motion carried on the following vote: all yes

- B. **23-0520** Approve the Lead Contracting Agency Agreement between the St. Johns County Sheriff's Office and the City of North Port, Florida, which Permits the St. Johns County Sheriff's Office to Act as the Agency Lead in Ensuring that the City of North Port, Florida, is Compliant with the FBI Criminal Justice Information Systems Security Policy.

This item was approved on the Consent Agenda.

- C. **23-0532** Approve the Award of Funds From the Special Event Assistance Program to Kiwanis Club of North Port in Support of the Kiwanis Women's Safety and Health Expo to be held May 6, 2023, in an Amount up to, and Not to Exceed, \$1,000 to Cover the Costs of City Fees and Resources.

A motion was made by Commissioner Emrich, seconded by Vice Mayor White, to approve Item No. 23-0532 as presented. The motion carried on the following vote: all yes

- D. 23-0533** Approve the Award of Funds From the Special Event Assistance Program to Kiwanis Club of North Port in Support of the Kiwanis Club Pet Expo to be Held on April 29, in an Amount up to, and Not to Exceed, \$1,000 to Cover the Costs of City Fees and Resources.

A motion was made by Commissioner Emrich, seconded by Vice Mayor White, to approve Item No. 23-0533 as presented. The motion carried on the following vote: all yes

- E. 23-0534** Approve the Appointment of Ron Dipillio as the Higher Education Representative of the Community Economic Development Advisory Board to a Three-Year Term From March 30, 2023, to March 30, 2026.

This item was approved on the Consent Agenda.

- F. 23-0551** Approve the Reappointment of Mark Harms as the North Port Resident Appointed by the City Commission on the Municipal Police Officers' Pension Board of Trustees to Serve a Two-Year Term from March 30, 2023, to March 30, 2025.

This item was approved on the Consent Agenda.

- G. 23-0563** Approve the Agreement Between Florida Gulf Coast University Board of Trustees and City of North Port, Florida, for Training for Constructive Communication for the Commission and Charter Officers and Authorize the Use of Funds From Commission Contingency Account for Said Training.

A motion was made by Commissioner McDowell to approve Item No. 23-0563 using 50% from Commission Contingency Fund and 50% from the City managers Contingency Fund. The motion failed due to lack of a second.

A motion was made by Vice Mayor White, seconded by Commissioner Emrich, to approve Item No. 23-0563 as presented. The motion carried on the following vote: Commissioner McDowell dissented due to funding.

5. PUBLIC HEARINGS:

PETITION:

- A. CC
DMA-21-269** Consideration of Petition No. DMA-21-269, Suncoast Technical College Commercial Outparcels, Development Master Plan Amendment (QUASI-JUDICIAL).

A motion was made by Commissioner McDowell, seconded by Vice Mayor White, to approve Petition No. DMA 21-269 as presented with the following conditions, and find that, based on the competent substantial evidence, the Development Master Plan complies with the Unified Land Development Code.

Conditions:

1. A Developer's Agreement for the traffic impact mitigation and cost-sharing of the Cranberry Boulevard/Career Lane intersection signalization and the Cranberry Boulevard widening roadwork and stormwater pond improvements will be required within 180 days of the Development Master Plan approval.
2. The detailed stormwater system design, treatment, and attenuation analysis for the additional roadway imperious areas will need to be addressed in the future site development applications, and any needed drainage easements must be provided.

The motion carried on the following vote: all yes

- B. **CC** Consideration of Petition No. PLF-22-229, Sunstone Village F5 Phase 2,
 PLF-22-229 Final Plat (QUASI-JUDICIAL).

A motion was made by Commissioner Stokes, seconded by Commissioner Emrich, to approve Petition No. PLF 22-229 as presented and find that, based on the competent substantial evidence, the Sunstone Village F5 Phase 2 Plat complies with the Unified Land Development Code and the Florida Statues Chapter 177. The motion carried on the following vote: all yes

- C. **CC** Consideration of Petition No. PLF-22-241, Wellen Park Village E Tract 5
 PLF-22-241 Replat (QUASI-JUDICIAL)

A motion was made by Commissioner Stokes, seconded by Commissioner McDowell, to approve Petition No. PLF 22-241 as presented and find that, based on the competent substantial evidence, the Wellen Park Village E Tract 5 Replat complies with the Unified Land Development Code and the Florida Statues Chapter 177. The motion carried on the following vote: all yes

- D. **CC** Consideration of Petition No. PLF-22-273, Preto Blvd. South Extension,
 PLF-22-273 Plat (QUASI-JUDICIAL)

A motion was made by Commissioner Stokes, seconded by Commissioner McDowell, to approve Petition No. PLF 22-273 as presented and find that, based on the competent substantial evidence, the Preto Blvd. South Extension, Plat complies with the Unified Land Development Code and the Florida Statues Chapter 177. The motion carried on the following vote: all yes

- E. **CC** Consideration of Petition No. DMP-22-118, North Port 0010 Development
 DMP-22-118 Master Plan, PID No. 1118-04-0010, Located at the Southeast Corner of
 Activity Center 5. (QUASI-JUDICIAL).

A motion was made by Commissioner McDowell....The motion failed due to lack of a second.

A motion was made by Vice Mayor White, seconded by Commissioner Emrich, to approve Petition No. DMP-22-118 as presented and find that, based on the competent substantial evidence, the North Port 0010 Development Master Plan meets the standards in Section 53-7 of the Unified Land Development Code.

A motion to amend was made by Commissioner McDowell, seconded by Vice Mayor White, to add the following conditions.

Conditions:

Environmental

1. A 100% gopher tortoise survey was done on April 19, 2022, and 65 gopher tortoise burrows were located. An additional 100% gopher tortoise survey will be required within 90-days from the proposed start of land clearing. The gopher tortoise survey shall be performed per FWC Gopher Tortoise Permitting Guidelines for the site.
 - a. All gopher tortoise burrows found on-site must be avoided with the required 25 ft radius.
 - b. If gopher tortoises are proposed to be relocated, an FWC relocation permit for the relocation is needed, and a copy of the survey and permit provided to the City prior to issuing a Notice to Proceed (NTP).
 - c. 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 summary After Action Report will be required prior to issuing a Notice to Proceed (NTP).
 - d. To ensure that gopher tortoises have not moved to the site in intervening time between relocation activities and land clearing an additional 100% survey of all suitable gopher tortoise habitat may be required within 90-days from the proposed start of land clearing.
 - e. Immediately following relocation the gopher tortoise agent shall evaluate the need for installation of a well-constructed silt fence to prevent gopher tortoise reentry.
2. Provide a copy of the approved Environmental Resource Permit (ERP). The permit will authorize wetland impacts and indicate how wetland mitigation will be achieved. This permit plus documentation of required wetland mitigation must be provided prior to construction that impacts the wetland. This permit is typically provided before requesting a Notice to Proceed (NTP).

Fire/Rescue

3. Two (2) additional Fire Hydrants shall be placed along Live/Work roadway to meet the requirement set forth in the Florida Fire Prevention Code, 7th edition (NFPA-1 Fire Code, 2018 Edition), § 1:18.4.5.3, Table 1:18.4.5.2.1 and § 1:18.5. Fire hydrants in multi-family (three or more attached units), commercial and industrial subdivisions shall be spaced no more than 400' apart and capable of delivering fire flows as outlined therein.
4. The Hydrant for the Fire Department Connection (FDC) shall meet the Unified Land Development Code (ULDC), Chapter 60-8 & 60-9; placement of hydrant for the FDC shall be on the same side of street or place the FDC on the same side as the hydrant to meet the requirements.

Stormwater

5. 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, water quantity attenuation analysis and floodplain impact and compensation analysis must be provided in the later SDR applications. If the later stormwater analysis shows additional pond footprint is needed, a development master plan amendment (DMA) may be needed.

Utilities

6. 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.

7. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utilities Department for review and approval.

8. Water lines shall be pigged prior to chlorination and pressure testing.

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

10. Provide the Utilities 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.

11. 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.

The motion to amend carried on the following vote: all yes

A motion to amend was made by Commissioner McDowell, seconded by Commissioner Stoke, to add Condition 12 to have staff, developer and Bobcat Trail HOA meet to discuss security concerns and determine if there is an amicable solution. The motion to amend carried on the following vote: Commissioner Emrich dissented due to it not being in Commissions purview.

The main motion as amended carried on the following vote: Commissioner McDowell dissented due to not being economically beneficial.

F. CC Consideration of Petition No. DMP-22-084, The Waters at North Port
DMP-22-084 Development Master Plan (QUASI-JUDICIAL).

A motion was made by Commissioner McDowell, seconded by Commissioner Stokes, to approve DMP-22-084 as presented with the following waivers and conditions and find that, based on the competent substantial evidence, the Development Master Plan complies with the Unified Land Development Code.

Waivers:

1. Allow for lot setbacks of twenty-five (25) feet around the entire property.
2. Allow for twenty (20) foot minimum buffer to the perimeter which abuts existing single-family recorded lots or drainage area.

Conditions:

Environmental

1. A gopher tortoise survey was done in September 2021. The immediate gopher tortoise burrow area was subject to unauthorized clearing/land disturbance by heavy equipment in Feb-Mar 2022. A disturbed site permit from FWC is required. Please submit the FWC disturbed site permit and copy of the disturbed site permit application.
2. Site visit performed by City of North Port staff in March/April 2022 found that there appears to be additional gopher tortoise burrows not indicated in the Sept 2021 wildlife report, therefore an additional 100% survey gopher tortoise of all suitable gopher tortoise habitat will be required within 90-days from the proposed start of land clearing. Additionally, gopher tortoises disturbed

by unauthorized land disturbance in Feb-Mar 2022 may have relocated to other areas of the property. The gopher tortoise survey shall be performed per FWC Gopher Tortoise Permitting Guidelines for the site. All gopher tortoise burrows found on-site must be avoided with the required 25 ft radius. If gopher

tortoises are proposed to be relocated, an 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.

3. Please submit a survey delineating the wetland(s) jurisdictional boundary and the 25-ft wetland buffer and include the normal pool elevation (NP) and seasonal High Water Elevation (SHWE). The site should be designed to reduce the impact to wetlands and associated 25-ft buffer to the maximum extent practicable. This information should also be included on the master drainage plans. If any wetlands and wetland buffers are proposed to be impacted, please provide the following:

a. A copy of the approved Environmental Resource Permit (ERP). Will also need a permit under Section 404 of the Clean Water Act (CWA) issued by either a U.S. Army Corps of Engineers (USACE) or Florida Department of Environmental Protection (FDEP), depending on the location of the project. The permits will authorize wetland impacts and indicate how wetland mitigation will be achieved. This permit plus documentation of required wetland mitigation must be provided prior to construction that impacts the wetland. This permit is typically provided preferably before scheduling the preconstruction meeting with the City.

b. Please show using clear hatchings and provide an area tabulation, any impacts to the 25 ft of wetland buffer and the buffer compensation areas provided.

c. Please include the hydroperiod analysis for the mean annual storm for all onsite and adjacent wetlands and show that the proposed development does not impact the hydroperiod significantly.

Fire/Rescue

4. Hydrant and Fire Department Connection (FDC) locations must meet the ULDC, Chapter 60-8 & 60-9; placement of hydrant for the FDC must be on the same side of street or place the FDC on the same side as the hydrant to meet the requirements. This requirement shall be called out on all infrastructure, subdivision construction, and civil plans for compliance.

Infrastructure

5. Provide adequate pedestrian access throughout development. No internal sidewalks are currently shown on plan. The design of these sidewalks can be determined during the detailed site plans for the MAS application.

Solid Waste

6. At least five (5) dumpster corrals will be the required for the complex's volume. Include the dumpster corral detail sheet with the Major Site and Development Plan.

7. Provide a place for the storage of bulk garbage items. This may be an additional corral area separate from the required dumpster corrals or provide a designated area marked for residents to place bulk garbage items. The location must be accessible to drivers to pull up next to and collect the bulk items.

Stormwater

8. 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.

Utilities

9. 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.
10. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utilities Department for review and approval.
11. Irrigation systems shall be designed and constructed to meet reuse standards.
12. 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.
13. A developer agreement shall be negotiated with the Utilities Department and approved by the Utilities Director and City Staff prior to DEP or DOH permits being signed and released.

The motion carried on the following vote: all yes

ORDINANCE - Second Reading:

- G. **ORD. NO.** An Ordinance of the City of North Port, Florida, Amending the Code of the
2023-05 City of North Port, Florida, Section 78-24(u), Pertaining to Discontinuance
and Abandonment of Water, Wastewater and Reclaimed Water Service;
Providing for Findings; Providing for Conflicts; Providing for Severability;
Providing for Codification; and Providing an Effective Date.

A motion was made by Commissioner McDowell, seconded by Commissioner Stokes, to adopt Ordinance No. 2023-05 as presented. The motion carried on the following vote: all yes

- H. **ORD. NO.** An Ordinance of the City of North Port, Florida, Annexing ±1.1782 Acres
2023-08 of Real Property Located in the Unincorporated Area of Sarasota County,
Florida and Contiguous to the Existing City Limits of the City of North Port,
Florida; Redefining the Boundary Lines of the City of North Port to Include
this Property; Providing for Findings; Providing for Annexation; Amending
the Official Zoning Map; Providing for Assessment and Taxation; Providing
for Filing of Documents; Providing for Conflicts; Providing for Severability;
and Providing an Effective Date. (Legislative)

A motion was made by Vice Mayor White, seconded by Commissioner Emrich, to adopt Ordinance No. 2023-08 as presented. The motion carried on the following vote: all yes

RESOLUTION:

- I. **RES. NO.** A Resolution of the City Commission of the City of North Port, Florida
2023-R-17 Accepting Ownership of Donated Real Property Located on Bignay Road
and Described as Lot 12, Block 2332, 47th Addition to Port Charlotte
Subdivision, Sarasota County Property Appraiser Parcel Identification
Number 1126233212; Incorporating Recitals; Providing For Filing of
Documents; Providing for Conflicts; Providing for Severability; and
Providing an Effective Date.

A motion was made by Commissioner Stokes, seconded by Commissioner Emrich, to adopt Resolution No. 2023-R-17 as presented. The motion carried on the following vote: all yes

- J. RES. NO. 2023-R-28** A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget and Capital Improvement Budget for Fiscal Year 2022-2023 for Salary, Benefits, Operating and Capital Costs for Nine New Positions Plus Temporary Staffing in the Building Division in the Amount of \$1,655,400: Providing for Findings; Providing for Posting; Providing for Conflicts; Providing for Severability: and Providing an Effective Date.

A motion was made by Commissioner Emrich, seconded by Commissioner Stokes, to adopt Resolution No. 2023-R-28 as amended to replace “1 Building Division Manager” with “1 Deputy Building Official.” The motion carried on the following vote: all yes

6. GENERAL BUSINESS:

- A. 23-0453** Discussion and Possible Action Regarding the City Clerk’s Annual Evaluation.

A motion was made by Commissioner McDowell, seconded by Commissioner Stokes, to move to conclude the annual evaluation for City Clerk Heather Faust and give her a 5% salary increase effective on her anniversary effective date of March 24, 2023. The motion carried on the following vote: all yes

- B. 23-0594** Discussion and Possible Action to Supplement the Costs for Project Graduation to use the Aquatic Center

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to approve the use of Commission’s Contingency Fund not to exceed \$1000.00 for the rental cost of the Aquatic Center for Project Graduation 2023. The motion carried on the following vote: all yes

- C. 23-0592** Discussion and Possible Action Regarding the Implementation of Warm Mineral Springs Park Soft Reopening Event.

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to give the City Manager the latitude of a soft opening for Warm Mineral Springs with a total of five free days access for users regardless of operating hours. The motion carried on the following vote: all yes

7. PUBLIC COMMENT:

8. COMMISSION COMMUNICATIONS:

Mayor calls on Commissioners for communications

- A. 23-0395** Commissioner McDowell's Communications
B. 23-0396 Commissioner Stokes' Communications
C. 23-0392 Mayor Langdon's Communications
D. 23-0393 Vice Mayor White's Communications

E. 23-0394 Commissioner Emrich's Communications

9. ADMINISTRATIVE AND LEGAL REPORTS:

Mayor calls on Charter Officers for reports

A. 23-0580 City Manager Report

B. 23-0565 City Attorney's Monthly Report

C. 23-0189 City Clerk Report

10. ADJOURNMENT: