



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Barbara Langdon, Mayor
Alice White, Vice Mayor
Pete Emrich, Commissioner
Debbie McDowell, Commissioner
Phil Stokes, Commissioner

APPOINTED OFFICIALS

Jerome Fletcher, City Manager
Amber L. Slayton, City Attorney
Heather Faust, City Clerk

Thursday, March 30, 2023

6:00 PM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

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

ALSO PRESENT:

City Manager Jerome Fletcher, Deputy City Attorney Michael Golen, City Clerk Heather Faust, Recording Secretary Matthew Powell, Police Chief Todd Garrison, Deputy Fire Chief Scott Lane, Neighborhood Development Services Assistant Director Derek Applegate, Parks and Recreation Director Sandy Pfundheller, Planner III Sherry Willette-Grondin, Engineer II Anthony Friedman, City Engineer Danny Quick, Planner III Carl Bengé, Planner II Noah Fossick, Planning Manager Lori Barnes, and Assistant City Manager Jason Yarborough

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Neighborhood Development Services Assistant Director Derek Applegate.

1. APPROVAL OF AGENDA

Mayor Langdon requested a motion.

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

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

2. PUBLIC COMMENT:

Joan Morgan: expressed concern for seawall funding and construction.
Samantha Gentrup: spoke to students environmental project.
Christian Ibarra: expressed concern for ocean preservation and overfishing.
Brianna Waite: expressed concern for ocean preservation and pollution.
Harmonee Westdorp: expressed concern for sea level rise.
Magnus Walker: expressed concern for sea level rise.
Kerri Smith: expressed concern for ocean preservation and red tide.
Avery Bright: expressed concern for sea level rise.
Macy Crawford: expressed concern for ocean preservation and plastic pollution.
Zariyah Borer: expressed concern for ocean preservation and plastic pollution.
Mark Dankanich: expressed concern for ocean preservation and plastic pollution.
Abigail McDowell: expressed concern for glyphosate effects on the environment.
Daniel Reinas: expressed concern for sea level rise.

Commission commended the students for their public comments.

Valdy Olender: expressed concern for City policy and action.

3. ANNOUNCEMENTS

A. [23-0158](#) Current Vacancies and Upcoming Expirations for Advisory Boards and Committees

Mayor Langdon announced the item and called on the City Clerk to read the announcements.

Ms. Faust read the announcements into the record.

4. CONSENT AGENDA:

Mayor Langdon announced the item, queried the City Manager regarding items pulled from the Consent Agenda for discussion, and requested a motion.

Mr. Fletcher noted items pulled from the Consent Agenda for discussion.

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:

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

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.

Mayor Langdon announced the item.

Commissioner McDowell spoke to combining Item Nos. 23-0514, 23-0532, and 23-0533 for discussion, and expressed concern for budgeting for the Special Event Assistance Program fund.

A motion was made by Commissioner McDowell, to approve Item Nos. 23-0514,

23-0532, and 23-0533 at the actual City expense threshold for each event.

Commission questions and discussion took place regarding requested versus estimated expense amount.

Ms. Pfundheller spoke to eligibility for funding.

Commission questions and discussion continued regarding not to exceed amount, current cost estimates, City cost versus total expenses, budget amendment options, budgeting for future events, and history of event expenses versus estimates.

Ms. Faust noted all motions must be germane to the current Agenda Item.

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

Commission questions and discussion continued regarding inclusion of funds to cover additional expenses and procedure.

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:

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

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.

This Item was discussed with Item No. 23-0514.

A motion was made by Commissioner Emrich, seconded by Vice Mayor White, to approve Item No. 23-0532 as presented.

Commissioner McDowell spoke to concerns regarding amount.

The motion carried on the following vote:

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

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.

This Item was discussed with Item No. 23-0514.

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:

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

Commission discussion took place regarding unused money returning to fund balance.

- 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.

Mayor Langdon announced the item.

Commissioner McDowell spoke to the item regarding additional participants and funding being split between Commission and City Manager contingency funds.

Commission questions and discussion took place regarding current agreement, timeline, and group participation.

A motion was made by Commissioner McDowell to approve Item No. 23-0563 using 50 percent from the Commission Contingency Fund and 50 percent from the City Manager 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:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to funding.

5. PUBLIC HEARINGS:

PETITION:

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

(QUASI-JUDICIAL).

Mayor Langdon 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 Langdon called for disclosure of ex-parte communications.

Commissioner Stokes, Commissioner Emrich, and Mayor Langdon disclosed no ex-parte communications.

Commissioner McDowell disclosed requesting a copy of the traffic impact report.

Vice Mayor White disclosed questions during Agenda briefing regarding the traffic light.

Ms. Faust stated there were no aggrieved parties.

Michael Pannell, Stonefield Engineering and Design, being duly sworn, provided a presentation including Development Master Plan (DMP), site plans, lot size and configuration, amendment request, Lot 1 Career Lane driveway relocation, Toledo Blade right ingress driveway, Cranberry Boulevard roadway and pond improvements, consistency with Comprehensive Plan, and requested approval.

Ms. Willette-Grondin, being duly sworn, provided a presentation including Development Master Plan Amendment (DMA), aerial view, applicant, property owner, request, location, history, proposed amendments, DMP, site plans, modifications of regulations, neighborhood meeting, Comprehensive Plan and Unified Land Development Code (ULDC) data and analysis, consistency with Comprehensive Plan and ULDC, fiscal impact analysis, Board recommendation, and staff recommendation.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions and discussion took place regarding fiscal impact analysis relating to contributions from each parcel, Toledo Blade roadway regarding Parcel 1, timeline and funding of light installation at Cranberry Boulevard and Toledo Blade Boulevard, tree removal determination, trees retained, wetlands relating to Southwest Florida Water Management District (SWFWMD), stormwater pond selection and funding, stormwater pond inclusion in roadwork cost sharing, roadway improvement timeline, and replat timeline.

There were no closing arguments by Staff or the Applicant.

Mayor Langdon closed the public hearing and requested a motion.

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

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 road widening storm water pond improvements will be required within 180 days of the Development Master Plan Amendment

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:

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

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

Mayor Langdon 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 Langdon called for disclosure of ex-parte communications.

Commissioner McDowell, Commissioner Stokes, Mayor Langdon, Vice Mayor White, and Commissioner Emrich disclosed no ex-parte communications.

Ms. Faust stated there were no aggrieved parties.

Chris Fisher, Clearview Land Design, being duly sworn, provided a presentation regarding overview, size, location, West Villages Improvement District approval, and requested approval.

Ms. Willette-Grondin, being duly sworn, provided a presentation including overview, applicant, property owner, location, aerial view, lots, roadways, tracts, conservation areas, open space, access, drainage, utility, street tree easements, units, infrastructure and subdivision plans, bond amount, site plans, plat overview, compliance with Florida Statutes and Unified Land Development Code (ULDC), Board recommendation, and staff recommendation.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

There were no Commission questions or discussion.

There were no closing arguments by Staff or the Applicant.

Mayor Langdon closed the public hearing and requested a motion.

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 Statutes Chapter 177. The motion carried on the following vote:

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

Recess from was taken from 7:52 p.m. to 8:00 p.m.

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

Mayor Langdon 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 Langdon called for disclosure of ex-parte communications.

Commissioner McDowell, Commissioner Stokes, Mayor Langdon, Vice Mayor White, and Commissioner Emrich disclosed no ex-parte communications.

Ms. Faust stated there were no aggrieved parties.

John Luczynski, Land Development Wellen Park, being duly sworn, provided a presentation including overview, location, permits, and requested approval.

Mr. Bengé, being duly sworn, provided a presentation including overview, location, and staff recommendation.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

There were no Commission questions or discussion.

There were no closing arguments by Staff or the Applicant.

Mayor Langdon closed the public hearing and requested a motion.

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 Statutes Chapter 177. The motion carried on the following vote:

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

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

Mayor Langdon 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 Langdon called for disclosure of ex-parte communications.

Commissioner McDowell, Commissioner Stokes, Mayor Langdon, Vice Mayor White, and Commissioner Emrich disclosed no ex-parte communications.

Ms. Faust stated there were no aggrieved parties.

John Luczynski, Land Development Wellen Park, being duly sworn, provided a presentation including permits, wetlands preservation, funding timeline, and requested approval.

Mr. Bengé, being duly sworn, provided a presentation including aerial view, location, acreage, and staff recommendation.

Mr. Luczynski provided a rebuttal regarding location.

Staff did not provide a rebuttal.

There was no public comment.

Commission questions and discussion took place regarding connectivity to Manasota Beach Road.

There were no closing arguments by Staff or the Applicant.

Mayor Langdon closed the public hearing and requested a motion.

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 Boulevard South Extension, Plat complies with the Unified Land Development Code and the Florida Statutes Chapter 177. The motion carried on the following vote:

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

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

Mayor Langdon 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 Langdon called for disclosure of ex-parte communications.

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

Commissioner McDowell disclosed emails to and from citizens, and requested and received traffic impact statement.

Ms. Faust stated there were no aggrieved parties.

Carl Frey, Stark Enterprises, being duly sworn, provided a presentation including location, units, easements, stormwater management, traffic impact report, development plans, and requested approval.

Mr. Fossick, being duly sworn, provided a presentation including overview and summary of proposal, Development Master Plan (DMP), units, conceptual elevations, site plans, neighborhood meeting, legal advertising, compliance with Comprehensive Plan and

Unified Land Development Code (ULDC), fiscal impact analysis, Board recommendation, and staff recommendation.

There were no rebuttals by the Applicant or Staff.

Public comment:

Doug McNamee: requested a barrier wall to be installed by the developer.

Jean Opsut: requested a barrier wall to be installed by the developer.

Janet Guyer: requested a barrier wall to be installed by the developer.

Cathy Little: requested clarity regarding plan and a barrier wall to be installed by the developer.

John J Swalec: requested a barrier wall to be installed by the developer.

Commission questions and discussion took place regarding naming of Citizens Parkway, process for roadway name change, buffer size and requirement, City regulations regarding wall requirement, public accessibility, affordable housing, dwelling area gating, buffer type, tree and shrub spacing, qualifications for percentage of green space to remain, current considerations for a wall and related economics, ULDC requirements, mixed-use area employment opportunities, canal bridge requirement, mixed-use area versus property area size, economic benefit to the community requirement, compliance with Comprehensive Plan and ULDC, town homes development plan timeline, maximum Activity Center residential land percentage relating to Activity Center 5, ULDC rewrite, loopholes, buffer accommodation, meeting with Bobcat Trail community, and intent of the Comprehensive Plan and ULDC.

Mr. Fossick provided a closing argument regarding compliance with Comprehensive Plan and ULDC.

Mr. Frey provided a closing argument regarding willingness to review buffer accommodations.

Mayor Langdon closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, to deny Petition No. DMP 22-118 and find that, based on the competent substantial evidence, this development will adversely effect public interest, general welfare, health, and safety for the following reasons: The proposed development is not consistent with the goals, objectives, and policies in the Comprehensive Plan and does not meet the intent of the zoning district as defined in the Unified Land Development Code and does not maximize the potential for economic development. The motion failed due to lack of 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.

Commission discussion took place regarding list of conditions and safeguards.

A motion to amend was made by Commissioner McDowell, seconded by Vice Mayor White, to include 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:

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

A motion to amend was made by Commissioner McDowell, seconded by Commissioner Stokes, to add Condition 12: To have staff, the developer, and the Bobcat Trail Homeowners Association meet to discuss the security concerns and determine if there is an amicable solution.

Commission discussion took place regarding condition to meet.

Mr. Golen spoke to requirement of all parties willingness to participate.

The motion to amend carried on the following vote:

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

No: 1 - Commissioner Emrich

Commissioner Emrich dissented due to it not being in Commissions purview.

The main motion as amended carried on the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to it not being economically beneficial.

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

Mayor Langdon 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 Langdon called for disclosure of ex-parte communications.

Mayor Langdon and Commissioner Emrich disclosed no ex-parte communications.

Vice Mayor White disclosed conversations regarding buffer.

Commissioner Stokes disclosed conversations regarding buffer.

Commissioner McDowell disclosed requesting a copy of the traffic impact study, and

email regarding area median income (AMI) and Sarasota County contribution for the project.

Ms. Faust stated there were no aggrieved parties.

Steven Sonberg, Banks Engineering, being duly sworn, provided a presentation including location, size, site plans, Activity Center 1, traffic impact statement, and requested approval.

Mr. Fossick, being duly sworn, provided a presentation including overview, location, Activity Center 1, zoning, number of units, Development Master Plan (DMP), conceptual renderings, neighborhood meeting, legal advertising, modifications requested, compliance with Comprehensive Plan and Unified Land Development Code (ULDC), fiscal impact analysis, Board recommendation, and staff recommendation.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions and discussion took place regarding affordable housing designation timeline and request for extension, emergency access, wetland location and designation, Ad valorem tax exemption status, zoning designation, setback area size, buffer requirement and size regarding Myakkahatchee Creek, target area median income (AMI) percentages, public transportation requirements, ULDC requirements regarding buffers, physical barrier buffer versus plantings, safety, and gratitude to Sarasota County for the financial contribution.

Mr. Fossick provided a closing argument regarding tract divisions, future non-residential land use, and mixed-use designation.

There were no closing arguments by the Applicant.

Mayor Langdon closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Stokes, to approve Petition No. DMP 22-084 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:

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

ORDINANCE - Second Reading:

- G.** [ORD. NO. 2023-05](#) An Ordinance of the City of North Port, Florida, Amending the Code of the 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.

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

Ms. Faust read the Ordinance by title only.

Mr. Fletcher introduce the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor Langdon closed the public hearing and requested a motion.

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:

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

Recess was taken from 9:57 p.m. to 10:10 p.m.

- H.** [ORD. NO. 2023-08](#) An Ordinance of the City of North Port, Florida, Annexing ±1.1782 Acres 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)

Mayor Langdon 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 Langdon closed the public hearing and requested a motion.

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:

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

RESOLUTION:

- I. [RES. NO. 2023-R-17](#) A Resolution of the City Commission of the City of North Port, Florida 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.

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

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding department responsibility regarding donated properties, and property condition.

There was no public comment.

Mayor Langdon closed the public hearing and requested a motion.

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:

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

- 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.

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

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding permanency of employees, use of technology regarding inspections, Building Division Manager versus Deputy Building Official, amended post-annexation agreement, determining funding, building fund requirements, building permitting fees, staffing and department requirements, expected position vacancy timeline, recruiting efforts, budgeted funds use, and software implementation and discussion timeline.

Mr. Fletcher spoke to the Item title block revisions.

Ms. Faust read the updated Resolution title into the record.

There was no public comment.

Mayor Langdon closed the public hearing and requested a motion.

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:

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

Mr. Fletcher commended Mr. Applegate for his service to the City.

6. GENERAL BUSINESS:

A. [23-0453](#) Discussion and Possible Action Regarding the City Clerk's Annual Evaluation.

Mayor Langdon announced the item.

Mr. Fletcher introduced the item.

Commission discussion took place regarding self evaluation, services and guidance provided, and tasks accomplished.

There was no public comment.

Mayor Langdon requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to conclude the annual evaluation for City Clerk Heather Faust and give her a 4.5% salary increase retroactive to her anniversary effective date of March 24,

2023.

Commission discussion took place regarding percentage increase amount.

Commissioner Emrich withdrew his second.

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

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

B. [23-0594](#) Discussion and Possible Action to Supplement the Costs for Project Graduation to use the Aquatic Center

Mayor Langdon announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to the item regarding overview and history, recent struggles, contingency fund usage, vehicle donation status, and Imagine School graduate eligibility.

Mr. Fletcher noted a memorandum will be sent to Commission when a vehicle to donate has been identified.

Commission questions and discussion took place regarding encouraging support from business community, current balance amount, security deposit amount, including not to exceed, and taxpayer funds.

There was no public comment.

Mayor Langdon requested a motion.

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 shortfall of the rental cost of the Aquatic Center for Project Graduation 2023. The motion carried on the following vote:

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

C. [23-0592](#) Discussion and Possible Action Regarding the Implementation of Warm Mineral Springs Park Soft Reopening Event.

Mayor Langdon announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding expected hours of operation, accommodating public, flexibility, cost, maximum bathing limit requirement, safety, opening timeline, and Americans with Disabilities Act (ADA) walkway.

Public comment:

Ms. Faust read the following public eComment into the record:

Susan Gastony: expressed concern for not issuing new annual passes to Warm Mineral Springs (WMS).

Commission questions and discussion continued regarding issuance of annual passes, limitations and stipulations regarding annual passes, administration requirements, and daily fee versus annual pass price difference.

Mayor Langdon requested a motion.

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 allowing a total of five free days access for users regardless of operating hours.

Commission discussion took place regarding hours versus days and associated fees.

The motion carried on the following vote:

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

7. PUBLIC COMMENT:

Ms. Faust read the following public eComment into the record:

Tax payers in need please help: expressed concern for mosquito management.

8. COMMISSION COMMUNICATIONS:

A. [23-0395](#) Commissioner McDowell's Communications

Commissioner McDowell did not provide a report.

B. [23-0396](#) Commissioner Stokes' Communications

Commissioner Stokes did not provide a report.

C. [23-0392](#) Mayor Langdon's Communications

Mayor Langdon did not provide a report.

D. [23-0393](#) Vice Mayor White's Communications

Vice Mayor White reported on important topics.

E. [23-0394](#) Commissioner Emrich's Communications

Commissioner Emrich did not provide a report.

9. ADMINISTRATIVE AND LEGAL REPORTS:

A. [23-0580](#) City Manager Report

Mr. Fletcher did not provide a report.

B. [23-0565](#) City Attorney's Monthly Report
Mr. Golen did not provide a report.

C. [23-0189](#) City Clerk Report
Ms. Faust did not provide a report.

10. ADJOURNMENT:

Mayor Langdon adjourned the meeting at 11:15 p.m.

City of North Port, Florida

By: _____
Barbara Langdon, Mayor

Attest: _____
Heather Faust, City Clerk

These minutes were approved on the ____ day of _____, 2023.