



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Jill Luke, Mayor

Pete Emrich, Vice Mayor

Barbara Langdon, Commissioner

Debbie McDowell, Commissioner

Alice White, Commissioner

APPOINTED OFFICIALS

Jason Yarborough, Interim City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Tuesday, April 13, 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:

Interim City Manager Jason Yarborough, City Attorney Amber Slayton, City Clerk Heather Taylor, Police Chief Todd Garrison, Fire Chief Scott Titus, City Grant Writer Valerie Malingowski, Finance Director Kimberly Ferrell, Human Resource Director Christine McDade, Planner Alison Christie, Parks and Recreation Director Sandy Pfundheller, Interim Public Utilities Director Mike Vuolo, Assistant Public Works Director Jennifer Desrosiers, Code Enforcement Manager Kevin Raducci, Economic Development Manager Mel Thomas, Planner Rhea Lopes, and Project Manager Derek Applegate

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Interim Utilities Director, Mike Vuolo.

1. APPROVAL OF AGENDA

Mayor Luke noted items requested to be pulled from the agenda and requested to reorder the agenda moving Item 21-0496 to be the last item on the agenda.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the agenda pulling Item Nos. 21-0065 and 21-0519 from the agenda and reordering the agenda to move Item No. 21-0496 to the last item on the agenda.

A motion to amend was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to amend the motion to adjourn the meeting at 5:00 p.m. with items not heard being rescheduled to a future meeting.

The motion to amend carried by the following vote:

- Yes:** 4 - Mayor Luke, Vice Mayor Emrich, Commissioner Langdon and Commissioner White
- No:** 1 - Commissioner McDowell

Commissioner McDowell dissented due to concern with the next meeting being a night meeting starting at 6:00 p.m., the length of the April 27, 2021 agenda, and Commission's obligation to complete all items included on the agenda.

The main motion as amended carried by the following vote:

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

2. PUBLIC COMMENT:

Ms. Taylor read the following public comments into the record:

Anonymous: expressed concern with budgetary items relevant to payment for outside litigation to represent the City

Anonymous: expressed concern with comments during the March 23, 2021 Item regarding Kiwanis Event Sponsorship

3. ANNOUNCEMENTS

- A. [21-0561](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the announcements into the record.

4. CONSENT AGENDA:

Mayor Luke announced the item and queried the City Manager on items requested to be pulled from the Consent Agenda for discussion.

Ms. Yarborough noted items to be pulled for discussion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approved the Consent Agenda pulling Item No. CC SAP-21-067 for discussion. The motion carried on the following vote:

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

- A. [CC SAP-21-067](#) Award Funds from the Special Event Assistance Program in the Amount of \$137.93 to the Kiwanis Club of North Port Fishing Tournament Event to be Held on June 19, 2021 to Cover the Costs of City Fees and Resources.

Mayor Luke announced the item.

Commissioner White spoke to the item noting she is an unpaid Director of People for Trees and will be abstaining from voting on the matter.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Item CC SAP-21-067 as presented. The motion carried on the following vote:

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

Abstain: 1 - Commissioner White

Public Comment:

Val Ollinger: expressed support of the item and provided information on the event

- B.** [21-0065](#) Approve Work Assignment No. 2021-03 with CDM Smith, Inc for \$249,990.00, for the Direct Potable Reuse Feasibility Study to Explore reclaimed water for potable use.

This Item was removed from agenda.

- C.** [21-0171](#) Approve the Paymentus Master Services Agreement Between the City of North Port Agreement and Paymentus Corporation of Charlotte, North Carolina for Billing, Multi-Channel Payment Processing and Notification Services, at Unit Prices in Accordance with Schedule-A, for an Estimated Annual Cost of \$195,000.

This Item was approved on consent.

- D.** [21-0382](#) Approve the Community Development Block Grant Sub-Recipient Agreement between Sarasota County, Florida and the City of North Port, Florida for North Port Social Service Case Management to Fund Staff Salaries for the Social Services Division, in the amount of \$54,000. Contract Number B-20-UC-12-0014.

This Item was approved on consent.

- E.** [21-0497](#) Approval of Minutes for the March 13, 2021 Commission Canvass of Election Minutes, March 15, 2021 Commission Special Meeting, March 15, 2021 Joint Meeting with Planning and Zoning Advisory Board for ULDC, and March 29, 2021 Commission Special Meeting.

This Item was approved on consent.

- F.** [21-0315](#) Accept the Cash Receipts Summary Report for January 2021.

This Item was approved on consent.

- G.** [21-0459](#) Accept the Cash Receipts Summary Report for February 2021.

This Item was approved on consent.

- H.** [21-0483](#) Approve Avery Roberts as a Student Member to the Art Advisory Board, to Serve a Term from April 13, 2021 to April 13, 2022.

This Item was approved on consent.

- I. [21-0492](#) Approve Nicole Everett as a Regular Member of the Parks and Recreation Advisory Board to Serve a Term from April 13, 2021, to April 13, 2023.

This Item was approved on consent.

- J. [21-0493](#) Approve Anthony Marrone-Carrera as a Regular Member on the Historic and Cultural Advisory Board to Serve a Term from April 13, 2021, to April 13, 2023.

This Item was approved on consent.

- K. [21-0539](#) Approve David Duval to Serve a Second 2-year Term as a Regular Member of the Charter Review Advisory Board from April 13, 2021 to April 13, 2023.

This Item was approved on consent.

5. GENERAL BUSINESS:

- A. [21-0482](#) TIME CERTAIN 10:15 a.m. or as soon as possible there after - Discussion and Possible Action Regarding Funding Sources for Construction of Improvements and Overview of 90% Design Plans for Warm Mineral Springs Park Historic Building Restoration, Utility Infrastructure and Parking Lot Improvements

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Pfundheller spoke to the item including a brief history, recapped key milestones, Commission direction, estimated cost, funding options considered, and recommendation to reallocate funds.

James Pankonin, Kimley Horn, provided a presentation including park location, timeline overview with emphasis on community and stakeholder meetings, Commission presentations and approval, approved master plan park elements, implementation recommendations Phases one through four, site plan details including grass overflow parking, bus drop off, parking, dumpster access, pedestrian drop off, and stormwater pond, Café' and Spring Entrance details including pathway to spring, refinished fountain of youth basin, cafe' seating, and spa building, Entrance Courtyard and Rain Garden details including maintenance access, bicycle parking, entry building, rain garden, historic trellis, moveable seating and spa building, infrastructure improvements including proposed lift station, water main and force main, and perspective view of main entrance after renovations.

John Bryant, Sweet Sparkman, provided a presentation including National Historic Registrar designation, entry and spa buildings floor plans and ceiling plans for complete reconstruction, cyclorama floor and roof plans including entry foyer, American with Disabilities Act (ADA) ramp, and new fire sprinklers, exterior elevations, historic signage, and examples of proposed building interior style.

Mr. Pankonin spoke to next steps for permits, construction plans, funding approval, bid plans/advertisements and construction.

Questions were addressed by staff and the consultant regarding P3 partnerships, responsibility to furnish and provide equipment, Surtax funding, list of projects for reallocation, spending of Surtax on amenities, and State approval of the plans due to historic designation.

Ms. Malingowski spoke to grants applied for, pending grants, feedback from the State regarding funding level for this year, intent to reapply, State appropriations application status, and proposal reviews.

Further questions were addressed regarding contract expiration, plans for exotic trees, canopy trees and asphalt parking.

Peter Van Buskirk, Kimley Horn, spoke water quality discharge from the site, and grass overflow usage for larger events.

Questions ensued regarding accessibility for patrons walking to the facility, existing management contract expiration for 2025 with a possible 10-year renewal, conflicts within the plan and the current contract, incorporating connection to Legacy Trail, additional bike accommodations, and postponing funding of parking lot.

Mr. Applegate spoke to Unified Land Development Code (ULDC) requirements for parking.

Questions continued regarding parking recommendations, pond size, and expected number of handicap parking spaces.

Ms. Ferrell spoke to use of Park Impact Fees for parking lot.

Discussion took place regarding timeline for completion, funding to include P3 partnership with allowance of site appropriate commercial development to the surrounding 63 acres, cost for future maintenance of property and structures, use of money in Warm Mineral Springs (WMS) account for water and sewer upgrades, benefits of possible partnerships for subsequent phases, use of Surtax funding for priority projects, lack of public interest in partnerships, WMS generated revenue, attendance of patrons nationally and globally, maintenance responsibility, and utility connection.

Mr. Yarborough provided information regarding the 8 and 12 inch water mains with emphasis on fire requirements and responded to questions regarding requirements to connect to water and sewer.

Mr. Vuolo addressed questions regarding inability for properties on Ortiz Boulevard to connect to the force main.

Discussion continued regarding use of Surtax, \$50k from WMS fund for trail parking, estimated \$750k available Park Impact Fee funding, utility hook up with regards to grant funding, Atwater Park funding, possibility to use building fund for Community Center, public interest in partnerships, prioritizing projects, recommended projects provided by staff including development order extension for construction of trail for Heron Creek, Spring Haven, Dallas White Master Plan P3 update, park playground grant funding, impact of splitting the project between infrastructure and construction, ability to make revisions, adjustments during budget, cost allocation in WMS park budget, and Atwater Park Phase 4.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to use the \$1.7 million in the Warm Mineral Springs fund to upgrade water and sewer at Warm Mineral Springs and to table future discussion on phase one funding until June budget discussions.

Discussion took place regarding tabling the item entirely until budget discussions.

The motion failed by the following vote:

Yes: 1 - Commissioner Langdon

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

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to move all discussion on Warm Mineral Springs Master Plan funding to a budget workshop item in June, not to be part of the overall budget workshop meetings.

Discussion took place regarding benefit of having larger conversation with more information for funding options, unity amongst board members, and prioritizing expenditure in light of all other priorities.

The motion carried by the following vote:

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

No: 1 - Commissioner White

Commissioner White dissented due to support of the project moving forward at this time.

A motion was made by Commissioner McDowell, seconded by Commissioner White, to direct staff to incorporate the following changes into the 90% plans:

- 1. include a sidewalk from Trionfo Avenue to Warm Mineral Springs***
- 2. add additional bike/trike racks.***

The motion carried by the following vote:

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

No: 1 - Commissioner Langdon

Commissioner Langdon dissented due to not seeing value in modifying plans that are unfunded and that will likely add additional costs.

Discussion followed regarding presentation of P3 plans to the City Manager.

Public Comment:

John Favere: concern with swales and canals and impact on project, restaurants, and impact on taxpayers

Ms. Slayton spoke to procedure for public partnership plan submittal.

Recess was taken from 12:28 p.m. until 1:00 p.m.

B. [21-0523](#) Discussion and Possible Action Regarding Economic Development Market Feasibility Study.

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Thomas provided a brief statement regarding the intent of the study.

Alex Tranmer, Camoin Associates, provided a presentation including purpose, market realities, economic development imperatives, results of investment, and what's next.

Mr. Yarborough provided insight into the direction he is requesting from Commission.

Questions and discussion were addressed regarding language for adoption of economic development plan versus economic feasibility study, priority for North Port identity, Midway and Heron Creek Activity Centers included as a priority but not needed for infrastructure, intention to take 4/5 industry groups to review Unified Land Development Code (ULDC) to identify barriers, budgeting of the southern gateway, adjusting for funding of all gateways, City Center location, marketing to adjust reputation, funding options, return on investments based on build-out projections, gateway being funded by rescue funds versus utility funds, comprehensive incentive package, de-annexation chatter, strategic/marketing plan, and sustainability fee.

Ms. Derosiers responded to questions regarding payment of initial design for Sumter and Toledo Blade Boulevards, and payment from Surtax funds for expenditure of southern Sumter Boulevard.

Questions and discussion continued regarding Toledo Blade as a Medical Corridor, incentives, and working with the Economic Development Corporation of Sarasota County regarding aligning properties.

There was consensus to change the language on page 5 from economic development plan to economic development feasibility study.

Consensus was requested for an agenda or discussion item regarding identity crisis.

Consensus was requested for a discussion item on incentive ideas along with environmental sustainment fee.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to direct the City Manager to bring forth an agenda item during a budget workshop or Commission regular meeting to move forward with ways to fund water and sewer for Gateway North, Panacea, and Warm Mineral Springs.

Discussion took place regarding activity center inclusions, viability to wait for the budget process, funding options, Panacea inclusion of I-75 interchange and Toledo Blade, and review of south gateway.

The motion carried by the following vote:

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

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to accept the feasibility study as presented with the previous consensus. The motion carried by the following vote:

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

Discussion took place regarding creating an agenda item to discuss items of concern in the study including incentives and environmental sustainability fee, and staff's ability to address items without prior Commission direction.

A motion was made by Commissioner McDowell, seconded by Commissioner White, to direct the City Manager to bring back an agenda item on incentives and environmental sustainability fee.

Discussion took place regarding clarification as to intent for environmental sustainability fee.

The motion carried by the following vote:

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

No: 2 - Vice Mayor Emrich and Commissioner Langdon

Commissioner Langdon and Vice Mayor Emrich dissented due to support of staff's competency to bring the item back without direction.

6. PROCLAMATION:

A. [21-0542](#) Proclaim April 2021 as Water Conservation Month Presented to Mike Vuolo and the Utilities Department

Mayor Luke announced the item.

Mr. Vuolo provided information on the Wylan's Mayor Challenge.

Commission presented this proclamation.

7. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

A. [21-0517](#) Human Resources Department Presentation

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. McDade provided a presentation including review of 2020 including response to global pandemic, safety and wellness initiatives, meeting Human Resource (HR) responsibilities, modifications including telework and social distancing, virtual meetings, and varied work schedules and communication of resources, organizational chart, HR specializations including recruitment, compensation, and employee relations, risk/safety including benefits, risk and safety, and wellness, Covid-19 and the workplace, creative work alternatives, risk and safety, employee recognition, employee wellness activities, and employee engagement.

Discussion took place regarding acknowledgement of employee retirements when acknowledging new employees, with HR reviewing options for recognition.

Recess was taken from 2:49 p.m. until 3:00 p.m.

8. PUBLIC HEARINGS:

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to reorder the agenda to move Item Nos. 21-0525 and 21-0527 after ORD. NO.. 2021-19. The motion carried on the following vote:

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

ORDINANCE - Second Reading:

- A. [ORD. NO. 2021-17](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida to Delete the Makers Market Vendor Permit Fee, By Amending Section 34-56 – Makers Market Vendor Permit, and Amending Appendix A – City Fee Structure; Providing For Severability; Providing For Conflicts; Providing For Codification; and Providing an Effective Date.

Mayor Luke announced the item.

Ms. Taylor read the Ordinance by title only.

Mr. Yarborough introduced the item.

There were no Commission questions or public comment.

Mayor Luke closed the public hearing.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Ordinance No. 2021-17 as presented. The motion carried by the following vote:

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

- B. [ORD. NO. 2021-19](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Section 66-67 - Definitions and Section 66-71 - Fee Waiver, Relating to the Road Maintenance Rehabilitation Program and the Construction Traffic Road Fee; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Luke announced the item.

Ms. Taylor read the Ordinance by title only.

Mr. Yarborough introduced the item.

There were no Commission questions or public comment.

Mayor Luke closed the public hearing.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Ordinance No. 2021-19 as presented. The motion carried by the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to concern with the inability to enforce and stated if it is good enough for commercial it is good enough for residential.

9. GENERAL BUSINESS - Continued

- A.** [21-0525](#) Discussion and Possible Action Regarding Template for Agreement for Waiver of Construction Traffic Road Fees and Authorize the City Manager or Designee to Sign Future Agreements Using the Approved Template.

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

There were no Commission questions or public comment.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve the template for agreement for waiver of construction traffic road fees and to authorize the City Manager or designee to sign future agreements using the approved template.

Ms. Slayton clarified the changes made.

The motion carried by the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented for same reasons stated in Item ORD. NO. 2021-19.

- B.** [21-0527](#) Discussion and Possible Action Regarding Transportation Impact Fee Reimbursement Agreement Regarding Public Roadway Network Within Wellen Park.

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Discussion took place regarding appreciation of the level of effort between staff and Wellen Park representatives.

John Luczynski, Senior Vice President Wellen Park, and Interim City Manager responded to questions regarding satisfaction with the agreement.

Discussion took place regarding adding language on Page 3, Item 2b regarding Manasota Beach Road build out not being a City obligation.

Charlie Bailey, explained right of way donations by Wellen Park and the agreement memorializes Wellen Parks obligation to construct two lanes.

There was consensus to add language on Page 3, Item 2b regarding Manasota Beach Road build out not being a City obligation.

Discussion continued clarifying initial payments, payments thereafter, percentages paid to Wellen Park, transportation fees after \$105 million, language for when payment is paid in full, provision language in 4a and Section 15 regarding annexation ordinances, and clarification in summary of findings.

Ms. Taylor read the following public comment into the record:

Anonymous: expressed opposition of the item

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to accept the Transportation Impact Fee Reimbursement Agreement with clarification that the City of North Port has no financial responsibility to build the Manasota Beach Road.

Commissioner Langdon withdrew her motion. Vice Mayor Emrich withdrew his second.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to accept the Transportation Impact Fee Reimbursement Agreement regarding public roadway network within Wellen Park as amended to include the previous consensus. The motion carried by the following vote:

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

ORDINANCE - First Reading:

- C.** [ORD. NO. 2021-20](#) An Ordinance of the City in North Port, Florida, Amending the Code of the City of North Port, Florida, Appendix A - City Fee Structure to Change Road and Drainage Fees for the Property Rental of 5601 S. Sumter Boulevard; Providing for Severability; Providing for Conflicts; 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 Commissioner McDowell, seconded by Commissioner Langdon, to direct the City Clerk to read the Ordinance by title only. The motion carried by 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. Yarborough introduced the item.

There were no Commission questions or public comment.

Mayor Luke closed the public hearing.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-02 for second reading on April 27, 2021. The motion carried by the following vote:

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

- D.** [ORD. NO. 2021-21](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida Related to Types and Schedules of City Commission Meetings; by Repealing Sections 2-52, 2-53, and 2-55 through 2-61, Related to City Commission Meetings; Providing for Findings; Providing for 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 the Ordinance by title only. The motion carried by 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.

There were no Commission questions or public comment.

Mayor Luke closed the public hearing.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to continue Ordinance No. 2021-21 for second reading on April 27, 2021. The motion carried by the following vote:

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

- E.** [ORD. NO. 2021-22](#) An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2020-21 by Transferring \$430,934 from the Transportation Impact Fee Fund Balance for Payment to Sarasota County According to the Locally Funded Agreement for the Improvement of River Road; 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 Commissioner McDowell, seconded by Vice Mayor Emrich, to direct the City Clerk to read the Ordinance by title only.

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

Ms. Taylor read the Ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Ferrell stated the Ordinance will be modified for second reading to only include \$430,934, spoke to payment for River Road and responded to questions regarding account that will be used for funding.

There was no public comment.

Mayor Luke closed the public hearing.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-22 for second reading on April 27, 2021, removing all references to Warm Mineral Springs building restorations. The motion carried by the following vote:

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

F. [ORD. NO. 2021-23](#)

An Ordinance of the City of North Port, Florida, Amending Chapter 58, Article III of the Code of the City of North Port, Florida, Relating to the Deferral, Waiver, and Reduction of Impact Fees; Providing for 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 Commission McDowell, seconded by Vice Mayor Emrich, to direct the City Clerk to read the Ordinance by title only.

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

Ms. Taylor read the Ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Thomas provided a presentation including background, basic impact fee deferral categories and responded to questions regarding line 6 and 56 regarding permanent residency, and line 249 regarding eligibility.

There was consensus to clarify throughout the document when a resident is referred to that it is referring to North Port residents only.

There was consensus to add solid waste as not being eligible for deferral.

Discussion took place regarding revenue of sales that occur outside the City versus inside the City, category 3 requirements, intent of category 3 to cover everything that does not fit into category 1 or 2, and submission date language.

There was consensus for staff to clean up language in lines 200 through 202.

Discussion continued regarding line 247 not including a deadline for the City Manager.

There was consensus to add timeline within line 246 basic impact deferral section.

Discussion ensued regarding headers missing on line 249 for Categories 2 and 3, and line 257 regarding supplementary criteria process for Commission awarding points.

Ms. Slayton spoke to factors for consideration within each category, and the need for clarification if there are changes to what is being recommended.

Discussion took place regarding consensus for criteria process for Commission to award points, intent to think outside of the box, and Commission approval for supplemental deferrals.

There was consensus to clarify language on line 52 relative to date of imposition of impact fee.

There was consensus to clarify language on line 206 and 207 relative to other city representatives.

Discussion continued regarding the Ordinance as currently written providing for one-time lump sum payment deferrals with interest versus payment plan options, concern with burden on staff to review reports and verification process, and enforcement.

Ms. Thomas spoke to the affidavit audit process.

Discussion took place regarding notification to Commission regarding approval of deferrals including details.

There was consensus to add language stating when a deferral is granted that Commission receives a memorandum.

Ms. Slayton provided clarification that the term deferred only applies to when the payment is due.

There was consensus to reorder and reletter Page 317 to move Item E above D.

Discussion continued regarding Commission approval for extensions on line 341, bankruptcy or closure of business, breach of agreement, impact fees relative to builder versus leaser, and payment of impact fees as a payment plan versus lump sum.

There was consensus for staff to bring back payment options for leases and owned property starting year two and then every year thereafter until paid in full.

Discussion continued regarding the supplemental point scale on the application.

There was consensus to modify the language on the form for subsequent time to be added for the deferral be specified that it is City Commission.

Discussion continued regarding the document not stating affidavit required.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-23 to second reading on a date to be determined by the Interim City Manager, capturing all consensus given throughout this discussion. The motion carried by the following vote:

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

No: 1 - Commissioner White

Commissioner White dissented due to the impact fees having to be paid by someone while the fees are being deferred.

G. [ORD. NO. 2021-24](#)

An Ordinance of the City of North Port, Florida Adopting the Southwest Florida Water Management District's Rules Related to a Temporary Water Shortage Restriction Plan and Year-Round Water Conservation Measures; Amending the Code of the City of North Port, Florida, Sections 38-20 Through 38-22; Repealing Section 38-19 – Legislative Intent; Providing for Findings; Providing for 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 Commissioner McDowell, seconded by Vice Mayor Emrich, to direct the City Clerk to read the Ordinance by title only. The motion carried by 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. Yarborough introduced the item.

Ms. Desrosiers spoke to the item including inclusion of annual year round conservation measures in the code and to notify residents of overage and responded to questions regarding enforcement, and intent of repealing Section 38-19 language regarding more restrictive irrigation hours.

Ms. Slayton spoke to codified legislative intent, the language codifying rights already approved by State law, and stated she will verify the language is repetitive of State law.

Discussion ensued regarding monitoring usage, landscaping options versus having lawns, and gallons per capita per day.

There was no public comment.

Mayor Luke closed the public hearing.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-24 for second reading on April 27, 2021. The motion carried by the following vote:

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

RESOLUTION:

- H. [RES. NO. 2021-R-13](#) A Resolution of the City of North Port, Florida, Adopting City Commission Policy No. 2021-06 Related to the Collection of Records to the Historical Archive; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date.

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

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

Discussion took place regarding bringing back another Resolution stating historical city items not be kept with records management plan but be stored for future historical society, with archive or list of items received, and retaining community historical records.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Resolution No. 2021-R-13 as presented. The motion carried by the following vote:

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

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct the City Clerk to prepare a resolution relating to historical artifacts, not government documents, at some point in the future. The motion carried by the following vote:

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

- I. [RES. NO. 2021-R-19](#) A Resolution of the City Commission of the City of North Port, Florida, Accepting a Utility Easement from Northport Woodspring, LLC; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Filing of Documents; Providing for Severability; and Providing an Effective Date.

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

Ms. Taylor read the Resolution by title only.

Mr. Yarborough introduced the item.

Ms. Desrosiers spoke to property history and the need for the easement to develop on the property.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Resolution No. 2021-R-19 as presented. The motion carried by the following vote:

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

9. GENERAL BUSINESS - Continued

- F. [21-0496](#) Discussion and Possible Action Regarding a Possible Moratorium on Enforcement of Section 42-22 of the City Code Relative to Conflicts Between Private Property Owners Regarding Excessive and Impinging Growth Pending Completion of an Ordinance Repealing Said Language.

There was consensus to hear this item at this time.

Mayor Luke announced and spoke to the item.

Mr. Raducci responded to questions regarding process for impinging growth cases currently pending.

Discussion took place regarding the effective date, number of pending cases in the system, and funding to cover cases that impose an imminent danger, and possible need for a budget amendment.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct the City Manager to work with the City Attorney and staff to draft a Resolution for a moratorium on impinging growth, to be effective today, and to direct the City Manager and staff to no longer act on new impinging growth calls and new cases. The motion carried by the following vote:

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

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to direct the City Manager to work with the City Clerk and staff to find a time to address the remaining agenda items to include Item Nos. 21-0562, 21-0359, 21-0453, 21-0499 and 21-0516. The motion carried on the following vote:

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

- C.** [21-0562](#) Discussion and Possible Action Regarding Action Plan for the Unified Land Development Code (ULDC) Rewrite Project.

This Item was continued to a meeting to be determined.

- D.** [21-0359](#) Discussion and Possible Action Regarding the Myakka River Management Coordinating Council's Request for the City Commission to Adopt a Resolution Identifying Warm Mineral Springs and Little Salt Springs as a High Priority for North Port's Local Legislative Delegation.

This Item was continued to a meeting to be determined.

- E.** [21-0453](#) Discussion and Possible Action Regarding the Purchase of Upgrades to the City's Existing AVI Audio Visual System to Accommodate Hybrid Meetings in Room 244

This Item was continued to a meeting to be determined.

- G.** [21-0499](#) Discussion and Possible Action Regarding Florida League of Mayors' Resolution in Opposition to Preemption of Home Rule

This Item was continued to a meeting to be determined.

- H.** [21-0516](#) Discussion and Possible Action Regarding Giving City Manager Discretion to Allow Acceptance of Special Events Applications up to 30 Days Prior to the Event

This Item was continued to a meeting to be determined.

- I.** [21-0519](#) Discussion and Possible Action Regarding Review and Prioritization of Parcels Nominated for Sarasota County Land Acquisition Programs

This Item was continued to a meeting to be determined.

10. PUBLIC COMMENT:

There was no public comment.

11. COMMISSION COMMUNICATIONS:

Commissioner White spoke to her new Commissioner orientation experience.

All other Commissioners noted they will provide their communications at the next

meeting.

12. ADMINISTRATIVE AND LEGAL REPORTS:

There were no administrative or legal reports.

13. ADJOURNMENT:

Mayor Luke adjourned the meeting at 5:18 p.m.

City of North Port, Florida

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

Attest: _____
Heather Taylor, City Clerk

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