



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final 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*

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Tuesday, November 22, 2022

6:00 PM

City Commission Chambers

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### CALL TO ORDER

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

### ROLL CALL

### ALSO PRESENT:

City Manager Jerome Fletcher, City Attorney Amber Slayton, Assistant City Attorney Margaret Roberts, City Clerk Heather Faust, Assistant City Clerk Adrian Jianelli, Deputy Fire Chief Nick Herlihy, Police Chief Todd Garrison, Assistant City Manager Jason Yarborough, Planning Manager Lori Barnes, Planner II Noah Fossick, Planner III Carl Benge, and Neighborhood Development Service Director Alaina Ray

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Pete Emrich.

### 1. APPROVAL OF AGENDA

Discussion took place regarding reordering the agenda.

Mayor Langdon requested a motion to approve the agenda.

*A motion was made by Commissioner McDowell, seconded by Commissioner Stokes, to approve the Agenda as amended to hear Item No. 22-3749 after Item No. 22-3744. The motion carried on the following vote:*

**Yes:** 3 - Mayor Langdon, Commissioner Stokes and Vice Mayor White

**No:** 2 - Commissioner Emrich and Commissioner McDowell

*Commissioner McDowell dissented out of protest and noted a request to include an agenda item request denied by City Manager.*

*Commissioner Emrich dissented due to rather hear the item after quasi-judicial items.*

Mr. Fletcher provided a statement regarding the item being discussed.

## **2. PUBLIC COMMENT:**

Ms. Faust read the following eComment into the record:

Karen Blackford: expressed support of preserving land

David Iannotti: expressed concern with development

In-person public comment:

Austin Baird: spoke to 50% rule

Mr. Fletcher spoke to the 50% Rule Emergency Order.

Keith Brown: spoke to land damage due to builder on adjacent lot and concern with Ordinance enforcement

Jeffrey Scott: spoke to Charter violations

Jill Luke: spoke to Warm Mineral Springs Public Private Partnership (P3) and Commissioner assignments

Steve Barnhardt: expressed concern with land damage due to builder on adjacent lot and concern with Code Enforcement

Mr. Fletcher spoke to action by the City.

Valdy Olender: spoke to Police Officer presence, Sunshine Law, and Oath of Office

## **3. ANNOUNCEMENTS**

- A. [22-3744](#) 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. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

- A. [22-3736](#) Sarasota County Commissioner Ron Cutsinger Update to the North Port City Commission.

Mayor Langdon introduced the item.

Mr. Cutsinger provided a presentation including North Port Connector for Legacy Trail Ribbon Cutting, Flying the Bridge video, Sarasota County Citizen Opinion Survey results, Hurricane Ian response, River Road construction, South River Road, joint meeting with Commission, congratulated Commissioner Stokes and Commissioner Emrich and expressed gratitude to Former Commissioner Luke.

Commission discussion took place regarding Deer Prairie Bridge, appreciation for video, and integration and support from a variety of entities during Hurricane Ian recovery.

There was no public comment.

D. [22-3749](#)

Discussion and Possible Action Regarding the Warm Mineral Springs Development Group, LLC Public Private Partnership Detailed Proposal Related to the Warm Mineral Springs Park Master Plan Building Restoration/Improvements and Future Park Development.

Mayor Langdon announced the item.

Mr. Fletcher introduced the item and read into the record the Florida Statutes section 255.065 relating to qualifying project.

Commission questions and discussion took place regarding fulfillment of Florida Statutes Section 255.065(i)2.

Public comment:

Anna Kaplin: expressed opposition to development

James Strouser: expressed appreciation of Hurricane Ian recovery, spoke to citizen outreach regarding Warm Mineral Springs (WMS), and expressed concern with development

Theresa Pratt: expressed opposition to development

Mayor Langdon requested a motion.

***A motion was made by Commissioner Emrich, seconded by Commissioner McDowell, to make a preliminary determination that the WMS Development Group LLC's unsolicited detail proposal is for a facility or project that serves a public purpose, or a facility or infrastructure that is used or will be used by the public or in support of a public purpose or activity, and that it meets the definition of a "qualifying project" in Florida Statutes Section 255.065(1)(L).***

Ms. Slayton spoke to correction in Florida Statute Section.

***Commissioner Emrich restated his motion, seconded by Commissioner McDowell, to read "to make a preliminary determination that the WMS Development Group LLC's unsolicited detail proposal is for a facility or project that serves a public purpose, or a facility or infrastructure that is used or will be used by the public or in support of a public purpose or activity, and that it meets the definition of a "qualifying project" in Florida Statutes Section 255.065(1)(L).***

Discussion took place regarding the need to move forward with renovations in the springs and funding options.

***The motion carried on the following vote:***

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

## **5. CONSENT AGENDA:**

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

***A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to approve the Consent Agenda with the exception of Item No. 22-3753 being pulled for discussion. The motion carried on the following vote:***

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

- A. [22-3653](#) Approve the Interagency Agreement Between the Sarasota County Sheriff's Office and City of North Port on Behalf of the North Port Police Department for Use of Driving Simulators at the Knight Trail Park Facilities Located at 3445 Rustic Road, Nokomis, Florida.

*This item was approved on Consent Agenda.*

- B. [22-3672](#) Accept the Cash Receipts Summary Report for September 2022.

*This item was approved on Consent Agenda.*

- C. [22-3673](#) Approve the Second Amendment to Agreement No. 2018-63, with Mauldin and Jenkins, LLC., Modifying the Fee of the Total Fiscal Year-Ending 2022 Basic Audit and the Total Fiscal Year-Ending 2022 Fee Per Single Audit for Each Major Program Required, and to Authorize the City Manager to Approve all Future Renewals.

*This item was approved on Consent Agenda.*

- D. [22-3676](#) Approve Construction Contract No. 2023-04 - Renovation of Lift Stations 29, 45 and 73 Community Development Block Grant with Dejonge Excavating Contractors, Inc. in the Amount of \$389,448.00 with a Contingency of \$58,417.00, for a Total Amount of \$447,865.00.

*This item was approved on Consent Agenda.*

- E. [22-3685](#) Approve Amendment No. 1 to Construction Contract No. 2022-26 - Water Pipeline Bridge Replacements- Haberland/Woodhaven/N. Toledo Blade with Spectrum Underground, Inc., for an Additional Amount of \$135,066.50, for a Total Contract Price of \$475,671.35.

*This item was approved on Consent Agenda.*

- F. [22-3733](#) Approval of Minutes for the October 25, 2022 Commission Regular Meeting

*This item was approved on Consent Agenda.*



- G. [22-3734](#) Approval of Minutes for the October 27, 2022 Commission Special Meeting

*This item was approved on Consent Agenda.*

- H. [22-3735](#) Approval of Minutes for the November 3, 2022 Commission Regular Meeting

*This item was approved on Consent Agenda.*

- I. [22-3753](#) Approve the 2023 City of North Port Federal and State Legislative Priorities.

Mayor Langdon introduced the item.

Commissioner McDowell spoke to the item.

Mr. Miles spoke to the effect of removing language.

***There was consensus to remove all words after "preemptions" in State Legislative Priorities under Home Rule.***

Consensus was requested to reword language under Suncoast Technical College to state "The City of North Port supports full funding to ensure all facility and student population growth needs are met."

***A motion was made by Commissioner McDowell, seconded by Vice Mayor White, to reword the language under Suncoast Technical Collage to state "The City of North Port supports full funding to ensure all facility and student population growth needs are met."***

Discussion took place regarding current language.

***The motion carried on the following vote:***

**Yes:** 3 - Commissioner McDowell, Commissioner Stokes and Vice Mayor White

**No:** 2 - Mayor Langdon and Commissioner Emrich

***Mayor Langdon dissented due to the current wording being clear.***

***Commissioner Emrich dissented due to previous reviews with changes.***

***There was consensus to update the North Port Mayor, Vice Mayor, and new Commissioner information on the back.***

Consensus was requested to reword the language under Federal Priority, Disaster Recovery, second bullet point to read "to allow 90-days for debris removal to be fully reimbursed."

***A motion was made by Commissioner McDowell, seconded by Commissioner Stokes, to change the wording on the Federal Legislative Priorities for 2023 under Disaster Recovery to read "to allow 90-days for debris removal to be fully reimbursed by Federal Emergency Management Agency (FEMA)." The motion carried on the following vote:***

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

No: 1 - Mayor Langdon

*Mayor Langdon dissented due to the current wording being clear.*

- J. [22-3755](#) Approve the Ratification of Emergency Order No. 2022-17 Related to the Temporary Waiver of Permit Requirements for the City's Use of Modular Buildings, Construction Trailers, and Storage Containers on City-Owned Property

*This item was approved on Consent Agenda.*

- K. [22-3675](#) Approve the Tenant Lease Agreement Between the City of North Port and Centerplace Health, Inc., for Suite B104 at the Family Service Center Located at 6919 Outreach Way.

*This item was approved on Consent Agenda.*

## **6. PUBLIC HEARINGS:**

### **PETITION:**

- A. [CC](#)  
[DMP-22-060](#) Consideration of Petition No. DMP-22-060, Arietto 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 title and swore in those wishing to provide testimony.

Mayor Langdon called for disclosure of ex parte communications.

Commissioner Emrich disclosed no ex parte communications.

Vice Mayor White disclosed no ex parte communications.

Mayor Langdon disclosed no ex parte communications.

Commissioner Stokes disclosed no ex parte communications.

Commissioner McDowell disclosed email to City Manager, request for copy of Traffic Impact Statement, listened to Planning and Zoning Advisory Board (PZAB) meeting, email from citizen, and noted all were forwarded to the City Clerk.

Ms. Faust stated there were no aggrieved parties.

Jackson Boone, Boone Law Firm, being duly sworn, provided a presentation including parcel size and location, future land use designation and zoning, surrounding land use designation, surrounding property zoning designations, amenity center location, density consistency and compliance, requested waivers, plan sheet points including site access points, internal sidewalk and multi-modal paths, consistency with future land use policies, traffic report results, increased open space, landscape buffers, environmental assessment, water and sewer service, stormwater design, staff review, consistency and compliance, and request for approval.

Mr. Benge, being duly sworn, provided a presentation including location and size of parcel, neighborhood meeting, requested waivers, staff review, PZAB recommendation and conditions, and staff recommendation.

There were no rebuttals by the Applicant or Staff.

Public comment:

Bruce Shaw, being duly sworn: expressed opposition of the development

E" Faye" Doyle, being duly sworn: expressed opposition of the development

Lora Ross, being duly sworn: expressed opposition of the development

Jack Nearhoof, being duly sworn: expressed opposition of the development

Coby Nearhoof, being duly sworn: expressed opposition of the development

Paul Dunlea, being duly sworn: expressed opposition of the development

Jennifer Kelly, being duly sworn: expressed opposition of the development

Nancy Mosson, being duly sworn: expressed opposition of the development

Sheri Styckiewicz, being duly sworn: expressed opposition of the development

Carl Styckiewicz, being duly sworn: expressed opposition of the development

Bonnie Towles, being duly sworn: expressed opposition of the development

Recess was taken from 8:10 p.m. until 8:25 p.m.

Mr. Yarborough replaced Mr. Fletcher on the dais.

Mayor Langdon requested disclosure of additional ex parte.

There were no ex parte communications.

Commission questions took place regarding market rate housing, lot size, open space, side and rear setbacks, mixed-use component requirement, amenity center size, Unified Land Development Code (ULDC) Chapter 37 and walking path around pond.

Peter Van Buskirk, Kimley-Horn, being duly sworn, responded to questions regarding flood zone.

Ms. Ray, being duly sworn, clarified vast majority of flood zone.

Commission questions continued regarding bike path, minimum park requirement, weir standards and discharge location.

Ms. Faust swore in Mr. Yarborough.

Commission questions and discussion continued on bike path requirements, weir

drainage, drainage maintenance, rear yard size, flood designation, provisions to restrict water runoff, setback standards, water drainage areas, estimated villa square footage, density, shade trees requirements, rear setback requirement, sub-division phase, and vegetation removal in waterways.

Mr. Bengé did not have any closing arguments.

Staff provided closing argument to include park area definition.

Mr. Boone provided closing arguments to include amount of impervious and open space, stormwater, prior single-family attached housing approvals, traffic study results, environmental assessment and permit requirements, and request for approval.

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. DMP-22-060 based on the competent substantial evidence, the Development Master Plan does not comply with the Unified Land Development Code denying waiver request 2, 3, 4, 5 and 6 and approving all conditions listed in the staff report.***

Ms. Slayton expressed concern with the wording of the motion.

***Commissioner McDowell withdrew her motion. Vice Mayor White withdrew her second.***

***A motion was made by Commissioner McDowell, seconded by Vice Mayor White, to approve Petition No. DMP-22-060 with the below conditions and find that, based on the competent substantial evidence, the Development Master Plan complies with The Unified Land Development Code.***

***Conditions:***

- 1. To approve waivers 1 and 7***
- 2. To deny waiver 2, 3, 4, 5, and 6***
- 3. Approve all conditions on page 12 of the staff report***

Discussion took place regarding waiver 1 and 2, concern with reductions, prior approved single-family villas, and concern with drainage issues.

***The motion failed on the following vote: Commissioner Emrich, Vice Mayor White, Mayor Langdon and Commissioner Stokes dissented.***

**Yes:** 1 - Commissioner McDowell

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

***Commissioner Emrich dissented due to drainage concerns.***

***Vice Mayor White dissented due to waiver one being approved.***

***Commissioner Stokes dissented due to drainage concerns.***

***Mayor Langdon dissented due to drainage concerns and in favor of waivers.***

***A motion was made by Commissioner Stokes, to approve Petition DMP-22-060 as presented and find that, based on the competent substantial evidence, shows that the proposed Development Master Plan does comply with the North Port***



*Comprehensive Plan Future Land Use Goal 1 and 2 and Policies 1.6, 2.17, & 2.1.12 and Section 53-102, 53-103, & 53-113 of the Unified Land Development Code and to conduct a study of drainage issues to be submitted back to Commission for final approval.*

Discussion ensued on the decision of the motion and spoke on having green space.

*Commissioner Stokes restated his motion to read to approve Petition DMP-22-060 as presented and find that, based on the competent substantial evidence, shows that the proposed Development Master Plan does comply with the North Port Comprehensive Plan Future Land Use Goals 1 and 2 and Policies 1.6, 2.17, & 2.1.12 and Section 53-102, 53-103, & 53-113 of the Unified Land Development Code." The motion failed due to lack of a second.*

Mr. Boone requested to continue the item.

Ms. Slayton spoke to the process for continuing.

Ms. Ray agreed to continue the item and spoke to impacts of development to be presented.

Staff and the Applicant agreed to the extension.

*A motion was made by Commissioner McDowell, seconded by Vice Mayor White, to continue the hearing for DMP-22-060 to a future date, to present new testimony based on discussion with staff and the applicant on stormwater conditions and impact, and to extend the Commission decision a maximum of 180 days.*

Commission questions continued regarding on-site drainage impact on neighboring areas and re-advertising.

**The motion carried on the following vote:**

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

### **ORDINANCE - Second Reading:**

**B. [ORD. NO.  
2022-22](#)**

An Ordinance of the City of North Port, Florida, Amending the Future Land Use Designation from Agricultural, Estates and Activity Center to Village for a ± 83.417 Acre Area Generally Located North of Interstate 75 and East of Toledo Blade Boulevard; Amending the City of North Port Comprehensive Plan Chapter 2, Future Land Use Map 2-7; Providing for Findings; Providing for Adoption; Providing for Transmittal of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (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 Ordinance by title only and swore in those wishing to provide testimony.

Mayor Langdon called for disclosure of ex parte communications.

Commissioner McDowell disclosed ex parte communications stated at the September

13, 2022 meeting, email regarding staff report on September 16, 2022, addressing Southwest Florida Water Management District (SWFWMD) comments, and noted all were forwarded to the City Clerk.

Commissioner Stokes disclosed no ex parte communications.

Mayor Langdon disclosed no ex parte communications.

Vice Mayor White disclosed no ex parte communications.

Commissioner Emrich disclosed no ex parte communications.

Ms. Faust stated there were no aggrieved parties.

Jeff Boone, Boone Law Firm, being duly sworn, noted no changes since first reading.

Carl Bengel, being duly sworn, spoke to comments from SWFWMD.

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 adopt Ordinance No. 2022-22 and find that, based on the competent substantial evidence, the amendment is consistent with the standards and intent of the adopted Comprehensive Plan and Florida Statutes. The motion carried on the following vote:***

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

**C. [ORD. NO.  
2022-21](#)**

An Ordinance of the City of North Port, Florida, Rezoning ± 789 Acres Located in Section 6, Township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102705 in Official Records of Sarasota County; Section 5 and Section 8, township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102706 in the Official Records of Sarasota County; and Section 15 and 16, township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102706, from No Zoning Designation District (NZD) to Village District (V); Amending the Official Zoning Map; Providing for Findings; Providing for Filing of Approved Documents; Providing for Conflicts, Providing for Severability; and Providing an Effective Date. (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 Ordinance by title only and swore in those wishing to provide

testimony.

Mayor Langdon called for disclosure of ex-parte communications.

Commissioner Emrich disclosed no ex parte communications.

Vice Mayor White disclosed no ex parte communications..

Mayor Langdon disclosed no ex parte communications.

Commissioner Stokes disclosed no ex parte communications..

Commissioner McDowell disclosed ex parte communications at the September 13, 2022 meeting.

Ms. Faust stated there were no aggrieved parties.

Jeff Boone, Boone Law Firm, being duly sworn, noted no changes since first reading.

Mr. Benge, being duly sworn, noted no changes since first reading.

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 adopt Ordinance No. 2022-21 and find that, based on the competent substantial evidence, the rezoning will not adversely affect the public interest health, safety and general welfare; and that the specific requirements in the City of North Port Comprehensive Plan, and the standards listed in Section 1-33.E(1) of the Unified Land Development Code have been met. The motion carried on the following vote:*

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

**D. [ORD. NO. 2022-27](#)**

An Ordinance of the City of North Port, Florida, Repealing and Replacing Chapter 59 of the Unified Land Development Code Regarding Public Art; 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. Yarborough 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 Commissioner McDowell, seconded by Commissioner Emrich, to adopt Ordinance No. 2022-27 as presented. The motion carried on the following vote:***

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

**E. [ORD. NO. 2022-28](#)**

An Ordinance of the City of North Port, Florida, Repealing and Replacing Chapter 4, Article III of the Code of the City of North Port, Florida Relating to the Art Advisory Board; 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. Yarborough 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 Commissioner McDowell, seconded by Commissioner Emrich, to adopt Ordinance No. 2022-28 as presented. The motion carried on the following vote:***

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

**F. [ORD. NO. 2022-26](#)**

An Ordinance of the City of North Port, Florida, Establishing a Schedule and Location of City Commission Regular Meeting and Workshops for the 2023 Calendar Year; Providing for Findings; Providing for conflicts, Providing for Severability; and Providing and Providing and 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.

Ms. Jianelli 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 Commissioner Stokes, seconded by Commissioner Emrich, to adopt Ordinance No. 2022-26 as presented. The motion carried on the following vote:***



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

Recess was taken from 9:55 p.m. until 10:05 p.m.

**ORDINANCE - First Reading:**

- G. [ORD. NO. 2022-25](#) An Ordinance of the City of North Port, Florida, Amending Ordinance No. 2011-10 and the North Port Gardens Development of Regional Impact Development Order Related to Land Use, Transportation Conditions, and the Master Development Plan; Providing for Findings; Providing for Enforcement; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL)

Mayor Langdon announced the item, stated this is a quasi-judicial hearing, and requested a motion to direct the City Clerk to read by title only.

***A motion was made by Commissioner Emrich, seconded by Commissioner McDowell, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:***

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

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

Mayor Langdon called for disclosure of ex-parte communications.

Commissioner McDowell disclosed agenda briefing.

Commissioner Stokes disclosed agenda briefing.

Mayor Langdon disclosed no ex parte communications.

Vice Mayor White disclosed no ex parte communications.

Commissioner Emrich disclosed no ex parte communications.

Ms. Faust stated there were no aggrieved parties.

Kelley Klepper, Kimley Horn, being duly sworn, provided a presentation including background, site details, aerial map, requests, existing and proposed entitlements, and modification to Map-H.

Mr. Fossick, being duly sworn, provided a presentation including location, size, future land use and zoning designation, phase date proposals, entitlements proposed, requests, Map-H2 no longer being needed, proposed Map-H1, and conditions of development order.

There were no rebuttals from the Applicant or Staff.

There was no public comment.

Commission questions and discussion took place regarding dwellings, list of conditions,

and following the Ordinance.

Ms. Slayton spoke to motions, including other conditions, and amending the Ordinance if needed.

Commission questions and discussion continued regarding conditions included within ordinance, Map H1 regarding installation of ingress and egress, Table 1 regarding reduction in commercial non-residential, shade structure requirements, vertical integration with non-residential uses, physical and functional integration, intent to mix uses, DRI expiration, envisioned housing types, job opportunities, Sarasota County Area Transit (SCAT), commercial component, and retail options.

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 continue Ordinance No. 2022-25 to second reading on December 13, 2022. The motion carried on the following vote:***

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

H. [ORD. NO. 2022-31](#)

An Ordinance of the City of North Port, Florida, Amending the City of the City of North Port Comprehensive Plan; Adopting a New Chapter 13, Coastal Management Element, Including Goals, Objectives, and Policies, and Adopting a Coastal Management Map Series; Amending Chapter 5, Conservation and Coastal Zone Management Element and Adopting a Conservation Map Series; Amending the Table of Contents; Amending Chapter 2, Future Land Use Element, Amending Chapter 4, Utilities Element; Amending 9, Public School Facilities Element; Repealing Conservation and Coastal Zone Management Maps 5-1 through 5-17; Providing for Findings; Providing for Adoption; Providing for Transmittal of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Langdon announced the item and requested a motion to direct the City Clerk to read by title only.

***A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to direct the City Clerk to read by title only. The motion carried on the following vote:***

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

Ms. Faust read the Ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Barnes spoke to initiation of amendment, development of goals, objectives, and policies, proposed amendments, City Attorney review, public notice, Planning and Zoning Advisory Board (PZAB) recommendation, transmittal requirement, compliance with State Statutes and staff recommendation.

Commission questions and discussion took place regarding review of recommended changes to ensure no conflicts with state law, flood zone A and VE locations on maps, and referencing flood zones.

*There was consensus to add where appropriate the reference to flood zones A, AE and VE in Policy 2.10.*

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 approve the transmittal of Ordinance No. 2022-31 according to state law, and to continue to second reading at a date to be determined, with the consensus given during discussion. The motion carried on the following vote:*

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

## **RESOLUTION:**

- I. RES. NO. 2022-R-66** A Resolution of the City of North Port, Florida, Temporarily Suspending the Historic and Cultural Advisory Board; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; Providing an Effective Date; and Providing a Sunset Provision.

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

Ms. Faust read the Resolution by title only.

Ms. Jianelli introduced the item.

Commission questions and discussion took place regarding the sunset provision.

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. 2022-R-66 as presented. The motion carried on the following vote:*

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

## **7. GENERAL BUSINESS:**

- A. 22-3570** Discussion and Possible Action Regarding the City Commission Board and Committee Assignments for Fiscal Year 2022-2023.

Mayor Langdon announced the item.

Ms. Faust introduced the item.

Commission questions and discussion took place regarding City Commission Board and Committee Assignments.



*There was consensus to maintain current Florida League of Cities committees with Commissioner Stokes being assigned to Utilities, Natural Resources and Public Works.*

*There was consensus for Vice Mayor White to be assigned as primary for Teen Court.*

*There was consensus for Commissioner Stokes to be assigned as primary for Visit Sarasota (TDC).*

*There was consensus for Mayor Langdon to be assigned as primary and Commissioner Stokes to be assigned as alternate for Economic Development Corporation.*

*There was consensus for Mayor Langdon to be assigned as alternate for Visit Sarasota (TDC).*

*There was consensus for Commissioner Stokes to be assigned as alternate for Manasota League of Cities.*

There was no public comment.

Mayor Langdon requested a motion.

*A motion was made by Commissioner McDowell, seconded by Commissioner Stokes, to approve the new 2022-2023 Commission board and committee assignments as stated by consensus' given. The motion carried on the following vote:*

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

**B. [22-3705](#)** Discussion and Possible Action Regarding the Approval of the October 6, 2022, City Commission Regular Meeting Minutes

Mayor Langdon announced the item.

Ms. Faust introduced the item.

There were no Commission questions or discussion.

There was no public comment.

Mayor Langdon requested a motion.

*A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to approve the October 6, 2022 meeting Minutes as presented with the recommended changes. The motion carried on the following vote:*

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

**C. [22-3737](#)** Discussion and Possible Action Regarding Suggested Agenda Items for the 2023 Convocation of Governments Based on the Interlocal Agreement for School Facility Planning.

Mayor Langdon announced the item.



Mr. Yarborough introduced the item.

Commission questions and discussion took place regarding traffic study update, update on school in Wellen Park, skills training and current training expansions at Suncoast Technical College (STC).

*There was consensus to direct the City Manager to contact Sarasota Technical College (STC) for a presentation to Commission on offered programs.*

*There was consensus to add update on intern program.*

*There was consensus to add update on college and career night invites.*

There was no public comment.

Mayor Langdon requested a motion.

*There was consensus to add update on traffic study and update on K-12 and charter school in Wellen Park.*

*A motion was made by Commissioner McDowell, seconded by Commissioner Stokes, to direct the City Manager to send a letter to the Sarasota County School Board to include all the consensus' given during the discussion for the upcoming Convocation of Governments. The motion carried on the following vote:*

*There was consensus to direct the City Manager to invite the School Board to hold a meeting at City Hall.*

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

#### **8. PUBLIC COMMENT:**

There was no public comment.

#### **9. COMMISSION COMMUNICATIONS:**

Mayor Langdon, Commissioner Emrich, Vice Mayor White, and Commissioner Stoke's did not have a report.

Commissioner McDowell spoke to concerns with the City Manager.

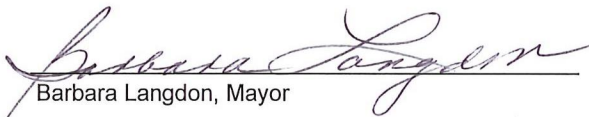
#### **10. ADMINISTRATIVE AND LEGAL REPORTS:**


- A. [22-3739](#) City Manager Report  
Mr. Fletcher did not have a report.
- B. [22-3740](#) City Attorney's Report  
Ms. Slayton did not have a report.
- C. [22-3661](#) City Clerk Report  
Ms. Faust did not have a report.

**11. ADJOURNMENT:**

Mayor Langdon adjourned the meeting at 11:38 p.m.

City of North Port, Florida

By:   
Barbara Langdon, Mayor

Attest:   
Heather Faust, City Clerk

These minutes were approved on the 24 day of January, 2023.



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Agenda

### City Commission Regular Meeting

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Tuesday, November 22, 2022

6:00 PM

City Commission Chambers

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#### Amended to Add Ord. No. 2022-26 & 22-3753 Backup Material, Adding Second Reading to Ord. No. 2022-26

**PUBLIC COMMENT:** Properly submitted comments will be accepted and included in the official record of the meeting pursuant to City Commission Policy No. 2020-04. Any comment received that does not meet the public comment timing and requirements will be rejected and will not be included in the official record of the meeting. **PLEASE NOTE:** Those wishing to provide public comment on quasi-judicial agenda items must appear before the City Commission to give testimony under oath.

Public comment may be submitted in the following ways:

**In Person Attendance:** Submit a comment card to the City Clerk. Comment cards with completed information may be submitted until the Mayor closes Public Comment for the agenda item. When recognized by the Mayor, the Commenter will approach the podium. Public Comment is limited to three (3) minutes per person.

**Online:** Submit a written eComment using the eComment link at [cityofnorthport.legistar.com/Calendar](http://cityofnorthport.legistar.com/Calendar). The link will be available online at 8:00 a.m. the day before the meeting until one hour prior to the start of the meeting. Your public comment is limited to 2,000 characters. **PLEASE NOTE:** Online public comment cannot be considered as the basis for a quasi-judicial decision and will be read into the record under general public comment.

**Voice Mail Message:** Leave a voice mail message via telephone at 941-429-1032. Voice Mail messages will be accepted the day before the meeting from 8:00 a.m. until one hour prior to the start of the meeting. Please provide information as listed in the City's outgoing message. The message must not exceed two minutes, fifteen seconds. Voice messages will be forwarded to Commission and played into the record. **PLEASE NOTE:** Comments provided via voice mail cannot be considered as the basis for a quasi-judicial decision and will be played into the record under general public comment.

Florida's Sunshine Law requires the Commission to discuss this Agenda only in open session. The Commissioners cannot discuss these items with each other before this meeting is called to order. The Commissioners, individually, can however, discuss any item with concerned citizens and staff in preparation for the meeting.

#### CALL TO ORDER

#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### 1. APPROVAL OF AGENDA

#### 2. PUBLIC COMMENT:

(The purpose of the Public Comments Section of the Agenda is for members of the public to speak to the City Commission/District Governing Body on any subject pertaining to City Business whether or not it is on the Agenda, with the exception of Quasi-Judicial Items. The City Commission shall not act, except to direct the City Manager to take action or to schedule the matter for discussion at a later date.)

**3. ANNOUNCEMENTS**

- A. [22-3744](#) Current Vacancies and Upcoming Expirations for Advisory Boards and Committees

*Attachments:* [Announcements](#)

**4. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

- A. [22-3736](#) Sarasota County Commissioner Ron Cutsinger Update to the North Port City Commission.

**5. CONSENT AGENDA:**

(All matters under the Consent Agenda are considered by the City Commission to be routine and will be enacted by one motion. Any City Commission member may, however, remove an item from the Consent Agenda by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.)

- A. [22-3653](#) Approve the Interagency Agreement Between the Sarasota County Sheriff's Office and City of North Port on Behalf of the North Port Police Department for Use of Driving Simulators at the Knight Trail Park Facilities Located at 3445 Rustic Road, Nokomis, Florida.

*Attachments:* [Interagency Agreement](#)

- B. [22-3672](#) Accept the Cash Receipts Summary Report for September 2022.

*Attachments:* [Cash Receipts Summary 093022](#)

- C. [22-3673](#) Approve the Second Amendment to Agreement No. 2018-63, with Mauldin and Jenkins, LLC., Modifying the Fee of the Total Fiscal Year-Ending 2022 Basic Audit and the Total Fiscal Year-Ending 2022 Fee Per Single Audit for Each Major Program Required, and to Authorize the City Manager to Approve all Future Renewals.

*Attachments:* [Second Amendment to Agreement](#)  
[First Amendment to Agreement](#)  
[Agreement](#)  
[Florida Division of Corporations Documents](#)

- D. [22-3676](#) Approve Construction Contract No. 2023-04 - Renovation of Lift Stations 29, 45 and 73 Community Development Block Grant with Dejonge Excavating Contractors, Inc. in the Amount of \$389,448.00 with a Contingency of \$58,417.00, for a Total Amount of \$447,865.00.



**Attachments:**      [Contract](#)  
[Notice of Intent to Award](#)  
[Award Recommendation Memo](#)  
[Bid Tabulation](#)  
[Submittal by Dejonge Excavating Contractors, Inc](#)  
[Request for Bid and Addendum](#)  
[Subrecipient Agreement](#)  
[Florida Division of Corporations Documents](#)

- E.      [22-3685](#)      Approve Amendment No. 1 to Construction Contract No. 2022-26 - Water Pipeline Bridge Replacements- Haberland/Woodhaven/N. Toledo Blade with Spectrum Underground, Inc., for an Additional Amount of \$135,066.50, for a Total Contract Price of \$475,671.35.

**Attachments:**      [First Amendment to Contract](#)  
[Amendment Form](#)  
[Contract](#)  
[Florida Division of Corporations Document](#)

- F.      [22-3733](#)      Approval of Minutes for the October 25, 2022 Commission Regular Meeting

**Attachments:**      [Minutes](#)

- G.      [22-3734](#)      Approval of Minutes for the October 27, 2022 Commission Special Meeting

**Attachments:**      [Minutes](#)

- H.      [22-3735](#)      Approval of Minutes for the November 3, 2022 Commission Regular Meeting

**Attachments:**      [Minutes](#)

- I.      [22-3753](#)      Approve the 2023 City of North Port Federal and State Legislative Priorities.

**Attachments:**      [Draft State Legislative Priorities](#)  
[Draft Federal Legislative Priorities](#)  
[November 7, 2022 Draft Commission Meeting Minutes](#)

- J.      [22-3755](#)      Approve the Ratification of Emergency Order No. 2022-17 Related to the Temporary Waiver of Permit Requirements for the City's Use of Modular Buildings, Construction Trailers, and Storage Containers on City-Owned Property

**Attachments:**      [Emergency Order No. 2022-17](#)

- K.      [22-3675](#)      Approve the Tenant Lease Agreement Between the City of North Port and Centerplace Health, Inc., for Suite B104 at the Family Service Center

Located at 6919 Outreach Way.

Attachments:     [Tenant Lease Agreement](#)  
                          [Letter of Intent](#)

## **6. PUBLIC HEARINGS:**

### **PETITION:**

- A.     [CC](#)                    Consideration of Petition No. DMP-22-060, Arietto Development Master Plan. (Quasi-Judicial)

Attachments:     [Staff Report with Exhibits](#)  
                          [Development Master Plan](#)  
                          [PZAB Action Report](#)  
                          [Staff Report - Revised](#)

### **ORDINANCE - Second Reading:**

- B.     [ORD. NO.](#)            An Ordinance of the City of North Port, Florida, Amending the Future Land Use Designation from Agricultural, Estates and Activity Center to Village for a ± 83.417 Acre Area Generally Located North of Interstate 75 and East of Toledo Blade Boulevard; Amending the City of North Port Comprehensive Plan Chapter 2, Future Land Use Map 2-7; Providing for Findings; Providing for Adoption; Providing for Transmittal of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI JUDICIAL)

Attachments:     [Ordinance - Second Reading](#)  
                          [Ordinance - First Reading](#)  
                          [Staff Report with Exhibits](#)  
                          [PZAB Action Report](#)  
                          [Staff Report-Revised](#)

- C.     [ORD. NO.](#)            An Ordinance of the City of North Port, Florida, Rezoning ± 789 Acres Located in Section 6, Township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102705 in Official Records of Sarasota County; Section 5 and Section 8, township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102706 in the Official Records of Sarasota County; and Section 15 and 16, township 39 South, Range 22 East of Sarasota County as Described in Instrument No. 2003102706, from No Zoning Designation District (NZD) to Village District (V); Amending the Official Zoning Map; Providing for Findings; Providing for Filing of Approved Documents; Providing for Conflicts, Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL)

**Attachments:**      [Ordinance - Second Reading](#)  
[Ordinance- First Reading](#)  
[Staff Report with Exhibits](#)  
[PZAB Action Report](#)  
[Letter of Representation](#)

- D.      [ORD. NO. 2022-27](#)      An Ordinance of the City of North Port, Florida, Repealing and Replacing Chapter 59 of the Unified Land Development Code Regarding Public Art; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

**Attachments:**      [Ordinance - Second Reading](#)  
[Ordinance - First Reading](#)  
[Staff Report with Exhibits](#)  
[Presentation](#)  
[4-26-2022 Minutes](#)  
[12-8-2020 Minutes](#)

- E.      [ORD. NO. 2022-28](#)      An Ordinance of the City of North Port, Florida, Repealing and Replacing Chapter 4, Article III of the Code of the City of North Port, Florida Relating to the Art Advisory Board; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

**Attachments:**      [Ordinance - Second Reading](#)  
[Ordinance - First Reading](#)

- F.      [ORD. NO. 2022-26](#)      An Ordinance of the City of North Port, Florida, Establishing a Schedule and Location of City Commission Regular Meeting and Workshops for the 2023 Calendar Year; Providing for Findings; Providing for conflicts, Providing for Severability; and Providing and Providing and Effective Date.

**Attachments:**      [Ordinance - Second Reading](#)  
[Ordinance - First Reading](#)

**ORDINANCE - First Reading:**

- G.      [ORD. NO. 2022-25](#)      An Ordinance of the City of North Port, Florida, Amending Ordinance No. 2011-10 and the North Port Gardens Development of Regional Impact Development Order Related to Land Use, Transportation Conditions, and the Master Development Plan; Providing for Findings; Providing for Enforcement; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.  
(QUASI-JUDICIAL)



Attachments:     [Ordinance - First Reading](#)  
                          [Staff Report with Exhibits](#)  
                          [11/03/22 PZAB Action Report](#)

- H.     [ORD. NO. 2022-31](#)     An Ordinance of the City of North Port, Florida, Amending the City of the City of North Port Comprehensive Plan; Adopting a New Chapter 13, Coastal Management Element, Including Goals, Objectives, and Policies, and Adopting a Coastal Management Map Series; Amending Chapter 5, Conservation and Coastal Zone Management Element and Adopting a Conservation Map Series; Amending the Table of Contents; Amending Chapter 2, Future Land Use Element, Amending Chapter 4, Utilities Element; Amending 9, Public School Facilities Element; Repealing Conservation and Coastal Zone Management Maps 5-1 through 5-17; Providing for Findings; Providing for Adoption; Providing for Transmittal of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Attachments:     [Ordinance - First Reading](#)

#### **RESOLUTION:**

- I.     [RES. NO. 2022-R-66](#)     A Resolution of the City of North Port, Florida, Temporarily Suspending the Historic and Cultural Advisory Board; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; Providing an Effective Date; and Providing a Sunset Provision.

Attachments:     [Resolution](#)  
                          [Commission Direction](#)

#### **7. GENERAL BUSINESS:**

- A.     [22-3570](#)     Discussion and Possible Action Regarding the City Commission Board and Committee Assignments for Fiscal Year 2022-2023.

Attachments:     [Current Committee Assignment](#)

- B.     [22-3705](#)     Discussion and Possible Action Regarding the Approval of the October 6, 2022, City Commission Regular Meeting Minutes

Attachments:     [Draft Minutes](#)  
                          [Amended Draft Minutes](#)  
                          [Correspondence](#)

- C.     [22-3737](#)     Discussion and Possible Action Regarding Suggested Agenda Items for the 2023 Convocation of Governments Based on the Interlocal Agreement for School Facility Planning.

**Attachments:**      [Letter from Sarasota County Schools](#)  
[Convocation Agenda 2022](#)  
[October 26, 2021 Commission Meeting Minutes](#)

- D.      [22-3749](#)      Discussion and Possible Action Regarding the Warm Mineral Springs Development Group, LLC Public Private Partnership Detailed Proposal Related to the Warm Mineral Springs Park Master Plan Building Restoration/Improvements and Future Park Development.

**Attachments:**      [WMS Development Group LLC Unsolicited P3 Detailed Proposal](#)  
[Warm Mineral Springs Preliminary Assessment Letter](#)  
[2022-09-12 City Commission Special Meeting Minutes](#)  
[WMS Development Group LLC Unsolicited P3 Conceptual Proposal](#)  
[WMS Development Group LLC Unsolicited P3 Concept Plan](#)  
[2022-06-16 City Commission Workshop Minutes](#)  
[North Port City Code Sec. 2-402 and 2-420.pdf](#)  
[North Port City Code Appendix A City Fee Structure](#)

## **8. PUBLIC COMMENT:**

(The purpose of the Public Comments Section of the Agenda is for members of the public to speak to the City Commission/District Governing Body on any subject pertaining to City Business whether or not it is on the Agenda, with the exception of Quasi-Judicial Items. The City Commission shall not act, except to direct the City Manager to take action or to schedule the matter for discussion at a later date.)

## **9. COMMISSION COMMUNICATIONS:**

### **10. ADMINISTRATIVE AND LEGAL REPORTS:**

- A.      [22-3739](#)      City Manager Report  
**Attachments:**      [City Manager Report 11.22.22.pdf](#)
- B.      [22-3740](#)      City Attorney's Report  
**Attachments:**      [Commission Directives to the City Attorney](#)  
[Matter List \(Redacted\)](#)
- C.      [22-3661](#)      City Clerk Report  
**Attachments:**      [Commission Update](#)  
[Closed Status Chart](#)  
[Open Requests Chart](#)  
[FY Request Log](#)

## **11. ADJOURNMENT:**

**NOTICE OF AVAILABILITY OF REPORTS** - The Agenda is a summary of the proposed actions to be taken by the City Commission. For almost every agenda item, the City staff has prepared materials for Commission consideration and provided a staff recommendation. All of these materials are available at the City Clerk's Office, during normal business hours, for inspection and (for a fee) copying. Questions on these materials may be directed to the staff member who prepared them, or to the City Clerk's Office, who will refer you to the appropriate person.

**AMERICAN WITH DISABILITIES ACT OF 1990** - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

**NONDISCRIMINATION:** The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status, marital status, sexual orientation, gender identity or expression, or physical characteristic in administration of its programs, activities or services.

No stenographic record by a certified court reporter is made of these recordings. Accordingly, anyone seeking to appeal any of the decisions involving the matters herein will be responsible for making a verbatim record of the meeting/testimony and evidence upon which any appeal is to be based. Copies of the recordings are available (for a fee) at the City Clerk's Office.