



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Pete Emrich, Mayor
Barbara Langdon, Vice Mayor
Jill Luke, Commissioner
Debbie McDowell, Commissioner
Alice White, Commissioner

APPOINTED OFFICIALS

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

Tuesday, November 8, 2022

10:00 AM

City Commission Chambers

CALL TO ORDER

Vice Mayor Langdon called the meeting to order at 10:00 a.m.

ROLL CALL

Present: 4 - Commissioner Pete Emrich, Vice Mayor Barbara Langdon, Commissioner Debbie McDowell and Vice Mayor Alice White

ALSO PRESENT:

City Manager Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Taylor, Assistant City Clerk Adrian Jianelli, Fire Chief Scott Titus, Police Chief Todd Garrison, Assistant City Manager Jason Yarborough, Parks and Recreation Director Sandy Pfundheller, Public Utilities Assistant Director Jennifer Desrosiers, Public Works Director Chuck Speake, Building Official Derek Applegate, Neighborhood Development Services Director Alaina Ray, Economic Development Staff Assistant II Kaitlyn Stelzer, and Planning Manager Lori Barnes

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Parks and Recreation Director Sandy Pfundheller.

1. APPROVAL OF AGENDA

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the Agenda as amended to hear Item No. 22-3689 after the Consent Agenda. The motion carried on the following vote:

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

Absent: 1 - Commissioner Emrich

2. PUBLIC COMMENT:

Ms. Faust played the following voicemail comment into the record:

Gail Violet: expressed concern with installation of new water meter when removed during demolition of home

Ms. Jianelli read the following eComment into the record:

Theresa Lavelle: expressed concern with residents taking advantage of policy put in place after the hurricane regarding tree removal and RV usage

Sandra Kreiser: expressed concern with residents taking advantage of policy put in place after the hurricane regarding tree removal and RV usage

In person public comment:

Valdy Olender: spoke to rights and public trust and expressed concern with tax increases

Carl Migliaccio: expressed concern with demolition of home

3. CONSENT AGENDA:

Vice 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 Luke, seconded by Commissioner White, to approve the Consent Agenda pulling Item Nos. 22-3698 and 22-3652 for discussion. The motion carried on the following vote:

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

Absent: 1 - Commissioner Emrich

- A.** [22-3229](#) Award RFB No. 2022-16 for Janitorial Services to American Facility Services, Inc., in the Amount of \$182,021.88 and Authorize the City Manager to Approve Renewals in Accordance with the Terms and Conditions in the Solicitation.

This item was approved on the Consent Agenda.

- B.** [22-3649](#) Approve Contract No. 2022-35 for the Construction of the Marina Park Restrooms With C & T Contracting Services, LLC in the Amount of \$187,770, Plus a Construction Contingency of \$7,460, for an Estimated Construction Amount of \$195,230.

This item was approved on the Consent Agenda.

- C.** [22-3652](#) Approve Interlocal Agreement for Emergency Interconnects and Potable Water Service with Sarasota County.

Vice Mayor Langdon announced the item.

Commissioner McDowell spoke to the item.

Commission questions and discussion took place regarding emergency bulk rate usage, rate fluctuation history, verbiage regarding rate payment, use of current bulk rate for

supplying municipality, and municipality rates for the City versus the County.

Vice Mayor Langdon requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct staff to work with the County to change 5d to reflect the charge to be the County rate and City rate and bring back to Commission for further approval.

Commissioner McDowell restated her motion to read "to instruct the City Manager and staff to discuss 5d with the County to state that the sending government entity rates will prevail." Commissioner Luke restated her second. The motion carried on the following vote:

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

Absent: 1 - Commissioner Emrich

- D.** [22-3552](#) Approve the Cybersecurity and Infrastructure Security Agency (CISA) Cybersecurity Assessments Rules of Engagement Agreement and Provide CISA with Express Approval to Use the City Seal in Furtherance of the Agreement

This item was approved on the Consent Agenda.

- E.** [22-3650](#) Approve Order No. Q-172994 Under Master Subscription Agreement for National Cooperative Purchasing Alliance Contract No. 01-115 with Granicus, LLC for Professional Services for the Redesign and Improvements of the City's Website.

This item was approved on the Consent Agenda.

- F.** [22-3698](#) Approve the Ratification of Emergency Orders No. 2022-12 Relating to the Waiver of Permits and Fees for Certain Fences on Residential Property; 2022-13 Relating to the Waiver of Permits and Fees for Certain Sheds on Residential Property; 2022-14 Relating to the Temporary Use of Storage Containers on Residential Property; 2022-15 Relating to Tree Protection Regulations; and 2022-16 Terminating Emergency Order 2022-07.

Vice Mayor Langdon announced the item.

Commissioner White spoke to the item.

Discussion took place regarding study on trees from previous Hurricanes, wind resistant trees, and tree survival rates.

Mayor Emrich joined the meeting at 10:27 a.m.

Discussion continued on adequate rooting space, irrigation, shallow root system, and planting native plants.

A motion was made by Commissioner White, seconded by Commissioner Luke, to approve Item No. 22-3698 as presented. The motion carried on the following vote:

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

GENERAL BUSINESS:

A. [22-3689](#) Discussion and Possible Action Regarding Federal Emergency Management Agency (FEMA), Florida Building Code, and Unified Land Development Code of the City of North Port Requirements to Repair and/or Rebuild Damaged Structures in the City of North Port, and Requirements for the Continued Payment of City Water and Wastewater Base Facility Charges.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to the item.

Commission questions and discussion took place regarding 50% rule for AE flood zone, 50% rule outside of flood zones, commercial and residential requirements within the Unified Land Development Code (ULDC), assessment process, appeals process, standard valuation method, funding options, licensed appraiser search, home disclosures, notification to 600 homes, requirements to build out of floodplain, substantial improvement, parking regulation requirements, 5 year cumulative timeframe, contractor work versus homeowner work, date notification was sent to residents, requirement to bring to code when pulling permit for replacement, fire damage example, contact number for flood zone information, permit package, required number of estimate for application, FEMA Maps including update, rentals, abandoned properties, utility fees for mobile home parks, reinstatement of existing service charge verbiage, emergency situations, base charges, use of commission contingency, and townhall meetings with Federal Emergency Management Agency (FEMA).

Public Comment:

Tricia Murray: expressed concern with lack of information regarding estimates, appraisals, and delay in public notification

Andrew Murray: spoke to FEMA guidelines for flexibility

John Hill: spoke to FEMA map update and expressed concern with Cocoplum canal levels

Austin Baird: expressed concern with flood insurance requirements and canal drainage

Kathy Concepcion: expressed concern with appraisals

Anna Kopfhamer: expressed concern with 50% rule and public notification

Stephanie Taylor: spoke to loss during hurricane and expressed concern with canal levels

Christos Tsourakis: expressed concern with recovery efforts

Commission questions and discussion took place regarding program for school

transportation, lowering water levels, online gauges that display water level decreases, flooding issues due to imperviable surfaces, School House link program, and overall gratitude.

Recess was taken from 12:15 p.m. until 1:00 p.m.

4. PUBLIC HEARINGS:

Ordinance - First Reading:

- A. [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 Emrich announced the item and requested a motion to direct the City Clerk to read by title only.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:

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

Ms. Faust read the Ordinance by title only.

Ms. Jianelli introduced to the item.

Commission questions and discussion took place regarding missing language from last year's ordinance, changing workshops to regular meetings, commission policy regarding workshop procedure and defining consensus', special meeting placeholders, value of workshops, and designated meeting locations.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2022-26 to second reading on November 22, 2022, with the following changes:

- 1. Staff to determine logistics of designation of meetings/workshops outside of Chambers and Room 244 in Section 2.02 and Section 2.03.***
- 2. Include the blurb in Ordinance 2021-43, Section 2.03 in this ordinance.***

The motion carried on the following vote:

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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Attorney and City Clerk to work on a process for workshops, consensus' and motions as Commission policy to be brought back to Commission for approval. The motion carried on the following vote:

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

- B.** [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 Emrich announced the item and requested a motion to direct the City Clerk to read by title only.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:

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

Ms. Faust read the Ordinance by title only.

Ms. Barnes provided a presentation to include public art regulations Chapter 59, background, proposed amendments, repeal and replace, require installation of public art, measurable standards and general requirements, standards for approval, process for public art that deviates from general requirements, public art installation prior to certificate of occupancy, Art Advisory Board recommendation related to expenditure of art funds, and consistency with Comprehensive Plan.

Commission questions and discussion took place regarding Planning and Zoning Advisory Board (PZAB) vote, restrictive language including preference versus required, lighting requirements, murals, fee adjustment, definition updates, architectural style verbiage, installation placement, deferral option percentage, cash bond release language including "without interest", deposit options, requirements when development is done in phases, individual lot applications, and option combine lot applications.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

There was consensus to remove D from line 82 in its entirety.

Consensus was requested to have staff revisit G regarding lighting public art to make it optional.

Discussion took place regarding language for lighting.

There was consensus in line 121 6 to have staff fix the sentence about local artist to remove that.

There was consensus in line 166 to remove the cash deposit and keep the bond.

There was consensus in line 172 to remove the language regarding cash deposit and keep the bond.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2022-27 to second reading on November 22, 2022, with the consensus' given during discussion. The motion carried on the following

vote:

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

C. [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 Emrich announced the item and requested a motion to direct the City Clerk to read by title only.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to direct the City Clerk to read the Ordinance by title only. The motion carried on the following vote:

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

Ms. Faust read the Ordinance by title only.

Mr. Fletcher introduced the item.

Commission questions took place regarding Chapter 59 language.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Langdon, to continue Ordinance No. 2022-28 to second reading on November 22, 2022. The motion carried on the following vote:

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

[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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to reopen Ordinance No. 2022-27. The motion carried on the following vote:

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

Commission questions and discussion continued regarding revising the definition of public art.

Mayor Emrich closed the public hearing.

Resolution - Third Reading

- D. [RES. NO. 2022-R-43](#) A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2021-2022 for the Interlocal Agreement for a Joint County/Municipality Economic Development Program in the Amount of \$151,213: Providing for Findings; Providing for Conflicts: Providing for Severability: and Providing an Effective Date.

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

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions took place regarding estimated date for the County's agenda item on this topic.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to adopt Resolution No. 2022-R-43 as presented. The motion carried on the following vote:

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

5. GENERAL BUSINESS: CONTINUED

- B. [22-3690](#) Discussion and Possible Action Regarding a Possible Referendum Question to Amend Section 1.02 (b) of the Charter of the City of North Port to Allow for the Issuance of General Obligations or Revenue Bonds Up to a Specific Amount in Certain Circumstances.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner Luke spoke to the item.

Commission questions and discussion took place regarding setting parameters, concern with going against electorate, effect on bond rate, bond council opinion, defining emergency, and Charter Review Advisory Board input.

Ms. Slayton provided background and spoke to interpretation of language and bond ratings.

Commission questions and discussion continued regarding previous Charter rewrite,

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to direct staff to start process of reviewing discussion regarding a

referendum that would go out in the next election cycle to change the Charter to allow the city to issue general obligations or revenue bonds in the future. The motion carried on the following vote:

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

Recess was taken from 2:35 p.m. until 2:45 p.m.

C. [22-3643](#)

Discussion and Possible Action Regarding the Display of the Roseate Spoonbill Sculpture in City Hall.

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Ms. Ansel provided an update, possible locations, and installation cost proposals.

Commission questions and discussion took place regarding canvas mural on the first floor, placement, fire and building codes, and safety concerns.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct staff to display the Roseate Spoonbill on the second floor arched out section facing the front lobby. The motion carried on the following vote:

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

No: 1 - Vice Mayor Langdon

Vice Mayor Langdon dissented due to the placement direction.

A motion was made by Commissioner Luke, seconded by Commissioner White, to use the Art fund to fund the placement of the spoonbill. The motion carried on the following vote:

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

D. [22-3646](#)

Discussion and Possible Action Regarding the Community Economic Development Advisory Board Composition, Organization, and Term Limits

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Ms. Faust spoke to upcoming advisory board revision item.

Ms. Stelzer spoke to the item.

Commission questions and discussion took place regarding ex-officio appointment, industry changes, residency requirements, terms, defining categories/targeted industries, housing component, and powers and duties.

There was no public comment.

Mayor Emrich requested a motion.

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to direct staff to make the following recommended changes for the Community Economic Development Advisory Board:

- 1. Change to "no more than 11 members"***
- 2. Changing (1) a. from Financial Services to Fintech***
- 3. Changing section (2) to add Targeted Industries such as Aviation and Aerospace, Corporate HQ, IT or Creative Industries, Biolife Sciences, Logistics & Distribution, and Mixed-Use***

A motion to amend was made by Commissioner McDowell to include in Section 2 a Housing category component. The motion to amend failed due to lack of a second.

The main motion carried on the following vote:

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

No: 1 - Commissioner McDowell

Commissioner McDowell dissented due to not having a housing component.

6. PUBLIC COMMENT:

There was no public comment.

7. COMMISSION COMMUNICATIONS:

Commissioners presented Commissioner Luke with tokens of appreciation for her time as Commissioner.

Commissioner Luke spoke to her appreciation to her fellow Commissioners and staff and her time as Commissioner.

Mayor Emrich called on Commissioners for communications.

A. [22-3699](#) Mayor Emrich's Report

Mayor Emrich reported on events and activities attended.

B. [22-3700](#) Vice Mayor Langdon's Report

Vice Mayor Langdon reported on events and activities attended.

C. [22-3701](#) Commissioner Luke's Report

Commissioner Luke reported on events and activities attended.

D. [22-3702](#) Commissioner McDowell's Report

Commissioner McDowell reported on the Price Boulevard opening, events and activities

attended.

E. [22-3703](#) Commissioner White's Report

Commissioner White reported on events and activities attended.

8. ADMINISTRATIVE AND LEGAL REPORTS:

Mr. Fletcher expressed appreciation of Commissioner Luke.

Ms. Slayton expressed appreciation of Commissioner Luke.

Ms. Faust expressed appreciation of Commissioner Luke.

9. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 3:41 p.m.

City of North Port, Florida

By: _____
Pete Emrich, Mayor

Attest: _____
Heather Faust, City Clerk

These minutes were approved on the ____ day of _____, 2022.