

City Commission Regular Meeting

CALL TO ORDER

Mayor White called the meeting to order at 10:00 a.m. and provided required notifications regarding conducting a hybrid meeting.

Commissioner Emrich stated he will be attending the hybrid meeting via communications media technology due to experiencing a medical condition.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to approve the use of CMT for a hybrid meeting. The motion carried on the following vote: Commissioner McDowell dissented.

ROLL CALL

Commissioners present are: Mayor White, Commissioner McDowell, Commissioner Stokes, and Commissioner Langdon.

Also present are: City Manager Fletcher, City Attorney Slayton, City Clerk Faust, Board Specialist Bodmer, Police Commander Sineath, and Fire Chief Titus

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by David Duval.

1. APPROVAL OF AGENDA

Mayor White requested a motion to approve the agenda.

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

2. PUBLIC COMMENT:

Ms. Faust read the following eComment into the record:

David Iannotti: Expressed opposition of the Spring Haven Road expansion.

In Person:

Chuck English: Spoke to Myakkahatchee Creek Access project.

Robin San Vicente: Spoke to mosquito management and departmental coordination.

3. ANNOUNCEMENTS

A. 24-0213 Announcement of Current Advisory Board and Committee Vacancies

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

Ms. Faust read the announcements into the record.

4. CONSENT AGENDA:

Mayor White announced the item and queried the City Manager regarding items pulled from the consent agenda for discussion.

Public comment:

Robin San Vicente: Spoke to advisory board and committee minutes

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the consent agenda with the exception of Item Nos. 24-0666 and 24-0667 being pulled for discussion. The motion carried on the following vote: all yes

- A. 24-0666** Approve the Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue From Local Option Fuel Tax Levied Pursuant to Section 336.025(1)(b), Florida Statutes, Among Sarasota County and Municipalities Within Sarasota County for the 5-Cent Local Option Gas Tax.

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to Item Nos. 24-0666 and 24-0667.

Public comment:

Robin San Vicente: Spoke to hot topic items on the Consent Agenda.

Mayor White called for a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Stokes, to approve Item No. 24-0666 as amended changing the date from 2022 to 2023 population estimates. The motion carried on the following vote: all yes

- B. 24-0667** Approve the Interlocal Agreement Regarding Distribution Formula for Allocation of Revenue From Local Option Fuel Tax Levied Pursuant to Section 336.025(1)(a), Florida Statutes, Among Sarasota County and Municipalities Within Sarasota County for the 6-Cent Local Option Gas Tax.

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to the item.

Commission questions and discussion took place regarding

There was no public comment.

Mayor White called for a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Item No. 24-0667 as amended changing the date from 2022 to 2023 population estimates. The motion carried on the following vote: all yes

- C. 24-0762** Approve the Application to the U.S. Department of Justice Office of

Community Oriented Policing Services Fiscal Year 2024 Law Enforcement Mental Health and Wellness Act (LEMHWA) Implementation Projects in the Amount of \$200,000, and Authorize the City Manager or the Mayor, as Applicable Under the City Charter, to Execute all Funding Documents After Legal Review, Should the Grant be Awarded to the City.

This item was approved on the consent agenda.

- D. 24-0764** Approve the Agreement Between Imagine School at North Port, Inc. and City of North Port for the School Resource Officer Program, in the Total Amount of \$178,340.00.

This item was approved on the consent agenda.

- E. 24-0768** Accept the Cash Receipts Summary Report for April 2024.

This item was approved on the consent agenda.

- F. 24-0776** Approve the Third Amendment to Agreement No. 2021-17 Professional Architectural and Engineering Services in the Amount of \$3,894,938.00 for City of North Port Police Department Facilities to Expand the Scope of Service of Schenkel & Shultz, Inc. ("Consultant") to Phase III - Design Development and Phase IV - Construction Documents for the New Police Headquarters for a Total Consultant Fee of \$5,350,768.00.

This item was approved on the consent agenda.

- G. 24-0787** Approve the First Amendment to Contract No. 2023-07, Construction Manager at Risk Preconstruction Services Contract, Phase I, with Wharton Smith, Inc. for the Fire Station 81 Remodel, Increasing the Agreement Fees by \$125,315.83 for a New Total Amount of \$167,655.92.

This item was approved on the consent agenda.

- H. 24-0788** Approve the First Amendment to Contract No. 2020-11 Professional Engineering and Architectural Services for Design of Fire Rescue Station 81 and Temporary Facilities with Schenkel Schultz, Inc. Increasing the Agreement Fees by \$911,808.00 for a New Total Amount of \$1,277,638.00.

This item was approved on the consent agenda.

- I. 24-0793** Approve the May 6, 2024 Commission Workshop Meeting Minutes

This item was approved on the consent agenda.

- J. 24-0801** Approve the Appointment of Chris Sterner as a Regular Member of the Historic & Cultural Advisory Board, to Serve a Term From June 11, 2024, to June 11, 2029.

This item was approved on the consent agenda.

- K. 24-0803** Approve the Appointment of William Stearns as a Regular Member of the

Historic & Cultural Advisory Board, to Serve a Term From June 11, 2024, to June 11, 2029.

This item was approved on the consent agenda.

- L. **24-0806** Approve the Appointment of Ann Marie San Antonio as a Regular Member of the Art Advisory Board, to Serve a Term From June 11, 2024, to June 11, 2027.

This item was approved on the consent agenda.

- M. **24-0824** Approve the Appointment of Harry Klinkhamer as a Regular Member of the Historic & Cultural Advisory Board, to Serve a Term From June 11, 2024, to June 11, 2029.

This item was approved on the consent agenda.

- N. **24-0825** Approve the Appointment of Barry Godin as a Regular Member of the Historic & Cultural Advisory Board, to Serve a Term From June 11, 2024, to June 11, 2029.

This item was approved on the consent agenda.

5. PUBLIC HEARINGS:

PETITIONS:

- A. **CC** Consideration of Petition PLF-23-185, Replat of Tract F, Second Addition
 PLF-23-185 to North Port Charlotte Estates, Kamsler Acres (QUASI-JUDICIAL).

Mayor White announced the item, stated this is a quasi-judicial hearing, and called on the City Clerk to read the petition title and swear in those wishing to provide testimony.

Ms. Faust read the petition title and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

Mayor White disclosed a meeting with ?? on January 25, 2023.

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

Ms. Faust stated there were no aggrieved parties.

Tim Roane, P.E, RWA Inc., being duly sworn, provided a presentation including overview, zoning, acreage, parcel size, consistency with Unified Land Development Code (ULDC) and Florida Statutes, and request for approval.

Sherry Willette-Grondin, being duly sworn, provided a presentation including overview, background, proposed final plat, consistency with the ULDC and Florida Statutes with emphasis on ULDC provisions regarding sub-divisions, staff analysis, and staff recommendations.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions and discussion took place regarding bonified agricultural use.

Jackson Boone, Boone Law Firm, being duly sworn, spoke to operation and purpose of sub-division.

Commission questions and discussion continued regarding future use, utility connection exemptions, special mitigation and enhanced septic, development requirements, flood zone, vegetation, and future use.

There were no closing arguments by Staff or the Applicant.

Mayor White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to approve Replat of Tract F, Second Addition to North Port Charlotte Estates, Kamsler Acres Petition No. PLF-23-185 and find that, based on the competent and substantial evidence, the plat is consistent with Florida Statutes Section 177.081, the Unified Land Development Code, and the North Port Comprehensive Plan. The motion carried on the following vote: all yes

B. CC PLF Consideration of Petition PLF-23-256, Sunstone Village F3, Wellen Park,
23-256 Final Plat (QUASI-JUDICIAL).

Mayor White announced the item, stated this is a quasi-judicial hearing, and called on the City Clerk to read the petition title and swear in those wishing to provide testimony.

Ms. Faust read the petition title and swore in those wishing to provide testimony.

Mayor White called for disclosure of ex-parte communications.

Commissioners disclosed no ex-parte communications.

Ms. Faust stated there were no aggrieved parties.

Chris Fisher, P.L., Clearview Land Design, being duly sworn, provided a presentation including overview and consistency with Florida Statutes.

Hank Flores, being duly sworn, provided a presentation including overview, background, proposed final plat, consistency with Florida Statutes and Unified Land Development Code (ULDC), and staff recommendations.

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 White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to approve Sunstone Village F3, Wellen Park, Final Plat Petition No. PLF-23-256 and find that, based on the

competent and substantial evidence, the plat is consistent with Florida Statutes Section 177.081, the Unified Land Development Code, and the North Port Comprehensive Plan. The motion carried on the following vote: all yes

RESOLUTIONS:

A. RES. NO. 2024-R-20 A Resolution of the City Commission of the City of North Port, Florida, Accepting a Non-Exclusive Access and Utility Easement on Portions of Property Lying in Sections 12 & 13, Township 39 South, Range 21 East, Sarasota County Florida, and Bearing Sarasota County Property Appraiser Parcel Identification Numbers 0960130510, 0960130515 and 0961140480; Providing for Incorporation of Recitals; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor White 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.

There were no Commission questions or discussion.

There was no public comment.

Mayor White closed the public hearing and requested a motion.

A motion was made by Commissioner Langdon, seconded by Commissioner McDowell, to adopt Resolution No. 2024-R-20 as presented. The motion carried on the following vote: all yes

B. RES. NO. 2024-R-22 A Resolution of the City Commission of the City of North Port, Florida, Renaming Activity Centers 1, 4, 5, 6, 7, and 8 and Confirming the Use of Existing Names of Activity Centers 2, 3, and 9 for Marketing Purposes; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Ms. Faust read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding Activity Center 10 naming process.

There was no public comment.

Mayor White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to adopt Resolution No. 2024-R-22 as presented. The motion carried on the following vote: all yes

6. GENERAL BUSINESS:

- A. 24-0687** Discussion and Possible Action Regarding the Spring Haven Roadway Expansion Project.

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commission questions and discussion took place regarding prior Commission direction, concern with impact on wildlife, conservation easement, prior survey, conserving right-of-way, purchasing SKS Properties for placement on environmentally sensitive land, developer requirements, property maps,

Public Comment:

Ms. Faust read to following eComment into the record:

Marius Boletta: Expressed opposition of the Item.

Jasmine Bowman: Expressed opposition of the Item.

Donald Rivette: Expressed opposition of the Item.

David Iannotti: Expressed opposition of the Item.

Juno Enoch: Expressed opposition of the Item.

In Person:

Chuck English: Expressed opposition of the Item.

Robin San Vicente: Expressed opposition of the Item.

Bill Goetz: Expressed opposition of the Item.

Mayor White requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner McDowell, to direct staff to bring back a plan to create conservation easement for the Spring Haven property.

Commission discussion continued regarding other properties.

A motion to amend was made by Commissioner McDowell, seconded by Commissioner Langdon, to include “and to instruct the City Manager to explore the opportunities for inclusion of School Board property in the conservation easement discussion.” The motion to amend carried on the following vote: all yes

The motion as amended carried on the following vote: all yes

A motion was made by Commissioner McDowell, seconded by Vice Mayor Stokes, to direct the City Manager to work with Sarasota County to explore options to purchase privately-owned properties along the Spring Haven/Myakkahatchee Creek Corridor using the Environmentally Sensitive Lands Program/Funds.

Commission discussion took place regarding importance of preserving land, pursuing on behalf of property owners, prior land purchase, value of staff time, adopting a resolution, and land swaps.

The motion carried on the following vote: all yes

A motion was made by Commissioner Emrich, seconded by Commissioner Langdon, to direct the City Manager to include discussion on possible land swaps for properties.

Commission discussion took place regarding discussing land swaps after discussion regarding use of Environmentally Sensitive Land funds, other uses for land swaps, and importance of preserving the corridor.

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

- B. 24-0790** Discussion and Possible Action Regarding Temporary Code Enforcement Policy for Non-Commercial Signs in the City's Public Rights of Way (Requested by Vice Mayor Stokes).

Mayor White announced the item.

Mr. Fletcher introduced the item.

Vice Mayor Stokes spoke to the item.

Commission questions and discussion took place regarding moratorium option, non-commercial/commercial, benefits to community, profit making Churches, sign ordinance adoption, prior direction, separate policies, easy lift for special events held on city property, impact on Unified Land Development Code (ULDC) re-write, adopting temporary policy for any signage, special event versus temporary use permit, definitions, unintended consequences, and policy implementation.

Public Comment:

Josh Smith: Expressed support of the item.

Mayor White requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Emrich, to approve the temporary Code Enforcement Policy directing the Code Enforcement Division to not remove non-commercial signage located in the City's public rights-of-ways to remain in effect until new regulations regarding signs located in the City's public rights of way are adopted by the City Commission.

Commission discussion took place regarding determination of commercial versus non-commercial.

The motion failed on the following vote: Mayor White dissented, Commissioner Langdon dissented, and Commissioner McDowell dissented due to unintended consequences.

Ms. Ray responded to questions regarding sign code ordinance.

Recess was taken from 12:14 p.m. until 12:44 p.m.

- C. 24-0809** Discussion and Possible Action Regarding Appointing a Commissioner to Sit on the Florida League of Cities Legislative Policy Committees and the Legislative Advocacy Committee.

Mayor White announced the item.

Ms. Faust introduced the item.

Legislative Advocacy Committee: The Florida League of Cities is accepting applications to serve on its 2024-25 Advocacy Committee. This Committee is responsible for building support among the League membership and the Legislature for the legislative priorities adopted by the membership of the Florida League of Cities. Additionally, the Advocacy Committee is responsible for serving as a key contact for state elected officials to advocate the FLC Legislative Action Agenda and other key issues. Advocacy Committee members will also be asked to provide strategic direction on the Leagues' lobbying initiatives. Please note: Only one elected official per City can be appointed to the Advocacy Committee. The deadline to apply is August 19, 2024.

Commission questions and discussion took place regarding maintaining current appointments,

There was no public comment.

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the continued appointments of the current Commissioners appointed to the Florida Legislative Policy Committee. The motion carried on the following vote: all yes

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to instruct the City Clerk to bring back appointments for the Legislative Advocacy Committee and Federal Action Strike Team (FAST) to a meeting in November 2024. The motion carried on the following vote: all yes

A motion was made by Commissioner Langdon, seconded by Commissioner McDowell, to appoint Vice Mayor Stokes as the voting delegate for the 2024 Florida League of Cities meeting. The motion carried on the following vote: all yes

D. 24-0820 Discussion and Possible Action Regarding Charter Amendment Language Related to the City's Bonding Authority

Mayor White announced the item.

Mr. Fletcher introduced the item.

Ms. Wisner provided a presentation including background, State Constitution language regarding issuing debt, State Statute language regarding revenue bonds, proposed Charter amendment language, administrative management of debt limit via policy, community input on debt issuance, draft proposed ballot language, and direction requested.

Commission questions and discussion took place regarding flexibility via Debt Management Policy, policy adoption prior to Charter amendment, lender policy, concern with establishing borrowing caps, restricting to public safety and emergencies, draft debt policy timeline, approval by ordinance versus resolution, concern with language, White Papers stakeholders, revenue source, prior direction and deadlines, pay as you go, Commission approval of use of fund balance, revenue bond requirements for repayment, defining language parameters, Capital Improvement Project (CIP) review for bonding, North Port Rising, comparable communities, including a cap, prior referendum question, road bond, local government trust, funding options, and millage rate consideration.

Public Comment:

Josh Smith:

Robin San Vicente:

David Duval:

Mr. Fletcher spoke to reserve limitations after Hurricane Ian and prior referendum results.

Mayor White requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to direct the City Manager to bring back refined language for the Charter amendment with additional definition, and the input from PFM and bond counsel.

Ms. Slayton spoke to process with first reading of ordinance and referendum language restrictions.

The motion failed on the following vote: All Commissioners dissented.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to direct the City Manager to bring back ordinance and charter amendment language for review.

Ms. Slayton spoke to debt cap inclusion or removal.

A motion to amend was made by Commissioner Langdon, seconded by Vice Mayor Stokes to add “first reading”. The motion to amend carried on the following vote: all yes

Commission discussion took place regarding ...

The main motion as amended carried on the following vote: yes

A motion was made by Vice Mayor Stokes, seconded by Commissioner McDowell, to direct the City Manager bring back an opinion from PFM and bond counsel in regards to recommendation of borrowing cap to be included in the referendum.

Mr. Golen spoke to discussion with Bond Counsel.

Commission questions and discussion took place regarding...

A motion to amend was made by Commissioner Langdon, seconded by Vice Mayor Stokes, to replace “opinion” with “input” and add “at first reading”. The motion to amend carried n the following vote: all yes

The main motion as amended carried on the following vote: all yes

A motion was made by Vice Mayor Stokes, seconded by Commissioner McDowell, to direct the City Manager to bring back draft debt management policy prior to first reading of the charter referendum ordinance.

Mr. Fletcher spoke to

Commission questions and discussion took place regarding

The motion carried on the following vote: all yes

A motion was made by Commissioner Langdon, seconded by Vice Mayor Stokes, to direct the City Manager to remove the reference to a borrowing limit within the referendum wording.

Commission discussion took place regarding

The motion carried on the following vote: Vice Mayor Stokes dissented due to the cap increasing citizen support and Commissioner McDowell dissented due to in order for the referendum to pass there should be a limit.

7. PUBLIC COMMENT:

Robin San Vicente: Spoke to cash receipt summary and use of Tree Fund.

David Duval: Spoke to enforcement of code violations.

Josh Smith:

8. COMMISSION COMMUNICATIONS:

Mayor White called on Commissioners for communications.

- A. 24-0292 Commissioner Emrich's Communications
- B. 24-0311 Mayor White's Communications
- C. 24-0260 Commissioner McDowell's Communications
- D. 24-0821 Vice Mayor Stokes' Communications
- E. 24-0243 Commissioner Langdon's Communications

9. ADMINISTRATIVE AND LEGAL REPORTS:

Mayor White called on Charter Officers for reports.

10. ADJOURNMENT:

Mayor White adjourned the meeting at