



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Jill Luke, Mayor

Pete Emrich, Vice Mayor

Barbara Langdon, Commissioner

Debbie McDowell, Commissioner

Alice White, Commissioner

APPOINTED OFFICIALS

Jason Yarborough, Interim City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Tuesday, September 14, 2021

10:00 AM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

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

Also Present

Also Present

Interim City Manager Jason Yarborough, City Attorney Amber Slayton, Assistant City Attorney Margaret Roberts, Assistant City Clerk Adriana Jianelli, Recording Secretary Amanda Baker, Fire Chief Scott Titus, Police Chief Todd Garrison, Planner III Rhea Lopes, Planner I Alexander Bahorski, Interim Planning and Zoning Division Manager Monica Bramble, Economic Development Program Manager Mel Thomas, City Grant Writer Valerie Malingowski, North Port Police Records Manager Rick Fitzgerald, and Zoning Coordinator Sherry Willette

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Kasha Poplawski.

1. APPROVAL OF AGENDA

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve the Agenda, removing Item No. 21-1046 to be rescheduled for a future date. The motion carried on the following vote:

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

2. PUBLIC COMMENT:

John Poplawski: raising autism awareness, and North Port Police Department's kindness toward persons with special needs.

3. ANNOUNCEMENTS

- A. [21-1400](#) Current Vacancies and Upcoming Expiration Dates for Boards and Committees

Ms. Jianelli read the announcements into the record.

4. CONSENT AGENDA:

Mr. Yarborough noted items to be pulled from the consent agenda for discussion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve the Consent Agenda, pulling Item Nos. 21-1235 and 21-1236 for discussion. The motion carried on the following vote:

- A. [21-1192](#) Accept the Cash Receipts Summary Report for June 2021
This item was approved on the consent agenda.
- B. [21-1296](#) Accept the Cash Receipts Summary Report for July 2021.
This item was approved on the consent agenda.
- C. [21-1229](#) Approval of Minutes for the July 12, 2021 Commission Joint Meeting with the Environmental Advisory Board; July 13, 2021 Commission Regular Meeting; July 15, 2021 Joint Meeting with Planning and Zoning Advisory Board; July 19, 2021 Commission Special Meeting; July 20, 2021 Commission Budget Workshop; July 21, 2021 Commission Budget Workshop; July 21, 2021 Commission Special Meeting; July 27, 2021 Commission Special Meeting; July 27, 2021 Commission Regular Meeting; August 10, 2021 Commission Special Meeting; and August 19, 2021 Commission Special Meeting
This item was approved on the consent agenda.
- D. [21-1228](#) Approve the Appointment of Richard Beaver as the Regular Member to the Parks and Recreation Advisory Board Serving a Two-Year Term from September 14, 2021, to September 14, 2023, and Kara Parsotan as the Student Member to the Parks and Recreation Advisory Board Serving a One-Year Term from September 14, 2021, to September 14, 2022
This item was approved on the consent agenda.
- E. [21-1306](#) Approve the Appointment of Robert Garafalo as a Real Estate Representative on the Community Economic Development Advisory Board to Serve a Two-year Term from September 14, 2021, to September 14, 2023.
This item was approved on the consent agenda.

- F. [21-1443](#) Approve the Appointment of Jamie Nicastro to Serve a Second Term as a Regular Member of the Art Advisory Board from September 14, 2021, to September 14, 2023.

This item was approved on the consent agenda.

- G. [21-1270](#) Approve the Appointment of Honey Holland, Merrilynn Grona, and Kathleen Therrien as Regular Members to the Environmental Advisory Board, to Serve a Two-Year Term from September 14, 2021, to September 14, 2023.

This item was approved on the consent agenda.

- H. [21-1097](#) Approve the Interagency Agreement between the State Attorney's Office 12th Judicial Circuit and the City of North Port, Florida for Criminal Justice Information Exchange and Computer Usage

This item was approved on the consent agenda.

- I. [21-1235](#) Approve the Application to the Florida Department of Environmental Protection Protecting Florida Together Grant for the Blue Ridge/Salford Septic to Sewer Project in the Amount of \$1,000,000, 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

Mayor Luke announced the item.

Vice Mayor Emrich spoke to pulling this item due to it concerning septic to sewer and requested explanation of the item for the public's information.

Mr. Yarborough introduced the item and answered questions regarding funding for construction.

Ms. Malingowski spoke to the delayed grant approval process.

Discussion ensued regarding the timeline from start of design to start of construction.

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve Item No. 21-1235 as presented. The motion carried on the following vote:

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

- J. [21-1236](#) Approve the Application to the Florida Department of Economic Opportunity Florida Job Growth Grant Fund for the Panacea Water and Sewer Expansion Project in the Amount of \$1,690,000, 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

Mayor Luke announced the item.

Vice Mayor Emrich spoke to pulling the item due to it concerning septic to sewer and stated the discussion is the same as was discussed in Item 21-1235.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Item No. 21-1236 as presented. The motion carried on the following vote:

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

- K.** [21-1241](#) Approve Utilization of the City of Cape Coral Contract CON-PW18-10MM with Lightning Wireless Solutions, Inc. for the Additional Installation of Emergency Vehicle Associated Equipment for the City of North Port Police Department for an Estimated Total of \$5,778.00.
This item was approved on the consent agenda.
- L.** [21-1287](#) Approve the Updating of the Online Portal and Application for the Medicare Enrollment Application to Reflect Mayor Luke as the Assigned Authorized Official to Allow for North Port Fire Rescue's Primary Billing Company, Digitech to Submit Claims Directly to Medicare
This item was approved on the consent agenda.
- M.** [21-1335](#) Approve the Collective Bargaining Agreement (CBA) between the City of North Port and the Suncoast Professional Firefighters and Paramedics, Local 2546, I.A.F.F. for the Period October 1, 2021 to September 30, 2024.
This item was approved on the consent agenda.
- N.** [21-1303](#) Approve the Collective Bargaining Agreement between the City of North Port and the American Federation of State, County and Municipal Employees Local 3432(AFSCME) for the period of October 1, 2021 through September 30, 2024
This item was approved on the consent agenda.
- O.** [21-1308](#) Approve the Public Emergency Medical Transport (PEMT) Letter of Agreement with The Agency for Health Care Administration (ACHA)
This item was approved on the consent agenda.
- P.** [21-1310](#) Approve Award of RFB No. 2021-46 EMS Supplies, Equipment, Pharmaceuticals and Supply Delivery with Boundtree Medical LLC, Henry Schein, Inc. Nashville Medical and EMS Products, and Quadmed, Inc. effective October 1, 2021 at the Attached Unit Prices on an As-Needed Basis.
This item was approved on the consent agenda.

- Q. [21-1333](#) Approve the Sole Source Purchase of Neptune AMR Water Meters, Reading Equipment, Software, and Repair and Maintenance Services from Sunstate Meter & Supply, Inc. on an 'As-Needed Basis', Based on Unit Pricing, for an Annual Estimated Amount of \$850,470.00 for Fiscal Year 2021-2022
- This item was approved on the consent agenda.*
- R. [21-1334](#) Approve the Utilization of Sarasota County Term Contract for Laboratory Services for Category 1 with Benchmark EnviroAnalytical Inc. for Laboratory Services per Unit Pricing and on an 'As-Needed Basis', for an Estimated Expenditure of \$148,080.00 in Fiscal Year 2022; and Authorize the City Manager to Approve the Utilization of any Renewals/Extensions Approved by Sarasota County.
- This item was approved on the consent agenda.*
- S. [21-1337](#) Approve the First Amendment to Agreement No. 2018-40 - Professional Engineering/Architectural Services for Site Selection and Design Services for Utilities Administration and Warehouse Facilities Between the City of North Port and Stantec Consulting Services, Inc., for an Additional \$243,620.00, for a Total Contract Price of \$1,195,805.00.
- This item was approved on the consent agenda.*
- T. [21-1340](#) Approve the Due Diligence Agreement Between 5400 Group, LLC and the City of North Port for the City to Analyze the Feasibility of the Property at 5400 Pan American Boulevard for City Administration or Other City Buildings
- This item was approved on the consent agenda.*
- U. [21-1341](#) Approve City Manager Authority to Submit Project for Rehabilitation of Water Control Structure 113 Under Consideration for Fiscal Year 2023 State of Florida Appropriations Request
- This item was approved on the consent agenda.*
- V. [21-1342](#) Approve Renewal of Property and Casualty and Risk Management Services, and Accidental Death and Dismemberment (AD&D) Insurance, and the 1-year Extension of Contract Award 2018-74 with Public Risk Insurance Advisors (PRIA) for Fiscal Year 2021/2022 in the Budgeted Amount \$1,142,701
- This item was approved on the consent agenda.*

- W. [21-1343](#) Approve ARCBridge Consulting Inc. as the Consultant for the Evaluation and Drawing of the Proposed Commission District Boundaries and Redistricting Plan.

This item was approved on the consent agenda.

- X. [21-1346](#) Approve the Assignment, Assumption, and Consent of Contract No. 2020-58-11 - Professional Engineering Services - Continuing Services Contract for City of North Port Utilities from Reiss Engineering, Inc. to CHA Consulting, Inc.

This item was approved on the consent agenda.

- Y. [21-1347](#) Approve the First Amendment to Contract No. 2020-58-11 - Professional Engineering Services - Continuing Services Contract for City of North Port Utilities With CHA Consulting, Inc., Formally Reiss Engineering, Inc.

This item was approved on the consent agenda.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [21-1286](#) Florida Power and Light: Outreach Efforts to North Port Residents Regarding its Storm Secure Underground Program

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Troy Todd, Project Manager for the Florida Power and Light Company (FPL) Storm Secure Underground Program, and Michael Flowers, FPL Customer Outreach Specialist, provided a presentation including a pilot program to revert overhead power lines to underground power lines, the percentage of overhead and underground power lines, how power is delivered in neighborhoods and main roads, hardening programs, performance and disadvantages of underground lines, initiative for the pilot project, out-of-pocket costs, criteria, communication with citizens throughout the project, process, equipment placement and replacement, size of easements, equipment used, overview of project, area to be converted first and start date of construction, existing overhead lateral system, new underground loop system, and examples of completed projects.

Discussion took place regarding determining the easement area, opportunity for requesting the project prematurely, anticipation for the project to be City wide, implementing more community meetings, and availability for underground mooring.

- B. [21-1267](#) Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ending September 30, 2020

Mayor Luke announced the item.

Mr. Yarborough introduced the item.

Ms. Ferrell introduced Wade Sansbury a representative of Mauldin & Jenkins, LLC.

Mr. Sansbury provided a presentation including assets, positive increase from last fiscal year, general fund balance, federal expenditure audits, renaming the report to Annual Comprehensive Financial Report, cybersecurity, and list of Governmental Accounting Standards Board (GASB) standards.

Discussion took place regarding the procedure of accepting the report.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to accept the Comprehensive Annual Financial Report for the Fiscal Year ending September 30, 2020. The motion carried on the following vote:

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

6. PUBLIC HEARINGS:

Petitions:

**A. [CC](#) Consideration of Manasota Beach Ranchlands Plat No. 1 Final Plat.
[PLF-21-182](#) (QUASI-JUDICIAL)**

Mayor Luke announced the item, stated this is a quasi-judicial hearing, and opened the public hearing.

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

There were no ex-parte communications from Commissioners.

Ms. Jianelli noted there are no aggrieved parties.

John E. Luczynski, Senior Vice President, Land Development, Wellen Park on behalf of Manasota Beach Ranchlands, LLLP, being duly sworn, provided a presentation including final plat perimeter to include plans for a second fire station and stormwater management facilities, associated stormwater, utility tracts, and easements.

Mr. Bahorski, being duly sworn, provided a presentation including infrastructure plan and subdivision plan approval, number of lots, total site size, surety bond receipt, West Villages Improvement District (WVID) consent to street tree and landscape easement, letter of acceptance recording, surveyor approval, and Planning and Zoning Advisory Board (PZAB) and staff recommendation.

There was no rebuttal by the applicant or staff.

There was no public comment.

Discussion took place regarding clarity on the definition of the right-of-way.

There was no closing argument by the applicant or staff.

Mayor Luke closed the hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to approve Petition No. PLF 21-182 as presented and find that, based on the competent substantial evidence, the Manasota Beach Ranchlands plat complies with the Unified Land Development Code and the Florida Statutes Chapter 177. The

motion carried on the following vote:

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

**B. [CC](#) Consideration of Petition PLF-21-113, Solstice Phase 1 in Wellen Park
[PLF-21-113](#) Final Plat. (QUASI-JUDICIAL)**

Mayor Luke announced the item, stated this is a quasi-judicial hearing, and opened the public hearing.

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

There were no ex-parte communications from Commissioners.

Ms. Jianelli noted there are no aggrieved parties.

Joel Blikstad with RWA Engineering on behalf of Toll Brothers, Inc., being duly sworn, provided a presentation including number of units, size, location, approval by surveyor and staff, compliance, and stated the site is currently under construction.

Ms. Lopes, being duly sworn, provided a presentation including infrastructure plan and subdivision plan approval, approved provisions, number of lots, total site size, surety bond receipt, West Villages Improvement District (WVID) consent to street tree and landscape easement, letter of acceptance recording, surveyor approval, and Planning and Zoning Advisory Board (PZAB) and staff recommendation.

There was no rebuttal by the applicant or staff.

Discussion took place regarding point of ingress and egress and secondary accesses, and drainage easements.

There was no public comment.

There was no closing argument by the applicant or staff.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Petition No. PLF-21-113 as presented and find that, based on the competent substantial evidence, the Solstice Phase I in Wellen Park plat complies with the Unified Land Development Code and Florida Statute Chapter 177. The motion carried on the following vote:

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

Resolution:

**C. [RES. NO.](#) A Resolution of the City of North Port, Florida, Vacating Utility and
[2021-R-25](#) Drainage Easements for Lots 10 and 14, Block 1729, Thirty-Sixth Addition to Port Charlotte Subdivision; Providing for Findings; Providing for Filing of Approved Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL).**

Mayor Luke announced the item, stated this is a quasi-judicial hearing, and opened the public hearing.

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

Commissioner McDowell stated she spoke with the applicants before the meeting and provided an explanation of the process.

There were no additional ex-parte communications by Commissioners.

There were no aggrieved parties.

Janice Rush, Applicant, being duly sworn, provided an overview of the petition.

Ms. Willette, being duly sworn, provided an aerial map of lots 10 and 14 and the drainage and utility easements between the lots, and verified encroachment of the easements should a lanai and pool be installed.

There was no rebuttal by the applicant or staff.

There was no public comment.

Discussion took place regarding the title block being incorrect.

There was no closing argument by the applicant or staff.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to approve Resolution No. 2021-R-25 as presented. The motion carried on the following vote:

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

Ordinance - Second Reading

- D. [ORD. NO. 2021-37](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Appendix A - City Fee Structure to Change Certain Police, Parks and Recreation, Facility Rental, and Road and Drainage Fees; Providing for Severability; Providing for Conflicts; Providing for Codification; and Providing an Effective Date.

Mayor Luke announced the item and directed the Assistant City Clerk to read the Ordinance by title only.

Ms. Jianelli read the Ordinance by title only.

Mr. Yarborough introduced the item and noted the changes made.

There was no discussion.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner White, to approve Ordinance No. 2021-37 as presented. The motion carried on the following vote:

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

Ordinance - First Reading

- E. [ORD. NO. 2021-06](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, Chapter 18 - Emergency Services, Article II. - Burglar Alarm Systems, to Modify the Regulation of Burglar Alarm Systems; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

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

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

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

Ms. Jianelli read the Ordinance by title only.

Mr. Yarborough introduced the item.

Ms. Slayton spoke to the item and addressed a scrivener's error on line 132.

Discussion took place regarding removing Chapter 18 from the City Code.

Chief Garrison answered questions regarding enforcing penalties due to multiple false alarms, the amount of fines paid, and collections.

Mr. Fitzgerald spoke to implementing a streamlined system to collect the fines.

Discussion took place regarding number of homeowners who have been disconnected due to false alarms, the number of false alarms before disconnection, the amended Ordinance being easier to read, how the fine amount was established, and why the fine has not increased.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-06 to second reading on September 28, 2021, correcting the scrivener's error on line 132 reading "collect any". The motion carried on the following vote:

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

- F. [ORD. NO. 2021-08](#) An Ordinance of the City of North Port, Florida, Amending Chapter 86, Article II of the Code of the City of North Port, Florida, Relating to Communication and Wireless Infrastructure Right-of-Way Utilization, Registration, Rules, Regulations and General Conditions for Communications Service Providers, Wireless Service Providers, and Small Wireless Service Providers and their Facilities; Amending Portions of Chapter 86, Article III of the Code of the City of North Port, Florida, Relating to Liquidated Damages; and Repealing Sections 86-15, 86-24 and 86-25 of the Code of the City of North Port, Florida, Relating to Requirements for Collocation Fees, Performance Bond and Security Fund; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

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

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

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

Ms. Jianelli read the Ordinance by title only.

Ms. Slayton introduced the item and requested the second reading be continued to a date determined by staff.

Ms. Roberts provided an overview regarding legislative history, implemented coverage, obtaining permits, compliances, City prohibitions, section removals, registration renewal, changes regarding underground utilities, removing duplicated language, and made changes for organization.

Discussion took place regarding updating fees in the fee schedule and the scrivener's error.

Ms. Jianelli read the following e-comments into record:

Jason Kofander: legal issues with the Ordinance

Robert G Scott Jr. w/Comcast Communications: legal issues with the Ordinance

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-08 to second reading at an evening meeting to be determined by staff with the City Attorney reviewing emails from providers and public comment received prior to the second reading and with any changes outlined and summarized at the second reading. The motion carried on the following vote:

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

Recess was taken from 12:17 p.m. until 1:00 p.m.

- G. [ORD. NO. 2021-38](#) An Ordinance of the City of North Port, Florida, Repealing Section 2-418 of the Code of the City of North Port, Florida, Relating to the Purchase of Food, Flowers, or Gifts; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

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

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

Ms. Jianelli read the Ordinance by title only.

Ms. Slayton spoke to the item.

There was no discussion.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-38 to second reading on September 28, 2021. The motion carried on the following vote:

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

- H. [ORD. NO. 2021-39](#) An Ordinance of the City of North Port, Florida, Recognizing that the Florida Legislature's Retroactive Application of Florida Statutes Section 163.31801(6) Invalidated and Preempted the City's Impact Fee Rate Schedules Increased in Ordinance No. 2020-42; Ratifying and Reinstating the Previous Impact Fee Rate Schedules in Ordinance No. 2019-06; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification in Section 58-105 of The Code of the City of North Port, Florida; and Providing an Effective Date.

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

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

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

Ms. Jianelli read the Ordinance by title only.

Ms. Slayton introduced the item and answered questions regarding attaching Ordinance 2019-06 to this Ordinance as an exhibit, the draft impact fee study, requirements, exception included in the statute by meeting specific criteria, and limitation of increase

for the impact fees.

Ms. Bramble answered questions regarding the time frame for the impact fee study including notices and readings, and establishing two workshops to focus on the extraordinary circumstances component of the exception.

Discussion ensued regarding the new law invalidating impact fee increase, the Ordinance to be brought in November regarding approving the impact fee study to find extraordinary circumstances and to approve new impact fee rates, establishing a tier to increase the impact fee annually for the next four years, and monies paid into the impact fee fund before the new law went into effect.

There was no public comment.

Mayor Luke closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to continue Ordinance No. 2021-39 to a second reading on September 28, 2021. The motion carried on the following vote:

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

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to direct the City Clerk to schedule two workshop meetings for Impact Fee Rate Schedule by end of business on Friday, September 17, 2021.

Discussion took place regarding the wording in the motion.

The motion carried on the following vote:

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

7. GENERAL BUSINESS:

- A.** [21-1046](#) Discussion and Possible Action Regarding the City's Plans for Future Participation with the Economic Development Corporation of Sarasota County

This item was removed from the agenda.

- B.** [21-1089](#) Discussion and Possible Action Regarding Commercial Uses Within Activity Centers

Mayor Luke announced the item and provided an overview to include percentages of use, inability to build due to restrictions, staff using the percentages as a cap and not a guide, reviewing neighborhood commercial areas as a Board, and making activity centers more business-friendly.

Discussion took place regarding waiting until the Unified Land Development Code (ULDC) is complete, bringing in outside storage, scheduling workshops to discuss the item, commercial percentages being unbalanced, manufacturing language, identifying what type of economic growth is needed, land use percentages, capping high-density residential areas, attracting more businesses, the activity centers included on the item, Camoin study, and outdated material regarding commercial development.

Mr. Yarborough spoke to a possible multi-stage process and results from Camoin for potential incentives.

Discussion ensued regarding reviewing the activity centers individually in a workshop with planning and zoning and economic development, creating more storage space, and reviewing hypothetical projects.

Ms. Thomas spoke to selecting a team to go to Camoin with targeted industries and the process of anticipating any issues with business growth, economic trends, zoning issues, and code interpretations, and answered questions regarding a joint meeting with the Commission and staff to develop a plan to take to Camoin.

Discussion ensued regarding reviewing the activity centers and inviting the Economic Development Corporation (EDC) and developers to the workshop.

Ms. Thomas stated economic development is getting feedback from other departments to assist in developing scenarios to take to Camoin, and the timeline it will take for the scenarios to be submitted.

Discussion ensued regarding scheduling the joint workshop, inviting all interested groups and boards to participate in the workshop, and zoning procedures in March 2022.

Ms. Bramble spoke to the ULDC rewrite schedule with the anticipation of the Camoin study being received, and stated the ULDC is scheduled to be completed in July 2022.

Discussion ensued regarding hiring a consultant to assist with developing plans, difference between job creating and commercial revenue, and putting an Ordinance in place that will allow the Commission to hear special exceptions for Activity Centers 1 through 5 and 8.

Ms. Slayton stated anything that is not covered under permitted and prohibited uses is allowed only through a special exception, and suggested amendments to the Code be carefully thought out.

Discussion took place regarding amending a Code that places parameters on Activity Centers 1 through 5 and 8, specific permitted and prohibited uses, addressing the prohibited and permitted land uses in a workshop, pros and cons of special exceptions, and taking items from prohibited uses and placing them in permitted uses and vice versa.

Public Comment:

Marty Black: economic development study, lack of storage and service facilities in North Port, annexation issues.

Ashley Bloom: support of keeping items out of special exceptions and creating guidelines to assist in economic growth.

Steve Barnhardt: land use being driven by the market, uses of commercially-designated areas, and outdated comprehensive plans.

Justice Kester: inability to assist in growing the City through commercial zoning.

Discussion ensued regarding commercial land uses and scheduling a meeting to discuss the Activity Centers' permitted and prohibited uses and changes to be made.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct staff to schedule a special meeting on October 7, 2021 at 10:00 a.m. regarding permitted and prohibited uses in Activity Centers 1 through 5 and 8.

Discussion took place regarding ensuring all documentation is carried over to backup including individual maps of the Activity Centers.

A motion to amend was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to carry over backup documentation from this item and add individual maps of each Activity Center. The motion to amend carried on the following vote:

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

The main motion as amended carried on the following vote:

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

C. [21-1462](#)

Discussion and Possible Action Regarding Approval of Draft Bill to Add Warm Mineral Springs and Little Salt Spring to the Florida Department of Environmental Protection's List of Outstanding Florida Springs

Mayor Luke announced the item.

Discussion took place regarding the backup material included and obtaining support from political officials for the bill.

There was no public comment.

Mayor Luke passed the gavel to Vice Mayor Emrich.

A motion was made by Mayor Luke, seconded by Commissioner Langdon, to approve the draft bill to add Warm Mineral Springs and Little Salt Springs to the Florida Department of Environmental Protection's List of Outstanding Florida Springs. The motion carried on the following vote:

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

Vice Mayor Emrich passed the gavel back to Mayor Luke.

Discussion ensued regarding other municipalities and environmental entities writing letters of support for the bill.

Recess was taken from 2:56 p.m. until 3:06 p.m.

D. [21-1130](#)

Review, Discussion, and Possible Action on the City Attorney's Performance Evaluation

Mayor Luke announced the item.

Ms. Slayton spoke to the item.

Discussion took place regarding feedback from the Commission.

Ms. Jianelli read the following e-comment into the record:

Anonymous: opposes a salary increase.

Discussion took place regarding other City Attorney's salaries in neighboring municipalities.

A motion was made by Commissioner McDowell, seconded by Commissioner White, to approve a 7% salary increase based on the performance evaluation for the City Attorney.

Discussion ensued regarding other City Attorney's salaries and time served, and the increase being no more than 5%.

Ms. Slayton answered questions regarding her increases in prior years.

Discussion ensued regarding increase negotiation.

The motion carried on the following vote:

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

E. [21-1320](#)

Discussion and Possible Action Regarding the North Port Art Center's Request to Paint a Mural on the Side of the Art Center Building.

Mayor Luke announced the item.

Dee Dee Gozion with the North Port Art Center (NPAC) and Art Advisory Board member, provided a presentation by Laura Pucci, Project Manager and Artist, for the NPAC Collaborative Mural Proposal, to include working with students from North Port High School to assist in creating the mural, exterior of the building, stages of the project, drawing of Stage 2 on North Port Boulevard side, back of building in Stage 3, entrance at Sam Sharpos Way, and finishing details.

Discussion took place regarding removable slats, considering moveable art should the NPAC relocate buildings, attracting more visitors, understanding the mural is temporary at that building, and painting the NPAC logo on the building front.

Ms. Willette stated the mural could be considered a wall sign, and spoke to City Code regarding murals.

Ms. Slayton read the definition of a "mural".

Discussion took place regarding the mural being a "graphic", reviewing City Code regarding art, participation in creating the mural, upkeep and maintenance, and making the boards interchangeable.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the North Port Art Center's rendition for the rear, side, and front of the building, removing the three lines on the left side in the front of the building.

Discussion took place regarding approving project without artistic restrictions, ensuring the three lines do not violate City Code, going forward with the project to begin painting the rear and sides of the building, and bringing forward an agenda item to remove the

design prohibition.

Ms. Willette stated a consultant is currently reviewing the City Code to ensure the three painted lines are allowed, staff recommended requesting Commission remove the limitation for the building front, and if Commission wanted to go forward to remove that section, and a text amendment to the Code would need to be implemented.

Discussion ensued regarding beginning painting of the entryway, side, and rear of the building during the review of the City Code, and completing the project after the ULDC is complete.

Commissioner McDowell withdrew her motion. Commissioner Langdon withdrew her second.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve the rendition for the rear, side, and front as presented with three lines on the front to be completed at a later date. The motion carried on the following vote:

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

F. [21-1454](#) Discussion and Possible Action Regarding Updating and Standardizing Non-Profit Leases and Agreements for the Use of City Public Spaces

Mayor Luke announced the item.

Commissioner McDowell introduced the item and spoke to the unbalance of fees charged for leasing City-owned public space to non-profit organizations, and collaborating uniformity of the lease agreements.

Discussion took place regarding directing staff to provide a list of all non-profit and governmental entities who rent space from the City, who does and does not have a lease, overhead paid, purpose of the space, location, age and condition the space is in, included amenities, space size, implementing a procedure standardizing the lease, lease expiration, insurance thresholds, and non-profit organizations who rent room for nonexclusive uses.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to direct staff to provide a comparison sheet of all non-profit public uses including payment of electricity, maintenance, lease expiration date, insurance threshold, non-profit location address, non-profit name, what they do as non-profit, non-profit location in City with age, condition, and square footage of facility, included amenities, who pays additional overhead, room rental for non-exclusive use, and include all agreements in backup.

Discussion took place regarding adding "to be brought back prior to February 2022" and "excluding temporary and seasonal uses of public spaces" to the motion.

A motion to amend was made by Commissioner McDowell, seconded by Vice Mayor Emrich, to add "prior to February 2022" and "excluding temporary and seasonal uses of public spaces".

Discussion took place regarding excluding usage fees for City assets.

The motion to amend carried on the following vote:

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

The main motion as amended carried on the following vote:

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

Discussion took place regarding the lease agreement of the daycare center between the City and Kiwanis.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Langdon reported on the 9/11 Remembrance Ceremony and the Boy Scout Troop 254 Flag ceremony.

Vice Mayor Emrich reported on attending the Boy Scout Troop 254 Flag ceremony, the 9/11 Remembrance Ceremony, and an article in the Sun on Mr. Yarborough's performance as Interim City Manager.

Mayor Luke spoke to the rewarding Jason Yarborough and Julie Bellia for their services as Interim City Manager and Interim Assistant City Manager respectively.

Commissioner White reported on attending the 9/11 Remembrance Ceremony, Florida Department of Transportation Tour de North Port bicycle ride, and attended a clean-up on the Myakkahatchee Creek.

Commissioner McDowell reported on the 9/11 Ceremony, Florida League of Cities conference, Ukrainian flag ceremony, Boy Scout Troop 254 Flag ceremony, Argus luncheon, City and County Surtax meetings, back-to-school resource fair, police department and fire department tug-of-war at Braves stadium, Wellen Park Arts Center reception, and gave tour of the City with Sarasota County Commissioner Cutsinger.

Mayor Luke reported on giving a tour of the City to the Chair of the Sarasota County Economic Development Corporation (EDC), Ukrainian flag ceremony, Mayor's Feed the Hungry drive at Braves Stadium, an after-school program at the Loveland Center, police department for assisting with Hurricane Ida, Council of Governments and introduced Mr. Fletcher, Boy and Girls Club leadership meeting, City and County surtax meetings, Boy Scouts Troop 254 Flag ceremony, ribbon-cutting at the Suncoast job center, 9/11 ceremony, 9/11 ceremony in the National cemetery in Sarasota, two Argus meetings, Chamber's Chamber of Champion meeting, Wellen park groundbreaking, Florida League of Cities annual conference, and spoke to Meals on Wheels winning art at Wyland park, and under 16 girls won in water polo.

10. ADMINISTRATIVE AND LEGAL REPORTS:

Mr. Yarborough gave recognition to City staff for the article in the Sun.

Ms. Slayton did not have a report.

Ms. Jianelli did not have a report.

11. ADJOURNMENT:

Mayor Luke adjourned the meeting at 4:38 p.m.

City of North Port, Florida

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

Attest: _____
Heather Taylor, City Clerk

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