



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Alice White, Mayor
Phil Stokes, Vice Mayor
Pete Emrich, Commissioner
Barbara Langdon, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS

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

Tuesday, March 5, 2024

10:00 AM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

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

Also Present:

City Manager Fletcher, City Attorney Slayton, City Clerk Faust, Board Specialist Bodmer, Police Chief Garrison, Fire Chief Titus, Fleet Manager Rappuhn, Planner III Bengé, Parks and Recreation Director Pfundheller, Development Service Director Ray, Budget Administrator Herrmann, Finance Director Williams, Public Works Director Speake, Assistant Parks and Recreation Director Sturgess, Facilities Manager Humphrey, Risk and Benefits Manager Knowles, and Assistant Development Service Director Barnes

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Robin San Vicente.

1. APPROVAL OF AGENDA

Mayor White requested a motion to approve the agenda.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to approve the agenda as presented.

Discussion took place regarding reordering the agenda.

A motion to amend was made by Commissioner McDowell to move Resolution No. 2024-R-10 after Item No. 24-0414. The motion failed due to lack of a second.

The motion carried on the following vote:

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

2. PUBLIC COMMENT:

Ms. Faust played the following voice mails into the record:

David Iannotti: Expressed opposition of development of Warm Mineral Springs (WMS).

Deborah Placencia: Expressed opposition of modification of Activity Center 6.

Cynthia Morris: Expressed opposition of Ordinance No. 2024-05.

Ms. Faust read the following eComments into the record:

Urszula Kubrak: Expressed opposition of Item No 24-0323.

Lynn Leboutillier: Expressed opposition of Item No 24-0323.

Patrice Matz: Expressed opposition of Item No 24-0323.

Sara Sutcliffe: Expressed opposition of Item No 24-0323.

Elizabeth Rusiecki: Expressed opposition of Item No 24-0323.

Kenneth Wells: Expressed opposition of Item No 24-0323.

In Person:

Luci Bromberg: Expressed opposition of Item No 24-0323.

Pat Rounds: Expressed opposition of Item No 24-0323.

Monica Balicki: Expressed opposition of Item No 24-0323.

Debbie Blackaev: Expressed opposition of Item No 24-0323.

Carolyn Price: Expressed opposition of Item No 24-0323.

Robin Vicenie: Expressed support of conservation.

Chuck English: Expressed opposition of Item No 24-0323.

Yelena Medvedeva: Expressed opposition of Item No 24-0323.

3. ANNOUNCEMENTS

A. [24-0207](#) 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.

There was no public comment.

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Vice Mayor Stokes, to approve the consent agenda with the exception of Item No. 24-0131 being pulled for discussion. The motion carried on the following vote:

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

A. [23-1681](#) Approve First Amendment to Construction Manager at Risk Contract No. 2023-17.003 for Construction Services Contract Phase II with Ajax

Building Company, LLC in the Amount of \$1,298,000.28, for Police Department Headquarters Facility Repairs

This item was approved on the consent agenda.

- B.** [24-0030](#) Approve the Federally Funded Subaward and Grant Agreement for DR – 4734 – Hurricane Idalia, Agreement Number Z4045 with the Florida Division of Emergency Management (FDEM) for Hurricane Idalia and Authorize the City Manager or the Mayor, as Applicable Under the City Charter, to Execute all Funding Documents After Legal Review.

This item was approved on the consent agenda.

- C.** [24-0131](#) Approve the Disposition of Surplus Fleet Assets in an Appropriate Fashion Pursuant to Chapter 2 Administration, Article VIII Procurement, Section 2-419, Disposition of City Assets and Property (d), (1) of the Code of the City of North Port, Florida, and Authorize the City Manager to Approve a More Suitable Surplus Asset for Project Graduation if One Becomes Available.

Mayor White announced the item.

Commissioner McDowell spoke to the item.

Mr. Rappuhn spoke to project graduation donation and vehicle utilization.

Commission questions and discussion took place regarding City Manager ability to determine use of vehicle and Commission authorization.

There was no public comment.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Emrich, to approve Item No. 24-0131 as presented. The motion carried on the following vote with Commissioner McDowell dissenting due to Commissioner's responsibility to inform the public of what vehicle is going to Project Graduation:

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

No: 1 - Commissioner McDowell

- D.** [24-0200](#) Approve the Award of Funds From the Special Event Assistance Program to North Port Area Chamber of Commerce in Support of the Business & Community Expo to be Held on March 9, 2024, in an Amount Up To, and Not to Exceed, \$500 to Cover the Costs of City Fees and Services.

This item was approved on the consent agenda.

- E.** [24-0343](#) Approve the Application for the Moody's Issuer Rating Between Moody's Investors Service and the City of North Port for a Current Annual Fee of \$3,000.

This item was approved on the consent agenda.

- F. [24-0359](#) Approve the February 13, 2024 Commission Regular Meeting Minutes

This item was approved on the consent agenda.

5. PUBLIC HEARINGS:

ORDINANCE - SECOND READING:

- A. [ORD. NO. 2024-05](#) An Ordinance of the City of North Port, Florida, Rezoning ±262.34 Acres Located East of Toledo Blade Boulevard Approximately 1 Mile North of I-75 in Section 6, Township 39 South, Range 22 East of Sarasota County and Further Described in Instrument No. 2023042804 in Official Records of Sarasota County, From No Zoning Designation District (NZD) Classification to Residential Multi-Family District (RMF) Classification; 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 White 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.

Ms. Slayton spoke to general public comment not being part of the quasi-judicial procedure.

Mayor White called for disclosure of ex-parte communications.

Commissioner McDowell disclosed public comment presented and ex-parte at first reading.

Commissioner Langdon disclosed public comment presented.

Mayor White disclosed public comment presented.

Vice Mayor Stokes disclosed public comment presented and ex-parte at first reading.

Commission Emrich disclosed public comment presented.

Ms. Faust stated there were no aggrieved parties.

Jeffery Boone, Boone Law Firm, being duly sworn, noted there was no additional information from first reading and requested approval.

Mr. Bengé, being duly sworn, provided a presentation including no zoning designation requirements, annexation ordinance language, and staff recommendation.

Mr. Boone provided a rebuttal regarding public comment provided in reference to density, Development Master Plan (DMP) status, and wetland/environmentally sensitive areas.

There was no rebuttal by staff.

Public Comment:

Susan Balmer: Expressed opposition of the item.

Pam Tokarz: Expressed opposition of the item.

Josh Smith: Expressed opposition of the item.

Mary Jude Moffat: Expressed opposition of the item.

Chuck English: Expressed opposition of the item.

In response to Commission questions, Ms. Slayton spoke to Unified Land Development Code (ULDC) language regarding rezone property limitation provision.

Consensus was requested to direct the City Attorney to draft a legal opinion regarding ULDC Section 1-34.

A motion was made by Commissioner McDowell to direct the City Attorney to draft a legal opinion as it relates to ULDC Section 1-34. The motion failed due to lack of a second.

Commission questions and discussion continued regarding over development, environmentally sensitive area, no zoning designated areas, prior annexations, and Southwest Florida Water Management District (SWFWMD) wetland review.

Kenrick Gallander, The Neighborhood Company, being duly sworn, replied to Commission questions regarding SWFWMD review and wetland acreage.

Commission questions and discussion continued regarding high density.

Mr. Benge provided closing arguments regarding wetlands, consistency with the future land use, and staff recommendation.

Mr. Boone provided closing arguments regarding DMP process, SWFWMD wetland review and approval, required permits, annexation, consistency with the Comprehensive Plan and ULDC, and request for approval.

Mayor White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to adopt Ordinance No. 2024-05 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 with Commissioner McDowell dissenting due to rezoning property on an environmentally sensitive area for more residential development and Commissioner Emrich dissenting due to detriment to the city, environmentally sensitivity, and need for infrastructure:

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

No: 2 - Commissioner Emrich and Commissioner McDowell

B. [ORD. NO. 2024-02](#)

An Ordinance of the City of North Port, Florida, Annexing ± 2.491 Acres of Real Property Located on the Northwest Corner of North River Road and South Tamiami Trail in the Unincorporated Area of Sarasota County, Florida and Contiguous to the Existing City Limits of the City of North Port, Florida; Redefining the Boundary Lines of the City of North Port to Include the Property; Providing for Findings; Providing for Annexation; Amending the Official Zoning Map; Providing for Assessment and Taxation; 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 Ordinance 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 Vice Mayor Stokes, to adopt Ordinance No. 2024-02 as presented.

Commission discussion took place regarding inaccuracies in the Official Zoning Map.

Ms. Ray provided clarification regarding map amendment process.

The motion carried on the following vote:

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

C. [ORD. NO. 2024-04](#)

An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code to Incorporate the Revised Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps and Related Definitions by Amending Sections 17-9 and 17-84; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; 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 Ordinance by title only.

Mr. Fletcher introduced the item.

There were no Commission questions or discussion.

Public Comment:

Chuck English: Expressed support of the item.

Mayor White closed the public hearing and requested a motion.

A motion was made by Vice Mayor Stokes, seconded by Commissioner Langdon, to adopt Ordinance No. 2024-04 as presented. The motion carried on the following vote:

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

Recess was taken from 11:43 a.m. until 12:15 p.m.

RESOLUTIONS:

D. [RES. NO. 2024-R-10](#)

A Resolution of the City Commission of the City of North Port, Florida, Amending the Non-District Budget and Capital Improvement Budget for Fiscal Year 2023-2024 for an Additional 0.5 Full Time Equivalent for Warm Mineral Springs, Road Rehabilitation Project and Parks

Maintenance Building in the Amount of \$4,502,551; Providing for Findings; Providing for Posting; 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.

Ms. Herrmann spoke to change in funding.

Commission questions and discussion took place regarding half time position title, Warm Mineral Spring building restoration, Surtax funded to Park Impact Fee funded, Emergency Operation Center (EOC) building, approved Surtax project listed items, project change requirements, and impact fee use requirements.

Ms. Slayton spoke to Sarasota County Code regarding use of Surtax language.

Commission questions and discussion continued regarding park impact fee usage and road bond debt.

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-10 as presented.

A motion to amend was made by Commissioner McDowell, seconded by Commissioner Emrich, to amend the motion to include "for Project 922DPB Legacy Trail Surtax Fund source decrease to \$175,000 and Project P22DPB Legacy Trail parking funding use of Impact fee decrease use to \$175,000 and use the difference of \$8,580 for P23DWM from Park Impact Fee fund balance use. The motion to amend carried on the following vote:

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

The main motion as amended carried on the following vote:

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

6. GENERAL BUSINESS:

- A.** [24-0335](#) Discussion and Possible Action Regarding Warm Mineral Springs Park Phase I Improvements and Phase II Future Development.

Mayor White announced the item.

Mr. Fletcher introduced the item.

Ms. Pfundheller provided a presentation including maintenance updates to the property, Phase I improvements, post Hurricane Ian assessment report, current building conditions, updated cost estimates, and options.

John Bryant, Sweet Sparkman Architects, spoke to history, post hurricane report,

flooding concerns, and renovation and upgrade options.

Commission questions and discussion took place regarding cyclorama and art mobility, cyclorama renovation cost, flooding concerns, utility cost, murals, historic designation, associated costs for interior restoration, restroom, overall estimated costs, Phase I estimated cost, spring health concerns, testing, demolition of buildings, restoration options, report, appraisal, maintenance improvements, pass reinstatement, Florida Forever Funding, state park identification, Legacy Trail connectivity, Request for Interest (RFI) response, Federal Emergency Management Agency (FEMA) funds, insurance proceeds, utility connectivity, art work display, monthly revenue, need for basic costs, future collaboration, property acquisition, estimated time frame for addition cost information, and prior action.

Recess was taken from 2:09 p.m. until 2:19 p.m.

Public Comment:

Ms. Faust played the following voice mails into the record:

Juno Unich: Expressed opposition of development.

Jasmine Bowman: Expressed opposition of development.

Ms. Faust read the following eComments into the record:

John Parker: Expressed support of the 2019 (Warm Mineral Springs) WMS Plan.

Stephanie Gibson: Expressed support of the 2019 WMS Plan.

Marius Boletta: Expressed support of the 2019 WMS Plan.

Krystina Smith: Expressed opposition of WMS development.

Elena Salim: Expressed opposition of WMS development.

Maria Leslie: Expressed support of the 2019 WMS Plan.

David Iannotti: Expressed opposition of WMS development.

In Person:

Pam Tokarz: Spoke to restoration and funding options.

James Strawser: Spoke to history, preservation, and environmental.

Robin San Vicente: Spoke to 2019 plan and funding options.

Chuck English: Spoke to use of a referendum for resident input.

Mayor White requested a motion.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Stokes, to direct the City Manager to work with staff to bring back additional information regarding the costs associated with Option 1 including the demolition of existing buildings; salvaging Cyclorama panels for future display; constructing a simple administrative building including flushable toilets and an outside shower; water and sewer to the immediate area and incremental cost to bring to Tamiami Trail; parking improvements; and plan development costs.

Mr. Fletcher spoke to cost for additional action.

Commission discussion continued regarding eliminating the options for other collaborative opportunities, cost breakdown, exploring options to demolish/refurbish, and restoration costs.

The motion carried on the following vote with Commissioner McDowell dissenting due to other options with outside entities not being pursued prior to demolition of the buildings and the need for additional cost information.

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

No: 1 - Commissioner McDowell

A motion was made by Commissioner McDowell, seconded by Vice Mayor Stokes, to direct staff to include the Warm Mineral Springs Appraisal and CBRE Real Estate Appraisal documents to the agenda backup. The motion carried on the following vote:

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

Ms. Pfundheller spoke to prior presentation to Commission, staff recommendation, and future Surtax.

Commission questions and discussion continued regarding communication with outside entities/individuals regarding funding options, concern with selling land, 2019 Master Plan, public private partnership (P3) proposal Commission input, Florida Fish and Wildlife input, wildlife habitats, gentle development options, prior Commission direction, development options, prior purchase of the property, funding opportunities, and trail head funding options.

A motion was made by Commissioner McDowell, seconded by Commissioner Emrich, to direct the City Manager to continue discussion with various entities/focus groups and to bring back information on connecting Legacy Trail to Warm Mineral Springs.

Commission questions and discussion took place regarding funding, trail head versus connector, and current entities involvement.

A motion to amend was made by Commissioner Langdon, seconded by Commissioner McDowell, to add specifically the look, cost and funding responsibility. The motion to amend carried on the following vote:

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

The main motion as amended carried on the following vote:

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

Commission questions and discussion continued regarding requested action.

Recess was taken from 3:47 p.m. until 3:57 p.m.

B. [24-0323](#)

Discussion and Possible Action Regarding Allowable Residential and Home-Based Business Parking (Requested by Commissioner Langdon).

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commissioner Langdon spoke to the item.

Ms. Slayton spoke to State Statute and policy/regulation review.

Ms. Ray spoke to combined lot code allowances, State Statute improved surface requirements, and parking regulation education.

Commission questions and discussion took place regarding authorization per lot size, buffer requirements, restrictions, total vehicle allotment, property compliance, home-based business definition, enforcement, burden of proof requirement, commercial definition, review of State Statute regarding heavy equipment, storage

regulations, combined lots, reducing number of vehicles on property being used for businesses, property rights, and enforcement.

Public comment:

Rosemary Amici: Expressed concern with excessive vehicle parking on residential property.

Pam Tokarz: Spoke to impact of rezoning on parking.

Mayor White requested a motion.

A motion was made by Commissioner Langdon, seconded by Commissioner McDowell, to direct the City Manager to work with staff to bring back a revised parking regulation that effectively addresses home-based business parking issues.

Commission questions and discussion continued regarding time frame options and Unified Land Development Code (ULDC) rewrite.

The motion carried on the following vote with Commissioner Emrich dissenting due to adding undo stress to the Development Service Department and desire to address as a whole:

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

No: 1 - Commissioner Emrich

C. [24-0412](#)

Discussion and Possible Action to Amend Commission Policy No. 2021-05 Section II.C - Commission Meeting Schedules, Notices, and Agendas (Requested by Commissioner McDowell)

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to the item.

Commission questions and discussion took place regarding process for agenda items submitted by Commissioners, current process, required staff research and input, and current concerns.

Mr. Fletcher spoke to current procedure, need for staff discussion planning, and Charter Officer agenda item requests.

Commission questions and discussion continued regarding process concern.

Public comment.

Ms. Faust read the following eComment into the record:

Stephanie Gibson: Expressed concerns regarding process and policy for extensive research.

Mayor White requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Langdon, to approve Commissioner McDowell to work with the City Clerk and City Attorney to amend Policy No. 2021-05 relating to agenda items 1 through 4 in the staff summary and to bring back recommended changes to Commission at a later date. The motion failed on the following vote with Commissioner Emrich, Vice Mayor Stokes, and Mayor White dissenting:

Yes: 2 - Commissioner McDowell and Commissioner Langdon

No: 3 - Commissioner Emrich, Mayor White and Vice Mayor Stokes

D. [24-0414](#) Discussion and Possible Action on the Processes and Procedures to Adopt the ULDC Rewrite (Requested by Commissioner McDowell)

Mayor White announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell requested the item be continued to the March 7, 2024, meeting and spoke to the item.

Mr. Fletcher spoke to the need for staff review of documents distributed.

Commission questions and discussion took place regarding review of discussion items, concern regarding staff responsibility versus Commission responsibility, implementation, and adoption process, and following applicable codes and statutes.

Ms. Slayton spoke to following Unified Land Development Code (ULDC) Section 1-33 and State Statute and stated that no further direction is needed.

Ms. Barnes provided additional background information regarding upcoming process for presentation to Commission.

Commission questions and discussion continued regarding discussion points and notice requirements.

Public comment:

Ms. Faust read the following eComment into the record:

Maria Leslie: Expressed opposition of rezoning.

In person:

Pam Tokarz: Expressed support of rezoning notifications.

Mayor White requested a motion.

A motion was made by Commissioner McDowell to direct the appropriate charter officer to notify by US mail all property owners whose property is proposed to be rezoned including all public hearing dates at least 30 days prior to the first hearing. The motion failed due to lack of a second.

In response to Commission comment, Ms. Barnes spoke to review of Senate Bill 250, plan to incorporate in the ULDC, and Comprehensive Plan requirements.

Commission questions and discussion continued regarding public hearing location, timeline update, and charettes.

A motion was made by Commissioner McDowell to direct the City Manager to conduct two charettes prior to the Planning and Zoning Advisory Board hearing. The motion failed due to lack of a second.

Commission questions and discussion continued regarding received recommendations, consensuses and requests for additional information, review of definitions, and review prior to first reading.

A motion was made by Commissioner McDowell to direct the City Manager to prepare a ULDC update including a realistic timeline for staff and requirements of

everything getting done in order to be provided to Commission and updated on the website as soon as possible. The motion failed due to lack of a second.

7. PUBLIC COMMENT:

Ms. Faust read the following eComment into the record:
Krystina Smith: Expressed opposition of Ordinance No. 2024-05.

8. COMMISSION COMMUNICATIONS:

Mayor White called on Commissioners for communications.

A. [24-0305](#) Mayor White's Communications

Mayor White did not provide communications.

B. [24-0273](#) Vice Mayor Stokes' Communications

Vice Mayor Stokes did not provide communications.

C. [24-0237](#) Commissioner Langdon's Communications

Commissioner Langdon stated she would provide her communications to the City Clerk to be added to the agenda backup.

D. [24-0254](#) Commissioner McDowell's Communications

Commissioner McDowell did not provide communications.

E. [24-0286](#) Commissioner Emrich's Communications

Commissioner Emrich spoke to events attended.

9. ADMINISTRATIVE AND LEGAL REPORTS:

Mayor White called on Charter Officers for reports.

The City Manager, City Attorney, and City Clerk did not provide a report.

10. ADJOURNMENT:

Mayor White adjourned the meeting at 5:59 p.m.

City of North Port, Florida

By: _____
Alice White, Mayor

Attest: _____
Heather Faust, City Clerk