



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Special Meeting

CITY COMMISSIONERS

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

APPOINTED OFFICIALS

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

Wednesday, November 10, 2021

2:00 PM

CITY COMMISSION CHAMBERS

Draft Impact Fee Study

CALL TO ORDER

Mayor Emrich called the meeting to order at 2:00 p.m.

ROLL CALL

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

Also Present

City Manager Jerome Fletcher, City Attorney Amber Slayton, City Clerk Heather Taylor, Recording Secretary Amanda Baker, Fire Chief Scott Titus, Fire Division Chief Nick Herlihy, Police Chief Todd Garrison, Deputy Police Chief Chris Morales, Assistant City Manager Jason Yarborough, Interim Planning and Zoning Division Manager Alison Christie, Project Manager Monica Bramble (virtually), and Planner I Tom Sacharski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Barbara Langdon.

1. APPROVAL OF AGENDA

A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve the Agenda as presented. The motion carried on the following vote:

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

2. PUBLIC COMMENT:

Valdy Olender: North Port Police Code of Ethics and City of North Port expenditures

3. GENERAL BUSINESS:[21-1749](#)**Discussion and Direction Regarding the Draft Impact Fee Study.**

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Ms. Christie spoke to the draft Impact Fee Study, the first and second readings of the Ordinance, and introduced Willdan Financial Services consultants Carlos Villarreal and James Edison and the Focus Group Facilitator and former Sarasota County Commissioner Charles Hines.

Mr. Villarreal provided a presentation including definition of impact fees, Florida Impact Fee Act summary, Florida impact fee implementation requirements, changes since the prior report, adjustments to be made within Fire Rescue and the Police Department, basic methodology for impact fees, local data sources including Bureau of Economic and Business Research (BEBR) and US Census Product, City of North Port growth projections, allocating cost of new facilities, impact fee categories, facilities demand, solid waste demand, facility standards, parks standards, land use categories under residential and nonresidential, major planned facilities, impact fee revenue projection through 2045, maximum justified impact fee schedule, comparison to the existing fee schedule, single family impact fee comparison in neighboring jurisdictions, commercial shopping center comparison in neighboring jurisdictions, and impact fee implementation options.

Mr. Hines provided a presentation including a summary from stakeholders regarding the impact fee schedule, implementation of impact fees, attracting potential developers, broad-base impact fees on multiple family housing, districting, consideration in implementing developer agreements, flexibility in the environment, and implementing mobility fees.

Commission questions took place regarding the difference in the current impact fee schedule compared to the impact fee schedule that was presented in March 2021, park standard based on Commission direction vs. Comprehensive Plan standards, commercial stakeholders involved in the impact fee study, whether impact fees impact high-residential development, impact fees negatively affecting preferred developments, and placing residential fees at a higher percentage than commercial fees.

Ms. Slayton spoke to other incentives that can be used in addition to impact fees, phasing-in impact fees, and stated once the impact fees are increased, it cannot be increased again until 2025.

Commission questions ensued regarding avenues available to attract new development, the impact fee increase automatically deterring developers from building, reason for a 25-year projection, if one facility category precludes another facility category, difference between the current commercial shopping center comparison vs. the maximum justified commercial shopping center comparison, impact fee for drive-thru restaurants being higher than "sit-down" restaurants, tiering impact fees based on the size of the business, reviewing incentives that would assist with affordable housing developments, conservation areas within City limits not being considered Parks facilities, discrepancies in the Fire Rescue and Police Department facilities, phasing in throughout four years, what direction staff is requesting from the Commission to move forward, legal parameters of the land

acquisition component under Parkland Unit Costs, and park acreage acquisition.

Mr. Yarborough spoke to limitations as to when the impact fees are collected and when they can be spent.

Recess was taken from 3:56 p.m. until 4:10 p.m.

PUBLIC COMMENT:

Ivory Matthews: concerns with finalizing the impact fee study, time constraint for developers to review the impact fee study

Mary Dougherty: concerns with rushing the impact fee decision

Discussion took place regarding the process of meetings, and moving forward with the draft proposal.

A motion was made by Commissioner White, seconded by Vice Mayor Langdon, to accept the Impact Fee Study as presented.

Discussion took place regarding the City being under-funded, reliance on Surtax funds, annexing open and park spaces, staff providing the correct impact fee with growth elements, impact fee implementation process, reviewing a phase-in approach, costs of Park Facilities and how it is calculated, and staff providing a recommendation on impact fees and an implementation schedule.

Mr. Yarborough answered questions regarding the goal date for the final Impact Fee Ordinance, and if the first draft will be brought to Commission for further instruction.

Ms. Slayton spoke to statutory requirements for public notice of Ordinance adoptions and scheduling a special meeting to review the first draft.

Discussion ensued regarding impact fees for drive-thru restaurants, amending the Parks and Recreation facilities to lower the impact fee, and the effects of decreasing the land acquisition standard per 1,000 residents for residential and nonresidential units.

Commissioner McDowell stated she cannot support the motion due to numerous concerns with the current impact fee study.

Discussion ensued regarding the motion on the floor, amendments to the Impact Fee Study, reviewing process of a phase-in approach, pausing the approval process to further investigate how to correctly and efficiently implement the impact fees, staff and community input, difference between the current impact fee and maximum justified impact fee, the necessity of commercial development, and if decreasing the land acquisition standard for Park facilities would have an impact on commercial properties.

Commissioner Luke stated she cannot support the motion due to needing more information regarding options and data to further support the Impact Fee Study.

The motion failed on the following vote:

Yes: 1 - Commissioner White

No: 4 - Mayor Emrich, Vice Mayor Langdon, Commissioner Luke and Commissioner McDowell

A motion was made by Commission McDowell, seconded by Commissioner Luke,

to direct staff to adjust vehicle data for North Port Police Department, North Port Fire District, and other departments and update the study accordingly. The motion carried on the following vote:

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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct staff to review the actual fee versus the 1.5 overall administrative fee charge and list what is included with the fee.

Discussion took place regarding the study being for the impact only, the effect the administrative fee would have on the scope of the study, the administrative fee being informational, ensuring the accuracy of the administrative fee, and the administrative fee not being relevant at this time.

The motion failed on the following vote:

Yes: 1 - Commissioner McDowell

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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct staff to incorporate the 5 acres acquisition per 1,000 residents using the supplied data for single-family, multi-family, seniors and hotels. The motion carried on the following vote:

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

No: 1 - Commissioner White

Commissioner White dissented due to her disbelief that reducing park space for residents is justified.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct staff to work with the consultant regarding options for the restaurant/retail/drive-thru category. The motion carried on the following vote:

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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Manager to work with the consultant and staff to come up with a variety of recommendations on the implementation of impact fees possibly using a phased approach. The motion carried on the following vote:

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

No: 1 - Commissioner White

Commissioner White dissented due to the limited number of calls for increases per State Legislature.

Discussion took place regarding the motion being for recommendations and options to determine if phasing is possible, keeping the residential impact fee at 100 percent, and reducing the commercial impact fee to be at 50-60 percent.

Mr. Fletcher answered questions regarding staff reviewing and providing the options for implementing the impact fees, and the pros and cons of each option.

Discussion took place regarding setting a deadline for staff to bring the options back to Commission for discussion, and keeping the March 2022 deadline.

Ms. Slayton spoke to making changes to the Impact Fee Study, the effects those changes will make on the Ordinance and legal review, and the importance of ensuring the accuracy of the Study.

Discussion ensued regarding asking staff for recommendations for the commercial development impact fees, what is sufficient to cover costs and fund incentives, and keeping the City in competition with neighboring jurisdictions.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Manager to work with staff and the consultant to work on the top three fee options with focus on non-residential uses. The motion carried on the following vote:

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

Discussion took place regarding placing a specific deadline on submitting the recommendations.

4. PUBLIC COMMENT:

There was no public comment.

5. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 5:20 p.m.

City of North Port, Florida

By: _____
Pete Emrich, Mayor

Attest: _____
Heather Taylor, City Clerk

These minutes were approved on the ____ day of _____, 20__.