



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft City Commission Workshop

CITY COMMISSIONERS

Christopher B. Hanks, Mayor
Debbie McDowell, Vice-Mayor
Vanessa Carusone, Commissioner
Peter Emrich, Commissioner
Jill Luke, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Kathryn Peto, City Clerk
Heather Taylor, Deputy City Clerk

Monday, March 4, 2019

9:00 AM

CITY COMMISSION CHAMBERS

CALL TO ORDER

The North Port City Commission Workshop was called to order at 9:00 a.m. in City Commission Chambers by Vice Mayor McDowell.

ROLL CALL

Present: 4 - Vice-Mayor Debbie McDowell, Commissioner Jill Luke, Commissioner Pete Emrich and Commissioner Vanessa Carusone
Absent: 1 - Mayor Christopher Hanks

Also Present:

City Manager Peter Lear, Assistant City Attorney Michael Golen, City Clerk Katy Peto, Deputy City Clerk Heather Taylor, Fire Chief Scott Titus, Senior Planner Heather Hansen, Stormwater Manager Elizabeth Wong, Public Works Director Julie Bellia, Public Works Operator and Maintenance Manager Chuck Speake and City Arborist Ryan Pieper.

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

This item was not discussed.

2. PUBLIC COMMENT:

Public comment took place from 9:02 a.m. - 9:09 a.m.

Chuck English: tree ordinance and Big Slough plan
Rich Linder: use of Florida Friendly practices for landscaping and tree protection

3. GENERAL BUSINESS:**A. [19-0090](#) Big Slough Flood Reduction Study and Stormwater Management Plan**

Ms. Wong reviewed the item.

David DeLoach, Deloach Engineering Science, provided a presentation to include recommended plan for inflow reductions and improvements, ditch improvements, and path of bypass canal, bypass construction, reduction of offsite inflows at Florida Power and Light (FPL) easement north of City, using the City's existing available model, preliminary estimate acquisition costs, engineer's opinion of probable construction cost, flood area reduction and project benefits, recommendation to apply for Statewide Environmental Resource Permitting (SWERP) conceptual approval of full plan and phase 1 implementation with Cooperative Funding Initiative (CFI) funding request, and reviewed checklist for surface and subsurface conditions, offsite conditions and impacts and performance, and next steps.

Ms. Wong reviewed flooding before creek clearing project, flooding after blockage removal, cost of removal, staff recommendations, and timeline and displayed a 1948 aerial map and City stormwater map.

Public comment took place from 9:43 a.m. - 9:48 a.m.

Chuck English: project benefits and expressed concerns

Lawry Reid: expressed concerns regarding greenway plan timeline

Ms. Bellia provided clarification regarding prior Commission direction and requested approval of staff recommendations included on page 15 of the presentation.

Mr. DeLoach and Ms. Wong responded to Commission questions regarding additional flood lot areas not included in the presentation, review of the east end of Toledo Blade and Price Boulevard, cleaning of Myakkahatchee Creek, R-36 and basins, and pipe maintenance.

Ms. Wong reviewed the project timeline.

Mr. DeLoach and Ms. Wong responded to additional Commission questions regarding widening width of canals, acquisition of three areas to allow for natural floodplain, purpose of cultural and archeological and wildlife and wetland surveys, and other entities procedures for creek maintenance.

Mr. Speake responded to Commission questions regarding creek maintenance, path permits, and equipment usage and spoke to the locations for the surveys.

Mr. DeLoach and Ms. Wong responded to Commission questions regarding tier one lot location and width, deletion of boardwalk from conceptual plan, intended canal depth, and not disturbing the natural flow of the creek.

Mr. Speake responded to Commission questions regarding maintenance path.

Ms. Bellia spoke to Southwest Florida Water Management District (SWFWMD) maintenance exemption and permits.

Mr. DeLoach and Ms. Wong responded to Commission questions regarding cost for submittal of conceptual permit and timeline for approval and prior Commission direction.

Ms. Bellia reiterated prior Commission direction.

Ms. Wong clarified cost for conceptual permit application.

There was a unanimous consensus to direct staff to provide 1948 map to Commission.

There was a unanimous consensus to direct staff to provide a map of the Dorothy area showing retention and how it will be affected.

There was a unanimous consensus to submit a conceptual environmental resource permit application to SWFWMD for the recommended plan as presented with changes requested by the Commission, with changes to remove boardwalk at bottom of bypass, change Silver Palm to Snow Bird and check on depth of bypass canal.

There was a majority consensus for the report to include that final alignment determinations of the canal centerline may be moved to coincide with the centerline of the existing road.

There was a unanimous consensus to conduct wildlife, wetland, cultural and archeological surveys along the Myakkahatchee Creek Corridor.

There was a unanimous consensus that 2B is going to be defining the creek access and obtaining SWFWMD approval for the removal of debris and creating the maintenance path.

There was a unanimous consensus to approve items 2A, C, D and E.

There was a unanimous consensus to approve items 3-1, 2 and 3.

Discussion took place regarding acquiring of current tier one corridor, zoning, and property appraiser information, not purchasing or grant funding prior to reviewing all properties. Ms. Bellia clarified information will be based on properties within the study.

There was a majority consensus to not proceed with item 4 until further information is provided.

There was a unanimous consensus for staff to bring back information at a workshop identifying lots owned by the City or privately held, the type of land use, identify lots as vacant or occupied and the Property Appraiser market value.

Ms. Wong responded to Commission questions addressing reduction of water inflow north of Tropicair Boulevard and conversations with SWFWMD and Sarasota County.

There was a unanimous consensus to approve item 5, staff to reach out to SWFWMD and Sarasota County.

Recess was taken from 11:35 a.m. - 12:38 p.m.

B. [19-0096](#)

Proposed Revisions to Fertilizer and Landscape Management Code

Mr. Lear introduced the item.

Commissioner Carusone returned to the meeting at 12:39 p.m.

Ms. Wong provided a presentation to include background, State Model Ordinance, comparison of the City's Fertilizer and Landscape Management Code and the State Model Ordinance including annual restricted period, slow release nitrogen, application rates, exemptions, proposed revision 1 to increase public education, revision 2 to regulate fertilization of turf grass and landscape plants during restricted season, revision 3 to extend fertilizer application restricted season from June 1 to October 31, correlation of total nitrogen and rain, revision 4 to encourage no use of phosphorus, revision 5 to reduce nitrogen allowable application rate, revision 6 for no fertilization of new sod for first 30 days, revision 7 to delete decal requirement and require best management training certificate, revision 8 to update references to Florida Department of Environmental Protection (FDE) documents, and summary of proposed revisions and considerations.

Ms. Wong responded to Commission questions regarding certification, id card and decal, and hybrid with landscape plants.

Mr. Speake responded to Commission questions regarding the impact on city landscape maintenance and fertilization timing.

Ms. Wong further replied to Commission questions regarding cost for submittal to Florida Department of Environmental Protection (FDEP), estimated staff time, and current and future enforcement procedures and penalties.

Discussion took place regarding public education, low impact developments (LID), removing pollutants from water, state minimums, changes during Unified Land Development Code (ULDC) rewrite, nitrogen samples and data, increasing public education, and possibility of FDEP stating city must follow their ordinance.

Commissioners reviewed the summary of proposed revisions.

This General Business was consensus

Discussion took place regarding whether to reopen items 2-8.

There was a majority consensus to not reopen items 2-8.

Discussion took place regarding the ability to encourage residents to not use phosphorus while educating.

There was no public comment.

Recess was taken from 1:33 p.m. - 1:47 p.m.

C. [19-0120](#)

Discussion of Tree Protection Regulations from Other Jurisdictions (TXT-19-001)

Mr. Lear introduced the item.

Ms. Hansen provided a presentation including survey results regarding tree removal on lots, preliminary iTree Canopy results from 1995 vs 2019, 1995 screenshot aerial, significant tree protection survey results, additional community and Environmental Advisory Board input, key tree protection regulations from North Port vs other jurisdictions with emphasis on single-family lots, regulated/protected trees, designating large trees for special protection, mitigation for legal tree removal, incentives, and methodology for designating grand trees.

Mr. Pieper further explained minimum points needed to be a grand tree.

Ms. Hansen continued her presentation on best management practices (BMPS), mitigation for heritage/regulated trees, enforcement and responded to Commission questions regarding comparison between residential and commercial.

Public comment took place from 2:28 p.m. - 2:34 p.m.

Larry Tenbusch: the need for city utilities

Chuck English: palms and concern with DBH

Discussion took place regarding the City Attorney providing Commission with the legal findings referenced by Mr. English and the City Manager reviewing lot line removal in the grant funding.

Mr. Pieper responded to Commission questions regarding comparison with surrounding municipalities that are like the City and gather information for consideration, replacement coverage points, current code language, and legal description of palm, Sarasota County tree program to share resources, mitigation for unhealthy trees, natural disaster removal, and survivability time.

Ms. Hansen replied to Commission questions regarding current tree canopy coverage,

Mr. Lear responded to Commission questions regarding obtaining information on fill requirements for utilities and for FEMA requirements.

Mr. Pieper continued to respond to Commission questions regarding oak tree coverage percentages, septic and sewer impact on coverage, removing invasive trees from the City's tree priority list, rear setbacks, mitigation fees, heritage tree designation, and permitted burning.

Chief Titus provided clarification regarding the pros and cons of burning of yard debris.

There was a unanimous consensus for staff to bring back code examples of other pre-platted communities for comparison.

There was a majority consensus to use the county's ordinance as a base for comparison of information.

There was a unanimous consensus for staff to bring back information about different mitigations inside the footprint of the home for residential.

There was a unanimous consensus for staff to bring back information for using DBH as an automatic point and the use of tree points on page 15 of the presentation.

There was discussion to bring back the canopy 2019 landmark designation using i-Tree and aerial photos after information is received.

There was a unanimous consensus to have information brought back regarding FEMA versus septic at various floodplains and fill requirements.

Discussion took place regarding illegal land clearing, current fine amounts and determining what is excessive.

Mr. Lear expressed concern regarding ULDC expenses for multiple updates of the same item.

There was a unanimous consensus for staff to bring back comparable information regarding illegal land clearing, penalties and fines. The City Attorney is to bring back what amount is deemed assessable.

There was a unanimous consensus to check with other jurisdictions about using rear and front setback areas for planting trees.

4. PUBLIC COMMENT:

Public comment took place from 3:36 p.m. - 3:39 p.m.

Chuck English: delay in tree ordinance adoption

Discussion took place regarding timeframe of 90 days for staff to provide an update to Commission.

There was a unanimous consensus to bring the tree ordinance back to Commission in June 2019.

5. COMMISSION COMMUNICATIONS:

This item was not discussed.

6. ADMINISTRATIVE AND LEGAL REPORTS:

Mr. Lear spoke to email regarding upcoming trip to Washington DC.

7. ADJOURNMENT:

Vice Mayor McDowell adjourned the North Port City Commission Workshop Meeting at 3:43 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Kathryn Peto, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2019.