



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular 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

Tuesday, February 22, 2022

6:00 PM

City Commission Chambers

CALL TO ORDER

Mayor Emrich called the meeting to order at 6:00 p.m.

ROLL CALL

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

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, Deputy Police Chief Chris Morales, Social Services Manager Janet Carrillo, Assistant City Manager Julie Bellia, Engineer II Anthony Friedman, Project Manager Monica Bramble (virtually), Code Enforcement Manager Kevin Raducci, and Interim Public Works Director Chuck Speake

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Debbie McDowell.

1. APPROVAL OF AGENDA

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

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

Absent: 1 - Commissioner Luke

2. PUBLIC COMMENT:

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

Nancy Hughes: opposes clear cutting.

Mildred Hubbard: supports a stronger Tree Ordinance and opposes clear cutting.

Valdy Olender: Muhammad Ali and due process.

Jeffrey Scott: improving quality of life standards for all citizens.

3. ANNOUNCEMENTS**A. [22-2269](#) Current Vacancies and Upcoming Expirations for Boards and Committees**

Ms. Taylor read the announcements into the record.

4. CONSENT AGENDA:

Mayor Emrich announced the item.

Mr. Fletcher noted items to be pulled from the Consent Agenda for discussion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve the Consent Agenda, pulling Item Nos. 22-2226 and 22-2225 for discussion. The motion carried on the following vote:

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

A. [22-2169](#) Approve Amendment No. 2 to Agreement No. CAC2020-0103, a Technology Services Agreement Between Sarasota County and the City of North Port for the County's Continued Provision of Hosting Services for the City of North Port Servers and Network Equipment for a Term of One Year in an Amount not to Exceed \$21,250.80.

This item was approved on the Consent Agenda.

B. [22-1988](#) Approve First Amendment to Interlocal Agreement Between the City of North Port, Florida and Charlotte County for Design, Engineering, and Permitting of Joint Road Widening Project

This item was approved on the Consent Agenda.

C. [22-2206](#) Approve the Application to The Harry Shapiro Charitable Foundation Grant in an Amount of up to \$20,000 for K9 and Traffic Unit Equipment, Specialty Badges, and Annual Police Awards Banquet, and Authorize City Manager or Mayor to Sign Funding Documents.

This item was approved on the Consent Agenda.

D. [22-2226](#) Approve the Agreement Between the Kiwanis Club of North Port, Inc., and the City of North Port, Florida, Regarding the Children's Community Clothing Closet

Mayor Emrich announced the item.

Commissioner McDowell spoke to the item including the ongoing agreement between Kiwanis and the City and public interest.

Staff answered questions regarding next steps involved upon approval, temporarily closing the building for revisions and revamping, partnership between Kiwanis and the City, continuing the program during renovations, transferring the program to a new location, asbestos testing, and Section D7 of the agreement regarding the on-call volunteer list.

Ms. Slayton spoke to any changes to the agreement needing prior approval from both parties.

Cindy Hemberger, on behalf of Kiwanis Club, stated Kiwanis agreed with removing "on-call" from the agreement.

There was consensus to strike "on-call" throughout the document.

Ms. Slayton clarified the terms and renewals, automatic termination after the two renewals, amendment process, and flexible program hours.

Additional questions were responded to regarding temporary closure, time frame for reopening, current closure status, staffing requirements, and emergency situations.

Elaine Allen-Emrich, Kiwanis President, spoke to a meeting with Social Services concerning the building renovations and available options to continue providing community assistance during the renovations.

Discussion took place regarding current closure, solidifying the partnership, Section 6 language regarding volunteer affiliation, Section 5 language regarding mobile phone expense, insurance language regarding worker's compensation, amending the agreement following new location, and uniqueness of agreement.

PUBLIC COMMENT:

Cindy Hemberger: Kiwanis continuing assistance during building closure and requiring citizens to provide income.

Vanessa Carusone: issues with the agreement and the parameters set within the program.

Barbara Jordan: tenure as a Kiwanis volunteer and Kiwanis-sponsored events.

A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to approve Item No. 22-2226 with the consensus provided to remove "on-call" throughout the document. The motion carried on the following vote:

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

- E. [22-2227](#) Approve the Sole Source Purchase of Neptune AMR Water Meters, Reading Equipment, Software, and Repair and Maintenance Services from Ferguson Enterprises, LLC d/b/a Sunstate Meter & Supply on an "As-Needed Basis," Based on Unit Pricing, for an Annual Estimated Amount of \$850,470.00 for Fiscal Year 2021-2022, Including Prior Purchases.
- This item was approved on the Consent Agenda.*
- F. [22-2228](#) Approve Cooperative Funding Agreement No. 22CF0003740 Between the Southwest Florida Water Management District and the City of North Port for the North Port Water Distribution Ridgewood/Lamplighter Area Looping Project (Q265) for 50% Reimbursement of Allowable Construction Costs in an Amount of Up to \$173,950
- This item was approved on the Consent Agenda.*
- G. [22-2230](#) Approve Change Order No. 1 to Work Assignment 2021-11 for the Toledo Blade Boulevard Utility Extensions Project with Stantec Consulting Services, Inc. for an Additional Cost of \$43,868.00 and a Total Cost of \$217,010.18.
- This item was approved on the Consent Agenda.*
- H. [22-2242](#) Approve the Updating of the Online Portal and Applications/Agreements for the Medicare Enrollment Application, Non-Institutional Medicaid Provider Agreement, Fingerprint Exemption Form and WayStar Enrollment Packet to Reflect Mayor Emrich as the Assigned Authorized Official to Allow for North Port Fire Rescue's Primary Billing Company, Digitech to Submit Claims and Receive Remits on North Port Fire Rescue's behalf.
- This item was approved on the Consent Agenda.*
- I. [22-2251](#) Approve the Federally Funded Community Development Block Grant Mitigation Program Subrecipient Agreement in the Amount of \$1,150,000 to be Used for Utilities Inflow and Infiltration Project
- This item was approved on the Consent Agenda.*
- J. [CC](#)
[CTA-22-018](#) Approve Consent by the City of North Port, Florida to the Acquisition of Real Property by the West Villages Improvement District for Tracts 315, 316, 317, 318, and 319 of the Gran Paradiso Infrastructure Plat, and Tract 802 of the Gran Paradiso Phase 1 Plat.
- This item was approved on the Consent Agenda.*

- K. [22-2248](#) Approval of Minutes for the January 13, 2022 Commission Emergency Meeting and the January 21, 2022 Commission Convocation of Governments Joint Meeting

This item was approved on the Consent Agenda.

- L. [22-2288](#) Approval of Jose Irizarry as the Alternate II Member on the Planning and Zoning Advisory Board to Serve a Four-Year Term from February 22, 2022, to February 22, 2026.

This item was approved on the Consent Agenda.

- M. [22-2225](#) Approval of Joy Crowley as the Tourism Representative on the Community Economic Development Advisory Board, to Serve a Two Year Term from February 22, 2022, to February 22, 2024.

Mayor Emrich announced the item.

Vice Mayor Langdon spoke to the item including information regarding Ms. Crowley's experience.

Discussion took place regarding Ms. Crowley's experience in Tourism and postponing the item to allow Ms. Crowley time to provide supporting qualification documentation.

A motion was made by Vice Chair Langdon, seconded by Commissioner Luke, to postpone Item No. 22-2225 to a later meeting to allow for Ms. Crowley to provide additional documentation to show tourism qualifications.

Discussion continued regarding City Code requirements for specific Board positions.

The motion carried on the following vote:

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

- N. [22-2233](#) Approval of Burton C. Thomas as a Regular Member on the Parks and Recreation Advisory Board, to Serve a Two-Year Term from February 22, 2022, to February 22, 2024.

This item was approved on the Consent Agenda.

- O. [22-2229](#) Approval of Lori A. Harris as a Regular Member of the Charter Review Advisory Board, to Serve a Two-Year Term from February 22, 2022, to February 22, 2024.

This item was approved on the Consent Agenda.

5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [22-2263](#) Police Department Annual Presentation

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Deputy Chief Morales provided a presentation including department accomplishments, staff overview, giving back to the community, awarded grants and donations, law enforcement technology, automatic license plate readers (LPR), Drone Team, Uniformed Crime Reporting (UCR), and gratitude to leaders and citizens.

Discussion took place regarding diligence and integrity of the police department, forfeiture funds and program criteria for receipt of funds, and acknowledgment of restraint and willingness to interact with residents.

6. PUBLIC HEARINGS:

PETITIONS:

- A. [CCDMA-20-089](#) Cocoplum Village Shops Expansion, Development Master Plan Amendment, DMA-20-089 Located North of U.S. 41 and East of S. Sumter Blvd. at the Northeast Corner of U.S. 41 and S. Sumter Blvd. (QUASI-JUDICIAL)

Mayor Emrich announced the item, stated this is a quasi-judicial hearing, and directed the City Clerk to read the petition title.

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

Commissioner McDowell disclosed requesting the traffic impact statement and a procedural question regarding Development Master Plans (DMPs) and Development Master Plan Amendments (DMPAs).

There were no ex-parte communications from Commissioner White, Vice Mayor Langdon, and Mayor Emrich.

Commissioner Luke disclosed having an agenda briefing with staff and reading the traffic impact statement.

Todd Mathes, Director of Development with Benderson Development LLC, being duly sworn, provided a presentation including project location and design layout, requested waivers, images of proposed tower signs, and signage at the major and minor entranceways.

Christopher Hatton, Senior Vice-President of Kimley-Horn and Associates, Inc., being duly sworn, provided a presentation including consultant traffic safety concerns and possible solutions.

Ms. Willett-Grondin, being duly sworn, provided an overview of the petition including site zoning, future land use, proposed additions, requested waivers, consistency with the Unified Land Development Code (ULDC) and Comprehensive Plan, staff's request regarding the dedicated left turn lane on Sumter Boulevard, and Planning and Zoning Advisory Board (PZAB) and staff recommendations.

Ms. Bellia, being duly sworn, spoke to past issues with attempting to widen Sumter Boulevard at U.S. 41 and the previous Engineering Division Manager's recommendation to keep a raised median at the intersection.

Mr. Friedman, being duly sworn, spoke to the Traffic Engineering Consultant's points of concern with regard to the left turn lane on Sumter Boulevard.

Mr. Mathes provided a rebuttal including previously perceived support from City staff, an example of the proposed intersection in Sarasota, and the quality of the Cocoplum Waterway bridge.

Mr. Speake, being duly sworn, spoke to the results of the Traffic Engineer Consultant's review.

There was no public comment.

Commission questions took place regarding an aerial view of the proposed left turn lane, the distance between the entranceway at Wendy's on Sumter and the proposed entranceway, barriers being provided to stop left turns onto Sumter Boulevard, existing left turn lanes on U.S. 41 southbound, and Fire Rescue's standard conditions.

Ms. Taylor swore in Chief Titus.

Chief Titus, being duly sworn, spoke to the Fire Rescue standard conditions all developments are required to meet per City Code.

Commission questions continued regarding standard environmental conditions per City Code, widening the intersection and bridge in order to keep the left turn lane, recently obtained property connecting Sumter Boulevard to Salford Boulevard behind the shopping centers, traffic flow and control on North Sumter Boulevard, previously approved plans, sheet C103 not being a part of the overall plan, stormwater pond reference in sheet C100, existing retention ponds, buffers, and littoral zones.

Staff had no closing argument.

Mr. Mathes provided a closing argument including responding to the consultant report regarding the left turn lane addition on Sumter Boulevard.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Petition DMA-20-089 to include approval of waivers 1-4 and conditions 2-6 as presented in the staff report, including the addition of sheet C103 to be included on sheet C100, and find that based on the competent substantial evidence, the Cocoplum Village shops expansion plat meets the standards in Section 53-7 of the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177.

Discussion took place regarding subsequently shutting the left turn lane on Sumter Boulevard after installation, future plans to widen Sumter Boulevard and the Cocoplum Waterway Bridge, and restating the motion to include removing the left turn lane from the DMP.

Commissioner McDowell spoke to an error in the motion regarding the conditions.

Ms. Slayton spoke to referencing Florida Statutes Chapter 177 in the motion.

Commissioner McDowell withdrew her motion. Commissioner Luke withdrew her second.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Petition No. DMA-20-089 as presented with the below waivers and conditions, including the addition of sheet C103 to be included in sheet C100, and find that based on the competent substantial evidence, the Cocoplum Village shops expansion plat meets the standards in Section 53-7 of the Unified Land Development Code (ULDC).

Waivers:

- 1. This waiver request is to allow six (6) additional multi-tenant signs in the locations as shown on the development master plan and the accompanying sign plan.*
- 2. Regarding height of multi-tenant (freestanding) signs located on S. Sumter Blvd as shown on sign plan as A6 and B, and on Tamiami Trail (US-41) identified on sign plan as sign A4 and A5.*
- 3. Requested from Section 29-12 G. to allow wall signs on four (4) sides of the building tower located at the southeast corner of the shopping center. The signs shall comprise of the name of the shopping center. Each shopping center name sign is not to exceed 85 sq. ft.*
- 4. A waiver is requested from Section 29-12 G. to allow for one (1) tenant sign on each side of the tower located below the shopping center name sign. Tenant sign to be permitted for any tenant within the shopping center. Each tenant sign shall not exceed 40 sq. ft.*

Conditions:

- 1. Remove the dedicated south-bound left turn lane on Sumter Boulevard and revise DMA and the Traffic Impact Statement accordingly.*
- 2. Before FDEP permits will be signed, North Port Utilities requires the following:*
 - a. Four complete sets of DEP permit applications (water and sewer) and four sets of construction plans both sets of items shall be signed and sealed by the engineer of record.*
 - b. One engineer certified (sealed) estimate for the cost of utility construction.*
 - c. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction costs for projects \$0 to \$2 million, plus 2.5% of utility construction cost over \$2 million. The minimum fee is \$250.00.*
 - d. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval.*
- 3. Irrigation systems shall be designed and constructed to meet reuse standards.*
- 4. Prior to utility site construction the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting.*
- 5. A developer agreement shall be negotiated with the Utility Department and approved by the Utility Director and City Staff prior to DEP or DOH permits being signed and released.*
- 6. The stormwater management system design and floodplain impact/compensation analysis must meet all state and local regulations in the later infrastructure (INF) application.*

Discussion took place regarding conflicting traffic analyses, developers' participation in widening Cocoplum Waterway Bridge, allowing the developer to proceed with installing the left turn lane on Sumter Boulevard, current traffic flow at the intersection of Sumter Boulevard and U.S. 41, installing a pedestrian bridge, traffic flow concerns on U.S. 41

without the left turn lane on Sumter Boulevard, and shortening the existing stacking lanes on Sumter Boulevard.

The motion carried on the following vote:

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

No: 1 - Mayor Emrich

Mayor Emrich dissented due to being in favor of the left turn lane installation on Sumter Boulevard.

Discussion took place regarding continuing Item No. 22-2017 to the March 3, 2022 meeting.

Recess was taken from 9:05 p.m. until 9:20 p.m.

Discussion took place regarding possible reordering of the agenda.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to reorder the Agenda to address Item No. 22-2220, Resolution No. 2022-R-11, and Resolution No. 2022-R-12 at this time. The motion carried on the following vote:

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

7. GENERAL BUSINESS:

D. [22-2220](#) Discussion and Possible Action Regarding Possible Changes to June 2022 Commission Meeting Dates.

Mayor Emrich announced the item.

Ms. Taylor introduced the item.

There was no discussion.

There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to reschedule the June 21, 2022 District Meetings and Commissioner Regular Meeting to June 28, 2022. The motion carried on the following vote:

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

RESOLUTION:

C. [RES. NO. 2022-R-11](#) A Resolution of the City Commission of the City of North Port, Florida, Amending City Commission Policy No. 2021-05 Related to Commission Meeting Schedules, Notices, and Agendas; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by

title only.

Ms. Taylor read the Resolution by title only.

Discussion took place regarding Section II.C(d) pertaining to scrivener's errors being corrected and reflected on agendas, Section II.C(d)3(d)(2) pertaining to Ordinances being read, and adding language to Section II.C(d)3(c)(2)i regarding "every effort should be made".

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve Resolution No. 2022-R-11 as amended to add language to Section II.C(d)3(c)(2)i regarding "every effort should be made possible to submit an e-mail to the City Manager to request a Consent Agenda item be pulled for discussion". The motion carried on the following vote:

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

D. [RES. NO. 2022-R-12](#)

A Resolution of the City Commission of the City of North Port, Florida, Supporting the Continuation of the One Percent Local Government Infrastructure Surtax and Adopting the City of North Port Project List for Infrastructure Surtax Years 2025 - 2039 Infrastructure Surtax Proceeds; Providing for Incorporation of Recitals; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Mayor Emrich announced the item and directed the City Clerk to read the Resolution by title only.

Ms. Taylor read the Resolution by title only.

Mr. Fletcher introduced the item.

There was no Commission discussion.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Resolution No. 2022-R-12 as presented. The motion carried on the following vote:

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

ORDINANCE - Second Reading:

B. [ORD. NO. 2021-46](#)

An Ordinance of the City of North Port, Florida, Regarding Tree Regulations and Enforcement; Repealing and Replacing Unified Land Development Code Chapter 45 – Tree Protection Regulations; Amending Unified Land Development Code Sections 21-7 and 21-9 Relating to

Landscaping Regulations; Amending Unified Land Development Code Sections 53-171, 53-182, and 53-216 Relating to Zoning Regulations in the RMH Residential Manufactured Home, NC Neighborhood Commercial, and Village District; Amending Unified Land Development Code Section 61-3 – Definitions; Amending the Code of the City of North Port, Florida, Section 2-511 Relating to Code Enforcement Fines; Amending the Code of the City of North Port, Florida, Appendix A – City Fee Structure Relating to Planning and Zoning Fees for Tree Removal; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

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

Ms. Taylor read the Ordinance by title only.

Mr. Fletcher introduced the item.

Discussion took place regarding protected trees being designated on the tree survey, property owners not being required to obtain tree removal permits once the Certificate of Occupancy (CO) is established, line 854 regarding tree survival, enforcing a period of time once a CO is established to continue requiring a tree removal permit, and adding "planted" to line 857.

There was consensus to add the word "planted" to Line 857.

Discussion continued regarding line 333 pertaining to "all existing trees" and replacing "all existing trees" to the language in line 315 stating "trees eligible for mitigation and/or conservation".

There was consensus to reword line 333, striking "all existing trees" and adding "all trees eligible for mitigation and/or conservation on undeveloped lots".

Discussion took place regarding line 306 pertaining to fines imposed for an after-the-fact permit, fines being restricted as per Statue Statute, fines outlined beginning at line 1348, and second reading edition missing subsection E in Section 1.03 from the first reading edition.

There was consensus to add Subsection 1.03E to the second reading Ordinance at line 132.

Discussion continued regarding line 197 pertaining to differences between tree removal and land clearing.

Ms. Ray and Mr. Raducci provided clarification regarding tree removal and land clearing.

Discussion continued regarding removing street trees without a permit in line 282 and street trees accounting for canopy coverage.

Ms. Ray explained pruning and maintaining trees, and stated a descriptor can be added to the Ordinance regarding pruning and maintenance.

There was consensus to add to line 282 "tree pruning and maintenance consists of the trimming and care of the tree to maintain or restore the health of the tree and to prevent and/or cure disease and does not include removal of the tree".

Discussion continued regarding rewording language in lines 905-907 and lines 1295-1296

to state, "and a scrub oak located in a North Port scrub-jay designated zone with a diameter at breast height (DBH) of 2 inches or greater".

There was consensus to reword the language in lines 905-907 and lines 1295-1296 to state, "and a scrub oak located in a North Port scrub-jay designated zone with a DBH of 2 inches or greater".

Discussion continued regarding language preference in line 1269 and line 425.

Ms. Bellia spoke to a conference held with citizens regarding scrub-jay nesting season, and stated the City's scrub-jay map will be updated according to the U.S. Fish and Wildlife Services (FWS) map, a legal opinion request was submitted to the City Attorney's Office to allow the City to refuse building permits on the identified scrub-jay designated lots between March 1 - June 30, and all surveys would be placed on hold during the 90-day nesting season.

Discussion continued regarding tree islands being place in the landscape section of the Unified Land Development Code (ULDC), language pertaining to clearing to the water's edge beginning at line 1023, and rewording line 302 striking "all persons" and adding "undeveloped property".

Ms. Bramble provided language to be added to line 299.

Discussion continued regarding limiting mitigation to be within one year of CO.

There was consensus to add the following to line 299:

K. Certain Residential Lots. The prohibitions in Section 45-3(A) shall not apply to owner occupied residential lots of five acres or smaller, after one year has passed since a certificate of occupancy has been issued for the residential dwelling(s) on that lot. For owner-occupied residential lots larger than five acres, no tree removal permit is required where the tree is located within 150 feet of the residential dwelling after one year has passed since a certificate of occupancy has been issued for the residential dwelling(s) on that lot. This exemption shall not apply to the following:

- (1) Conservation or preservation areas.***
- (2) Trees that received credit for conservation pursuant to a tree removal permit.***
- (3) Trees that are part of an approved landscape plan.***
- (4) Where the residential dwelling is to be demolished and reconstructed.***
- (5) Any heritage tree on any property.***
- (6) Areas within the Myakka River Protection Zone, except on lots that are a minimum of 2,200 feet from the bank of the main stem of the Myakka River. On those lots, no tree removal permit is required for tree removal or irreparable injury landward of the watercourse buffer.***
- (7) Trees within a Canopy Road Zone (CRZ).***

Discussion continued regarding homeowners being responsible for obtaining permits for trees that received conservation credits regardless of the CO date, and pulling language from the Ordinance pertaining to the exemption not applying to trees that received conservation.

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

Debbie Blanco: supports updating the Tree Ordinance and her e-mail to Commission

David Ianotti: supports updating the Tree Ordinance, protecting the environment, and supports designating slash pines as heritage trees

Patrice Metz: supports updating the Tree Ordinance and enforcing stricter tree removal policies

Mayor Emrich closed the public hearing and requested a motion.

Discussion continued regarding bringing the Ordinance back for a third reading.

Ms. Ray spoke to striking "major medium" and replacing it with "intermediate" in line 980.

There was consensus to change line 980 from "Any major medium" to "Any intermediate".

Ms. Ray spoke to the significant changes being made to the Ordinance, and requested a 90-day deadline delay to allow for staff preparedness.

Discussion took place regarding challenges including educating the community regarding the new language and resubmitting permits to align with the new Ordinance.

Vice Mayor Langdon called point of order.

Discussion continued regarding issues surrounding the 90-day delay request, notifying the developers of the changes to the Ordinance, reducing the delay to 45 days, and educating the community within the first 15 days of the Ordinance being approved.

A motion was made by Commissioner McDowell, seconded by Commissioner White, to change the effective date in line 1400 to state "This Ordinance takes affect 45 calendar days from approval".

Discussion took place regarding staff being provided the 45-day delay regarding the effective date.

The motion carried on the following vote:

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

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2021-46 including all consensuses and motions given. The motion carried on the following vote:

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

7. GENERAL BUSINESS continued

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to continue Item Nos. 22-2017, 22-2042, and 22-2053 to the March 3, 2022 Commission meeting at a time to be determined by the City Manager. The motion carried on the following vote:

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

A. [22-2017](#) Discussion and Possible Action Regarding the Comparison List of All Non-Profit Public Leases; for Updating the City Fee Structure to Include

Rates for Public Leases; and for Review of Potential Leasing Policy Points in the Facility Rental Plan

This item was continued to the March 3, 2022 Commission meeting.

- B. [22-2042](#) Discussion and Possible Action to Create a Maintenance and Renovation Account for Facilities and Building Maintenance.

This item was continued to the March 3, 2022 Commission meeting.

- C. [22-2053](#) Discussion and Possible Action on the Historic and Cultural Advisory Board Recommendation to Develop Plans Pertaining to the Documentation of the Turpentine Docks and the Railroad Bed within the City of North Port

This item was continued to the March 3, 2022 Commission meeting.

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner McDowell opted to report her communications at the next meeting.

Commissioner White opted to report her communications at the next meeting.

Mayor Emrich opted to report his communication at the next meeting.

Vice Mayor Langdon reported that she will be unable to attend the National League of Cities conference and requested communicating the urgency of affordable and workforce housing to Congressman Steube, and inquire about initiatives and policies in progress regarding housing issues.

Discussion took place regarding Commission reaching out to Congressman Steube and Senators Scott and Rubio to discuss workforce and affordable housing options.

Commissioner Luke opted to report her communications at the next meeting.

10. ADMINISTRATIVE AND LEGAL REPORTS:

- A. [22-2267](#) City Attorney Report
Ms. Slayton did not have a report.
- B. [22-2279](#) City Manager Report
Mr. Fletcher did not have a report.
- C. [22-2287](#) City Clerk Monthly Status Report
Ms. Taylor did not have a report.

11. ADJOURNMENT:

Mayor Emrich adjourned the meeting at 11:00 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__.