



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft City Commission Workshop

Tuesday, September 17, 2019

9:00 AM

CITY COMMISSION CHAMBERS

CALL TO ORDER

Mayor Hanks called the meeting to order at 9:02 a.m.

ROLL CALL

Present: 5 - Mayor Christopher Hanks, Vice Mayor Debbie McDowell, Commissioner Jill Luke, Commissioner Pete Emrich and Commissioner Vanessa Carusone

Also Present:

City Manager Peter Lear, City Attorney Amber Slayton, Police Chief Todd Garrison, Fire Chief Scott Titus, Neighborhood Development Director Frank Miles, Planning Division Manager Nichole Galehouse, Senior Planner Heather Hansen, City Arborist David Jayroe, Public Works Director Julie Bellia, Deputy City Clerk Heather Taylor and Recording Secretary Ida Goodman.

The Pledge of Allegiance was led by the Commissioner Luke.

1. PUBLIC COMMENT:

Alice white - tree mitigation and tree protection.

2. GENERAL BUSINESS:

- A. [19-0962](#) Follow-up Discussion on the City's Tree Protection Regulations Based on Commission Direction Given at the July 11, 2019 Meeting (TXT-19-001)

Mr. Lear introduced the item.

Mr. Miles spoke to Tree Ordinances of other communities, input from the City Commission and information of others.

Ms. Hansen reviewed previous Commission direction including a review of the tree list.

Discussion ensued regarding reviewing the tree list and providing recommendations to the consultant.

There was a consensus for the City Arborist to review the tree list and provide recommendations to the consultant for the re-write of the Unified Land Development Code.

Discussion continued regarding the 35% tree canopy at maturity and point system for tree maturity, development tree requirements, green space, process for tree inspections, location and enforcement of required plantings on limited size lots, tree protections at time of maturity, establishing penalties for violating requirements and clear cutting

regulations, incentives, options for the types of tree required to be planted, changing the diameter requirement, development tree requirements due to a natural disaster or availability, potential legal issues with holding developers accountable prior to obtaining a Certificate of Occupancy, substituting tree size with number of trees, tree mitigation, stricter violation fines, clear cutting penalties, and Sarasota County enforcement of violations.

There was a consensus to change the size of tree to 3 inches but allowing multiple trees to equal that size.

There was a consensus to develop tree incentives to be provided to the Commission during the Unified Land Development Code rewrite.

Discussion continued regarding point system to determine tree maturity per lot.

There was a consensus to require 35% canopy at maturity.

Discussion continued regarding stricter fines for land clearing without permitting, Sarasota County penalty for clear cutting without permits and current language in the Code authorizing Code Enforcement Officers to institute violations for tree clearing.

Ms. Slayton clarified the need to define what constitutes a violation in the Ordinance.

Discussion continued regarding defining violations, fines and definition of heritage trees, and square footage language.

There was a consensus to change the fine for clear cutting without a permit to \$3,750.00 per 2,500 square feet.

Discussion continued regarding defining clear cutting, cutting and use of machinery for clear cutting.

There was a consensus to utilize the language "the removal of trees and brush from the land not including hand clearing".

Discussion continued on language regarding right-of-ways, differentiating with drainage and without drainage.

Ms. Bellia spoke to open swale drainage systems, spacing criteria for closed drainage systems, street tree placement, root systems of trees, line of sight issues, and responded to Commission questions regarding root barriers.

Discussion continued regarding language that addresses plantings in the right-of-way which reflects "will not obstruct drainage or line of sight", allowing private citizens to plant in right-of-ways, liability on the City for maintenance, future sidewalk plans and City's ability to plant in right-of-ways.

There was a consensus that private citizens may not plant in the City's right-of-ways.

Discussion followed regarding Community Development District (CDD) and Homeowners Association (HOA) which are not exempt from the Tree Ordinance and adding separate stand alone language in the exempt section of the Ordinance to address CDD and HOA requirements.

There was a consensus for Community Development Districts and Homeowner Associations to have their own stand alone section in the Ordinance under exemptions.

Discussion continued regarding Sarasota County counting palms as trees, previous

direction regarding a cluster of 3 or more palm trees counting in the calculation of the canopy requirement, current Code addressing Administrative Variances and developing language to give City authority to allow a variance to the 25 ft. setback requirement and granting an exemption.

There was a consensus to include language to allow for administrative modifications under certain circumstances to the 25 ft. setback requirement with the language being clear and reviewed by the consultant.

Discussion continued regarding keeping native tree requirement of 50%, compromising to make 35% native and incentive to plant native trees.

There was a consensus to provide incentives for planting native trees.

Discussion continued regarding bonding after a natural disaster, process for bonding, protection for large commercial and infrastructure for single family home projects, including a definite timeline for replacement of trees, impact on staffing to monitor bonds, and choosing an alternate tree to conform to a 1 year timeline when the desired tree is unavailable.

There was a consensus to include a 1 year timeline for the refund of the tree bond for the replacement of trees following a natural disaster and choosing an alternate tree from the tree list to conform to the 1 year timeline when the desired tree is unavailable.

Discussion continued regarding Sarasota County's provision for tree banking, transplanting program and the School Board utilizing removed trees, transplanting trees within a commercial development and restructuring the regulation to allow a developer to relocate trees, and mitigation fees.

There was a consensus to add language to allow applicants the ability to relocate trees on property to avoid mitigation fees.

Discussion continued on donating trees as an incentive, agricultural use of properties and tree farms, agricultural exemptions for tree permit requirements, commercial gardens, best management practices, lowering Diameter, Breast, Height (DBH) in conjunction with the combined method regarding heritage tree, heritage tree classification, mitigation fees for non-heritage trees, and Sarasota County Tree replacement policy.

Mr. Jayroe clarified the process for single lot and commercial properties land clearing permits.

Discussion continued regarding current permitting fees for tree mitigation and proposed mitigation fees for the recommended DBH and mitigation fees for trees not reaching the heritage tree status, tree DBH point system, and clarification of the "footprint" of a property.

Recess was taken from 11:04 a.m. until 11:22 a.m. Upon reconvening, Vice-Mayor McDowell took the gavel in Mayor Hanks' absence.

Discussion followed regarding DBH for pine trees, moving pine trees down on the tree list and creating a special designation for pine trees.

There was a consensus for the City Arborist to review the listings in schedule A to ensure the trees listed are at maturity with the Heritage Tree designation.

There was a consensus to include the mitigation of the footprint as stated in the Sarasota County Ordinance.

Discussion continued regarding tree clearing permitting fees for areas greater than 10,000 sq. ft.

There was a consensus to make the tree clearing permit per 2,500 square feet.

Discussion continued regarding determining fee for staff work and labor, application for land clearing permit fees, and City Manager providing memo on staff labor and recalculating commercial fees.

There was a consensus for the City Manager to provide a memorandum regarding the cost for the City Arborist and environmentalist time and labor in the residential and commercial development packet.

Vice-Mayor McDowell returned the gavel to Mayor Hanks at 11:44 a.m.

Further discussion took place regarding review of former City arborist Ryan Pieper's recommendations including the different departments working together to develop best management practices in preserving trees, increasing the survivability and ensuring the tree canopy on City owned property.

There was a consensus for departments to work together to develop best management practice for planting and preserving trees.

Discussion continued regarding Mr. Pieper's recommendation to provide more emphasis on planting and preserving native trees on City owned property, the possibility of planting fruit trees, and limiting the planting of fruit trees on City property to the Garden of Five Senses.

There was a consensus to provide more emphasis on planting and preserving native trees on City owned property.

Discussion continued regarding environmental assessments for residential lots and requiring a third party to do the assessments, the cost for a third party assessment, and the number of lots which could be impacted by environmental issues.

Ms. Bellia clarified that both the Neighborhood Development Services and Public Works work together in environmental assessments of the gopher tortoise and possible litigation issues with staff performing the assessments and noted that it would be more efficient to require a third party assessment and staff reviewing and inspecting.

There was a consensus for staff to compare the cost of staff and third party performing environmental assessments.

Discussion continued regarding tree cutting during nesting season, endangered species and nesting habitats, and silk fence barriers.

There was a consensus to leave verbiage in to be covered by environmental assessments.

There was a consensus to include language regarding invasive species, removing the last clause and developing language to eradicate.

Public comment:

Chuck English: DBH, palms and environmental surveys.

Allain Hale, avoiding clear cutting.

Recess was taken from 12:30 p.m. to 1:32 p.m.

B. [19-0981](#) Discussion Regarding Criteria for Redefining the City's Neighborhoods as Adopted in the Comprehensive Plan

Mr. Miles spoke to the item to include prior Commission discussion.

Ms. Galehouse provided a presentation including history on neighborhood theory, current neighborhoods, updating the Comprehensive Plan regarding defined neighborhoods based on 1/4 and 1/2 mile connectivity radius, next steps and responded to Commission questions regarding utilizing commercial neighborhood areas as a focal area, and the need to update the comprehensive plan maps to match numbers listed.

Discussion ensued regarding pocket park plan, donated parcel usage, benefits of putting parks next to schools or neighborhood commercial areas, neighborhood connectivity and mobility study, community driven defined neighborhoods and purpose of the City defining neighborhoods, the City's activity centers and defined districts, time frame for a strategy plan for defining neighborhoods, 72 defined neighborhoods as reflected in the the updated 2016 map and copies of the previous defined neighborhood map, and GIS North Port Parks mapping.

Subsequent to a request for a consensus for the City Manager to provide Commission an updated map reflecting City owned properties, Mr. Lear informed the Commission of the current project to update maps.

Discussion ensued regarding delaying a map being provided until after further discussion in December, tying into Community Planning Month.

There was a consensus for staff to provide Commission with the appropriate backup material in advance to enable appropriate discussions in December on the subject.

C. [19-0996](#) Discussion Regarding Neighborhood Commercial Zoning District

Mr. Miles introduced the item.

Ms. Galehouse provided a presentation regarding Neighborhood Commercial Development.

Discussion ensued regarding the process for determining neighborhood commercial zoning, permitting micro-breweries, focusing on types and permitting for small businesses, average size and intent of neighborhood commercial parcels, definition of a brewery, re-evaluation of neighborhood commercial zoning, the design of development of a neighborhood commercial property, current neighborhood commercial restrictions, considering the capacity of a neighborhood for the development of neighborhood commercial and current restrictions, market driven neighborhood commercial development, prohibited neighborhood commercial developments and special exceptions, determining the neighborhood commercial development based size and neighborhood input, and designation between high and low density commercial development.

Public comment was held:

Justin Willis -restricting Zoning districts and public input

Discussion ensued regarding prohibited businesses in neighborhood commercial, two (2) phased approach regarding moving forward, defining patterns as opposed to design standards in reference to neighborhood commercial developments, and current design

standards for commercial developments.

There was a consensus for Neighborhood Development Services to bring back to the Commission information regarding a two (2) step process for the development of Neighborhood Commercial Development requirements.

D. [19-1015](#) Discussion and Development of Topics for the West Villages Town Hall Meeting in November.

Mr. Lear introduced the item and reviewed a list of suggested topics.

Discussion ensued regarding topics for the West Villages meeting including the history and growth of North Port and West Villages, clarification on the transportation, infrastructure and development of the Water and Wastewater Treatment plant, CDD fees, discussion on the scheduling and methodology of providing presentations from all Departments, presentation regarding Warm Mineral Springs and the Aquatic Center, timeline for Department discussions, date of the West Villages meeting, and providing an overview of the presentation of North Port available prior to the start of the meeting,

E. [19-0968](#) Discussion Regarding Commission Conduct during Commission Meetings

Mr. Lear introduced the item and provided an overview.

Discussion ensued regarding the Commission handbook regarding rules of decorum determined by the Mayor, utilization of Parliamentary Procedures, a Resolution defining how a meeting is conducted and Commission policy, modifying the Resolution when a new Mayor is appointed with Commission approval, evolving into the Mayor role, members of the Commission conducting themselves in an acceptable atmosphere, ending a meeting when a hostile environment evolves during a meeting, and direction of the Mayor regarding how to conduct a meeting.

There was a consensus to direct staff to develop a policy to be brought back to Commission and to repeal from the Code.

F. [19-0970](#) Discussion Regarding how the Mayor Communicates Meeting Procedure Changes

Discussion ensued regarding bringing back information to discuss the development of a Resolution, taking Commission direction out of the Code, and including in a Resolution following Roberts Rules of Order.

Mr. Lear agreed to provide a draft Resolution for Commission review and input.

3. PUBLIC COMMENT:

There was no public comment.

4. COMMISSION COMMUNICATIONS:

Commissioner Luke reported that there is expected to be several protesters attending the September 19, 2019 Commission Special Meeting.

5. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative and Legal Reports.

6. ADJOURNMENT:

Mayor Hanks adjourned the 3:56 p.m. Regular Meeting at

City of North Port, Florida
As the Governing Body

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Heather Taylor, Interim City Clerk

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