



# 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, January 11, 2022

10:00 AM

City Commission Chambers

---

### CALL TO ORDER

Mayor Emrich called the meeting to order at 10:00 am.

### 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, Assistant City Clerk Adrian Jianelli, Recording Secretary Amanda Baker, Fire Division Chief Nick Herlihy, Deputy Police Chief Chris Morales, Interim Utilities Director Michael Vuolo, Interim Planning and Zoning Director Alison Christie, Planner III Rhea Lopes, Zoning Coordinator Sherry Willette-Grondin, Acting Public Works Director Chuck Speake, Project Manager Monica Bramble, Assistant City Attorney Michael Golen, Assistant City Manager Julie Bellia, Arborist David Jayroe, Neighborhood Development Services (NDS) Director Alaina Ray, NDS Assistant Director Derek Applegate, Finance Director Kimberly Williams, Market Research Analyst Randy Bowling, and Code Enforcement Director Kevin Raducci

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Attorney Amber Slayton.

### 1. APPROVAL OF AGENDA

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

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

**2. PUBLIC COMMENT:**

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

David Ianotti - supports the tree ordinance and greater tree measures

Debra Mays - supports the tree ordinance and greater tree measures

Barbara Lockhart - supports the tree ordinance and greater tree measures

PUBLIC COMMENT:

Brenda Farley: concerns regarding enforcing illegal vehicle parking on private lots

Jeffrey Scott: Covid crisis

Valdy Olender: separation of power, Charter Officers' oath of office, duties of City Attorney, and City Charter

William English: State Statute allowing tree removals

**3. ANNOUNCEMENTS**

- A. [22-2049](#) Current Vacancies and Upcoming Expirations for Boards and Committees

Ms. Jianelli read the announcements into the record.

**4. CONSENT AGENDA:**

Mayor Emrich announced the item.

Mr. Fletcher noted no items were pulled.

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

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

- A. [21-1966](#) Approve the United States Marshals Service Fugitive Task Force Memorandum of Understanding for Non-Federal Agencies between the North Port Police Department and the United States Marshals Service for joint law enforcement operations.

***This item was approved on the Consent Agenda.***

- B. [22-1975](#) Approve Acceptance of the Community Grant from the Walmart Foundation in the Amount of \$3,750 to be Used for Shop with a Cop and Home for the Holidays Programs

***This item was approved on the Consent Agenda.***

- C. [CC](#)  
[CTA-21-349](#) Approve Consent by the City of North Port, Florida to the Acquisition of Real Property by the West Villages Improvement District for Tracts 500, 501, and 701 of the Plat of Tortuga.
- This item was approved on the Consent Agenda.*
- D. [22-2018](#) Approve the License Agreement for Use of the Wellen Park Public Safety Building Garage Entered into Between Mainstreet Ranchlands, LLLP and Wellen Park Construction, LLLP, and City of North Port.
- This item was approved on the Consent Agenda.*
- E. [22-2020](#) Approve the Interagency Agreement made and entered into, by the Miami Beach Police Department, hereafter referred to as the “Host Agency” and the City of North Port, Florida on behalf of the North Port Police Department for access to the Florida Department of Law Enforcement “Hot List” from the Vigilant License Plate Reader (LPR) Server, as well as Detection Data from the Host Agency.
- This item was approved on the Consent Agenda.*
- F. [22-2038](#) Approve Work Assignment 2022-01 with CHA Consulting, Inc., Formerly Reiss Engineering, Inc., for \$127,657.00, for the Water Distribution System Improvements Project
- This item was approved on the Consent Agenda.*
- G. [22-2043](#) Approve the Award of Funds from the Special Event Assistance Program to the Environmental Conservancy of North Port to Cover the Costs of City Fees and/or Resources Associated with the February 19, 2022, Race to Conserve 5k Run/1k Walk Event.
- This item was approved on the Consent Agenda.*
- H. [22-2028](#) Accept the Cash Receipts Summary Report for November 2021
- This item was approved on the Consent Agenda.*
- I. [22-2031](#) Approval of Richard P. Gortz as the Public Relations Representative on the Community Economic Development Advisory Board, to serve a two-year term from January 11, 2022 to January 11, 2024.
- This item was approved on the Consent Agenda.*
- J. [22-2032](#) Approval of Carolann Palm-Abramoff and Phillip Ludos as Regular Members on the Planning and Zoning Advisory Board, Each to Serve a Four-Year Term from January 11, 2022 to January 11, 2026.
- This item was approved on the Consent Agenda.*

- K. [22-2007](#) Approval of Minutes for the November 23, 2021 Commission Regular Meeting, December 2, 2021 Commission Special Meeting, December 2, 2021 Commission Regular Meeting, December 6, 7, and 8, 2021 Commission Workshops, and December 14, 2021 Commission Regular Meeting

*This item was approved on the Consent Agenda.*

## **5. PRESENTATIONS: TIME LIMIT OF 15 MINUTES**

- A. [22-2073](#) Utilities Department Annual Update to Commission

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Mr. Vuolo provided a presentation including department divisions, 2021 accomplishments, growth in the community as of 2020, infrastructure, inflow and infiltration (I&I), awards and presentations, Wyland National Mayors' Challenge for Water Conservation first place winner, completed projects, grants received, ongoing projects, and planned projects.

Discussion took place regarding the San Mateo project, the deep injection well at the wastewater facilities, advanced water treatment (AWT) study, construction timeline for the water/sewer conversion projects at I-75 and Toledo Blade/Sumter Boulevard interchanges, and design plans for the I-75 and Toledo Blade/Sumter Boulevard widening projects.

## **6. PUBLIC HEARINGS:**

### **PETITIONS:**

- A. [CC](#)  
[DMP-21-246](#) Development Master Plan, Arbor Park, DMP-21-246 located on Citizens Parkway (QUASI-JUDICIAL)

Mayor Emrich announced the item, stated this is a quasi-judicial hearing, and opened the public hearing.

Ms. Jianelli read the Petition title and swore in those wishing to provide testimony.

Commissioner McDowell disclosed requesting the traffic impact statement, and stated her last name is not affiliated with the Applicant, McDowell Housing Partners.

Commissioner White, Vice Mayor Langdon, and Mayor Emrich had no ex-parte communications.

Commissioner Luke disclosed receiving the traffic impact statement and one question in the agenda briefing regarding the two parties.

Ms. Jianelli noted there were no aggrieved parties.

Daniel Lopez and Bill Zunamon, Development Managers for Arbor Park with McDowell Housing Partners, being duly sworn, provided a presentation including the company's

background, elevations, proposed units, access points, site location, amenities, site acreage, proposed demographic, proposed construction timeline, construction materials, community impact, and traffic flow impact.

Ms. Christie, being duly sworn, provided a presentation including proposed and future land use, proposed units, site size, amenities, access points, noticing requirements, consistency with Unified Land Development Code (ULDC) and Comprehensive Plan, and Staff and Planning and Zoning Advisory Board (PZAB) recommendations.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions took place regarding future development plans, green space on the property, environmental survey, buffer location, fencing, contribution requirement, timeline of the development being under affordable housing, company having control of the entire parcel, conditions pertaining to fire and solid waste, targeted income restrictions, if age restriction is a requirement, traffic impact, and commercial development for the remainder of the parcel.

There were no closing arguments by Staff or the Applicant.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner Luke, seconded by Commission McDowell, to approve DMP-21-246 as presented with the following conditions and find that based on the competent substantial evidence, the Development Master Plan meets the standards in Section 53-7 of the Unified Land Development Code.***

***1: Before Florida Department of Environmental Protection (FDEP) permits will be signed, North Port Utilities requires the following:***

***a. Four complete sets of FDEP 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.***

***2. 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.***

***The motion carried on the following vote:***

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

**B. [CC](#)  
[PLF-21-276](#)**

Consideration of Petition No. PLF-21-276, Cedar Grove Phase 2B Final Plat (QUASI-JUDICIAL)

Mayor Emrich announced the item, stated this is a quasi-judicial hearing, and opened the public hearing.

Ms. Jianelli read the Petition title and swore in those wishing to provide testimony.

Commissioner McDowell disclosed requesting a site map of the surrounding subdivisions.

Commissioner White disclosed reviewing the site map of the surrounding subdivisions.

Commissioner Luke disclosed reviewing the site map of the surrounding subdivisions.

Vice Mayor Langdon disclosed reviewing the site map of the surrounding subdivisions.

Mayor Emrich had no ex-parte communications.

Strickland Smith, representing Heidt Design on behalf of Centex Homes, being duly sworn, presented a review of the petition including number of single-family units, plat location, review and approval by City staff, the City Surveyor, and the City Attorney, surety bond, and Planning and Zoning Advisory Board (PZAB) recommendation.

Ms. Lopes, being duly sworn, provided an overview of staff's findings including size and location of the plat, surety bond being obtained, review and approval by the City Surveyor, and staff and PZAB recommendations.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions took place regarding one access point.

There was no closing argument by Staff.

Mr. Smith provided closing arguments regarding a secondary emergency access point located at the front of the Cedar Grove neighborhood.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to approve Petition No. PLF-21-276 as presented and find that, based on the competent substantial evidence, the Cedar Grove Phase 2B final plat complies with the Unified Land Development Code (ULDC) and Florida Statutes Chapter 177. The motion carried on the following vote:***

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

## **ORDINANCES - First Reading:**

- C. [ORD. NO. 2021-45](#) An Ordinance of the City of North Port, Florida, Relating to the Submission Deadline for Special Event Permit Application; Amending the Unified Land Development Code of the City of North Port, Florida, Section 53-265-Temporary Uses and Special Events; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing and Effective Date.

Mayor Emrich announced the item and requested motion for the Assistant City Clerk to read the Ordinance by title only.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to direct the Assistant City Clerk to read the Ordinance by title only. The motion carried on the following vote:***

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

Ms. Jianelli read the Ordinance by title only.

Ms. Willette-Grondin provided a presentation including amending the special event permit application deadline from 60 days to 30 days prior to the event and spoke to the Unified Land Development Code (ULDC) amendment process.

There was no public comment.

There was no Commission discussion.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner McDowell, seconded by Vice Mayor Langdon, to continue Ordinance No. 2021-45 to a second reading on January 25, 2022.***

Discussion took place regarding amending the permit application to reflect the new deadline.

***The motion carried on the following vote:***

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

Discussion took place regarding hearing Resolution No. 2022-R-01, Resolution No. 2022-R-02, and Ordinance No. 2022-01 prior to Ordinance No. 2022-46.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to hear Resolution No. 2022-R-01, Resolution No. 2022-R-02, and Ordinance No. 2022-01 prior to Ordinance No. 2021-46. The motion carried on the following vote:***

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

## **RESOLUTIONS - Only One Reading:**

- G.** [RES. NO. 2022-R-01](#) A Resolution of the City of North Port, Florida, Vacating a Portion of the Maintenance Easement for Lot 28, Block 1570, Thirty Second Addition to Port Charlotte Subdivision; Providing for Findings; Providing for Recording; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. (QUASI-JUDICIAL)

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

Ms. Jianelli read the Resolution by title only and swore in those wishing to provide testimony.

There were no ex-parte communications.

Ms. Jianelli noted there were no aggrieved parties.

Alexander Bogden, Applicant, being duly sworn, provided an overview of the request including proposed land use, approval from all applicable utilities entities, and Planning and Zoning Advisory Board (PZAB) recommendations

Ms. Willette-Grondin, being duly sworn, provided a presentation including a sketch design of the lot, proposed land use, approval from all applicable utilities entities, conditions met, noticing requirements, legal review, and Staff and PZAB recommendations.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions took place regarding the purpose of the easement, future abutting land use, easement location, responsibility of the maintenance easement, and whether the vacation will affect easement maintenance.

Ms. Jianelli swore in Mr. Speake, Interim Public Works Director.

Mr. Speake, being duly sworn, spoke to the maintenance process of the utility and drainage easement.

Commission questions ensued regarding the property line, whether the pool is included in the house setback, if the pool will encroach into the easement, and land vegetation.

Discussion took place regarding the necessity of easements being 20 feet wide.

There were no closing arguments by Staff or the Applicant.

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-01 as presented. The motion carried on the following vote:***

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

- H.** [RES. NO. 2022-R-02](#) A Resolution Of The City Of North Port, Florida, Vacating A Portion Of The Maintenance Easement For Lot 10, Block 1580, 32nd Addition To Port Charlotte Subdivision; Providing For Findings; Providing For Recording; Providing For Conflicts; Providing For Severability; And Providing An Effective Date. (QUASI-JUDICIAL)

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

Ms. Jianelli read the Resolution by title only and swore in those wishing to provide testimony.

There were no ex-parte communications.

Ms. Jianelli noted there were no aggrieved parties.

Jason Tari, on behalf of C & J Investments of North Port, LLC, being duly sworn, provided an overview of the request including proposed land use, approval from all applicable utilities entities, and Planning and Zoning Advisory Board (PZAB) recommendations.

Ms. Willette-Grondin, being duly sworn, provided a presentation including an aerial map and sketch design of the lot, proposed and future land use, approval from all applicable utilities entities, conditions met, noticing requirements, legal review, and Staff and PZAB recommendations.

There were no rebuttals by the Applicant or Staff.

There was no public comment.

Commission questions took place regarding the placement of the property line, requested easement footage, and lot coverage.

There were no closing arguments by Staff or the Applicant.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner Luke, seconded by Commissioner McDowell, to approve Resolution No. 2022-R-02 as presented. The motion carried on the following vote:***

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

#### **ORDINANCES - First Reading (continued):**

- E. [ORD. NO. 2022-01](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code, Section 13-11, Regarding Criteria for Granting Permits for Single-Family Boat Docks; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Mayor Emrich announced the item and requested a motion to direct the Assistant City Clerk to read the Ordinance by title only.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the Assistant City Clerk to read the Ordinance by title only. The motion carried on the following vote:***

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

Ms. Jianelli read the Ordinance by title only.

Mr. Fletcher introduced the item.

Ms. Lopes provided a presentation including the background, staff determinations, current code, proposed amendment, application, Comprehensive Plan and Unified Land Development Code (ULDC) consistencies, text amendment, Staff review and advertising, legal review, and Staff and Planning and Zoning Advisory Board (PZAB) recommendation.

Commission questions took place regarding minimum clearance from center of waterway

and updating the diagram.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to continue Ordinance No. 2022-01 to second reading on January 25, 2022.***

Discussion took place regarding amending the motion to include updating the diagram.

***A motion to amend was made by Commissioner McDowell, seconded by Commissioner Luke, to add "and direct staff to update the diagram, moving minimum 25 foot to the right of the boat". The motion to amend carried on the following vote:***

**Yes:** 4 - Mayor Emrich, Commissioner Luke, Commissioner White and Commissioner McDowell

**No:** 1 - Vice Mayor Langdon

Vice Mayor Langdon dissented due to staff committing to updating the diagram prior to second reading.

***The main motion as amended carried on the following vote:***

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

Recess was taken from 12:20 p.m. until 1:00 p.m.

**D.** [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 requested a motion to direct the Assistant City Clerk to read the Ordinance by title only.

***A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to direct the Assistant City Clerk to read the Ordinance by title only. The motion carried on the following vote:***

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

**Absent:** 1 - Commissioner McDowell

Ms. Jianelli read the Ordinance by title only.

Mr. Fletcher introduced the item.

Ms. Bramble spoke to policy decisions, formatting changes, legal review, table of changes, Planning and Zoning Advisory Board (PZAB) action report, noticing requirements, and scrivener's errors, and requested direction from the Commission regarding removing "Native" from line 1343.

Ms. Slayton explained the legal review process regarding Code Enforcement provisions.

Discussion took place regarding clear cutting lots without a permit, enforcing maximum allowed fines, language on line 1348 regarding clear cutting, current provisions excluding trees with a Diameter by Breast Height (DBH) of 12" or less, determining fines based on DBH, and mitigation process when the tree stump has been removed.

Mr. Golen spoke to the maximum fines per State Statute and stated additional costs may be imposed to supplement legal fees and repairs.

Discussion ensued regarding the proper procedure for tree removal, enforcing the maximum fine for removing any number of trees without a permit, determining heritage trees, and updating the definition of "heritage tree".

***There was consensus to adjust the definition of "Heritage Tree" in line 1270 to include the charts in lines 891-892.***

Discussion ensued regarding removing "native" from line 1343, and if the definition for "Diameter by Breast Height (DBH)" includes "inch".

***There was consensus to change "Native Tree" to "all trees" in line 1343.***

Discussion ensued regarding one violation being one 10,000 square foot lot, including "applicable costs" in the Unified Land Development Code (ULDC), and including "inch" after "DBH".

***There was consensus to add "inch" after "DBH" in line 1343.***

Mr. Golen spoke to the section of the Code regarding imposing additional fines.

Ms. Bramble requested direction from the Commission regarding replacing "protected" with "regulated" on line 1263.

Discussion took place regarding how palm trees are regulated in the ULDC and regulated vs. protected trees.

***There was consensus to replace "protected" with "regulated" in line 1263.***

Discussion took place regarding including scrub oaks under the "Protected Trees" definition, replacing "protected" with "regulated" in line 1261, protecting scrub oaks that are only in designated scrub jay habitats vs. protecting all scrub oaks, and keeping Article 5 specific to trees only.

***There was consensus to add the scrubby oak with a 2" or greater Diameter by Breast Height (DBH) located in the scrub jay designated zones in the City of North Port to protected tree status.***

***There was consensus to replace "protected" with "regulated" in line 1261.***

Discussion took place regarding staff reviewing lines 744, 894, 1041, and 1280 to ensure

compatibility with the changes in the definition, and all types of scrub oaks being added to the master tree list.

Ms. Bramble requested direction from the Commission to add language regarding scrub oak mitigation points to line 747.

***There was consensus to add "scrub oaks within their designated areas" to line 747.***

Ms. Bramble requested direction from the Commission to add the myrtle oak and blue jack oak to the master tree list.

***There was consensus to add "myrtle oak" and "blue jack oak" to the master tree list and throughout Ordinance No. 2021-46 accordingly.***

Ms. Bramble requested direction from the Commission to clarify whether all tree permit applicants shall have an environmental survey completed on line 423.

Discussion took place regarding rewording line 423 to specify applicants for all undeveloped lots.

***There was consensus to reword line 423 to state "the applicant being of an undeveloped lot shall be required to complete an environmental survey".***

Discussion took place regarding adding language regarding nesting seasons, specifying types of surveys that are required for a tree permit to line 423, rewording line 423 to include environmental survey and other required surveys as applicable, requiring an environmental survey for all undeveloped lots, and areas within the ULDC that discuss environmental surveys.

Ms. Slayton spoke to getting input from all affected departments regarding the areas that discuss environmental surveys, getting a consensus or a motion regarding environmental surveys, and suggested staff be given the authority to evaluate where to put the environmental survey verbiage in the ULDC.

Discussion ensued regarding the environmental survey only being required on undeveloped commercial lots and placing regulations for studies on all properties in another area of the ULDC.

Ms. Slayton spoke to the contents of an Ordinance mirroring the title block, the legal process of adding regulations to an Ordinance, and advertising requirements.

Discussion took place regarding implementing an environmental survey for undeveloped properties via staff recommendation for placement within the ULDC.

***There was consensus to implement an environmental survey for all undeveloped lots via staff recommendation for appropriate section and chapter of the Unified Land Development Code (ULDC).***

Ms. Bramble requested direction from the Commission regarding rewording line 311 to state a tree location survey is required on protected and heritage trees only.

Discussion took place regarding the tree survey containing all types of trees and their DBH, arborists ensuring a tree is on the survey, and designated a tree on the survey.

Mr. Jayroe spoke to verifying DBH for mitigation purposes.

Discussion ensued regarding the tree survey being for mitigation or conservation purposes, monetary difference from conducting an all-encompassing tree survey vs. a

protected and/or heritage tree survey only, and the pros and cons of surveying all trees.

Ms. Ray answered questions regarding having appropriate staff resources to efficiently enforce the Ordinance and educate developers and homeowners on the contents therein.

Discussion ensued regarding arborists conducting surveys on all residential lots, changing the methodology to a point system, and current open employment positions.

***There was consensus to reword line 311 to state "a Tree Location Survey is required only for protected and heritage trees for mitigation and conservation purposes".***

Discussion took place regarding tree surveys being conducted on single family lots and mitigation only applying to trees with a DBH of 30" or greater on single family lots.

Recess was taken from 2:46 p.m. until 3:05 p.m.

Discussion ensued regarding monitoring the tree canopy, provisions related to dying trees, mechanical clearing of understory without damaging a tree, calculating fees on the mitigation form, tree banks, City purchasing property that contains trees, explanation of the tree fund, canopy and street tree maintenance responsibility, designation, maintenance of street trees in Homeowners' Association (HOA) subdivisions, minimum tree and shrub planting preservation requirements for single and multi-family lots, incentivizing developers to preserve tree islands, clarification for residential communities regarding street trees, clearing lots to waterways, and trees in public rights of way.

***There was consensus to implement a new section at line 996 regarding street trees in Ordinance No. 2021-46.***

Discussion took place regarding implementation of the Code, time limits on tree permits, amending line 33 of the Code regarding the PZAB meeting, line 370 regarding the mitigation form, line 1014 regarding property owners receiving tree permits for tree removal in waterway rights-of-way, adding "inch" to DBH on line 1363, line 171 regarding explanation of "listed species", and line 1363 regarding cost per mitigation point.

PUBLIC COMMENT:

Ms. Jianelli played the following voice message comment into the record:

Allain Hale: mitigation process and tree fund benefits

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

Edie Driest: supports updating the Tree Ordinance, including all types of scrub oaks in the Master List, classifications in the City Fee Structure

Anna Lambert: supports greater tree protection

Robin SanVicente: ULDC rewrite, addressing "habitat specific trees" in the Master Tree List

Kelly Youngquest: supports including trees with smaller DBH in the Tree Ordinance

Pamela Moran: supports including trees with smaller DBH in the Tree Ordinance

Debbie x: supports updating the Tree Ordinance, including trees with smaller DBH in the Tree Ordinance, protecting all types of scrub oaks and Lingleaf Pines

Rachel Soares: supports updating the Tree Ordinance, including trees with smaller DBH in the Tree Ordinance

Marianne Mohr: supports protecting the community's natural resources and tree canopy, limiting clear-cutting

Barbara Lockhart: prohibit clearing native trees from waterway banks

Carolann Palm-Abramoff: supports tree and canopy protection

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to continue Ordinance No. 2021-46 to second reading on January 25, 2022, and to include all consensuses provided to staff.***

Discussion took place regarding the time constraint for preparing the Ordinance for second reading.

***A motion to amend was made by Vice Mayor Langdon, seconded by Commissioner Luke, to strike "January 25, 2022" and add "February 22, 2022". The motion to amend carried on the following vote:***

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

***The main motion as amended carried on the following vote:***

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

## RESOLUTIONS - First Reading:

- F. [RES. NO. 2022-R-06](#) 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 2021-2022 for Warm Mineral Springs Building Rehabilitation Project WM19BR in the Amount of \$1,610,261, for Myakkahatchee Creek Greenway Project P10MCG in the Amount of \$217,390 and for Building Division Online Permitting Software Project BD22OP in the Amount of \$2,022,940; Providing for Findings; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

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

Ms. Jianelli read the Resolution by title only.

Mr. Fletcher introduced the item.

Commission questions took place regarding legal responsibility in number 3 on the Staff Summary Sheet, the Building Department using fund balance for the software project, the total cost of the software project, updating the Capital Improvement Program (CIP) sheet for the software project, appointing a project manager to oversee the software project, funding for the Warm Mineral Springs building rehabilitation project, having enough funds to cover Phase 1 of the Warm Mineral Springs rehabilitation project, and continuing with

Phase 1 with no changes.

There was no public comment.

Mayor Emrich closed the public hearing and requested a motion.

***A motion was made by Commissioner Luke, seconded by Commissioner White, to continue Resolution No. 2022-R-06 to second reading on January 25, 2022. The motion carried on the following vote:***

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

## **7. GENERAL BUSINESS:**

### **A. [22-2054](#) Discussion and Possible Action Regarding Updated Impact Fee Study Implementation Options**

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Mr. Bowling provided a presentation including impact fee implementations, Option 1 targeted industries in geographic areas, geographic references for Activity Centers 2, 3, 4, and 5, matrix of recommended targeted industries by geographic area, pros and cons, scenario information, and summary of impact/data source reports, and Option 2 being phasing, City-wide phasing of impact fees over a three-year span, pros and cons, and staff recommendation.

Commission questions took place regarding the scenario at 100% of the 2011 study, rate schedules for businesses, affordable housing incentives, single-family impact fee study, when impact fees are calculated and paid, new name crossing, Option 1 time frame to 100% completion, sliding scales for businesses, ad valorem tax revenue, other options for incentives, timeline for mobility study, targeted areas, and the Camoin study.

#### **PUBLIC COMMENT:**

Mary Dougherty: positive effects of the non-residential and residential impact fee implementations

***A motion was made by Vice Mayor Langdon, seconded by Commissioner Luke, to approve the implementation of Option 1-Targeted Industries in Geographic Areas with an impact fee set at 50%.***

Discussion took place regarding including affordable housing into the targeted industries and placing trust in the Economic Development department to make the appropriate decisions.

***A motion to amend was made by Commissioner McDowell to amend the motion to include affordable housing as a targeted industry in targeted areas, using the McDowell development as an example of affordable housing. The motion failed for lack of second.***

***The main motion carried on the following vote:***

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

**No:** 1 - Commissioner McDowell

Commissioner McDowell dissented due to affordable housing not being a part of the targeted industries.

Discussion took place regarding affordable housing being a separate industry from economic development, and suggesting staff review and develop an affordable housing plan for the City.

Mr. Fletcher spoke to affordable housing being considered in the Camoin study.

Recess was taken from 5:40 p.m. until 5:45 p.m.

**B.** [22-2080](#)

Discussion and Possible Action Regarding Possible Revisions to North Port City Code Chapter 59-16 Parking and Storage of Certain Vehicles on Residential Lots Adopted by Ordinance No. 2018-09 and Ordinance No. 2018-23

Mayor Emrich announced the item.

Commissioner Luke spoke to the item.

Staff spoke to Code Enforcement receiving reports regarding citizens residing in recreational vehicles (RV) on private properties, where RVs are parked on the property, legal limits for Code Enforcement, and issues with semi-tractor trailers on commercial property.

Discussion took place regarding commercial property owners hiring tow truck companies to remove vehicles, and staff suggestions for addressing the parking and storing of vehicles.

***A motion was made by Commissioner Luke, seconded by Vice Mayor Langdon, to allow Commissioner Luke to work with staff regarding suggestions on adjusting the parking Ordinance to better accommodate the property standards of the City.***

Discussion took place regarding including additional factors and other Commissioners working with staff on the parking ordinance.

***The motion carried on the following vote:***

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

Discussion took place regarding City property being used for storage purposes, outside parking, and developing travel centers along I-75.

**C.** [22-2081](#)

Discussion and Possible Action Regarding Returning Permitting Fees to Pre-COVID Rates

Mayor Emrich announced the item.

Mr. Fletcher introduced the item.

Commissioner McDowell spoke to the item including reducing permitting fees to assist businesses post-Covid and the possibility of restoring the permitting fees to the pre-Covid level.

Discussion took place regarding restoring the fees incrementally or all at once and the value of permitting fees.

Mr. Applegate spoke to the Building Department taking a 75% cut in permitting fees from 2017 to 2022.

***A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to direct the City Manager and City Attorney to restore the Building Department permitting fees to the pre-Covid level that was established in Ordinance No. 2020-28.***

Discussion took place regarding restoring the permitting fees to the level that was set prior to Ordinance No. 2020-28.

***Commissioner McDowell restated her motion to read, "to direct the City Manager and City Attorney to restore the Building Department permitting fees to the pre-Covid level that was established prior to Ordinance No. 2020-28". The motion carried on the following vote:***

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

## **8. PUBLIC COMMENT:**

There was no public comment.

## **9. COMMISSION COMMUNICATIONS:**

Commissioner McDowell reported on the new year, Chamber Award ceremony, Homeless to Home luncheon, Shop with a Cop event, Communications team conducting a tour of City Hall with students, being the guest speaker on Chat with Pat and the John Rawlings show, schedule conflict with groundbreaking at the training facility, upcoming Manasota League of Cities meeting, and hosting a Town Hall meeting at the Shannon Staub library on January 20, 2022.

Commissioner White reported on Kaleidoscope of the Arts event, passing of Attonis Cobrin, and the landscape at Tommy's Car Wash.

Commissioner Luke reported on the new year.

Vice Mayor Langdon reported on the new year, and thanked Commissioner Luke and Laura Ansel for the tour of Warm Mineral Springs.

Mayor Emrich had nothing to report.

## **10. ADMINISTRATIVE AND LEGAL REPORTS:**

There were no reports by the Charter Officers.

**11. ADJOURNMENT:**

Mayor Emrich adjourned the meeting at 6:48 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\_\_.