



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Special Meeting

CITY COMMISSIONERS
Vanessa Carusone, Mayor
Linda M. Yates, Vice-Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS
Peter Lear, City Manager
Amber L. Slayton, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Thursday, July 5, 2018

4:00 PM

CITY COMMISSION CHAMBERS

NOTE: This is a draft copy of the minutes of the 07-05-2018 City Commission Special Meeting, has not been approved by the Commission and is subject to change.

CALL TO ORDER/ROLL CALL

The North Port City Commission Special Meeting was called to order at 4:06 p.m. in City Chambers by Mayor Carusone.

Present: Mayor Carusone; Vice-Mayor Yates; Commissioners, Hanks, Luke and McDowell, City Manager Lear; City Attorney Slayton; Deputy City Clerk Peto and Interim Police Chief Morales.

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

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

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

2. WELCOME OF NEW EMPLOYEES:

A. [18-409](#) Acknowledgement of New Employees

Human Resources Director McDade introduced the City's newest employees in Parks and Recreation and the Police Department.

3. PUBLIC COMMENT:

There was no public comment.

4. PROCLAMATIONS AND RECOGNITIONS:

- A. [18-404](#) Certificates of Appreciation for Sean Kirkpatrick, Stephen K. Boone, Emile Ziadeh, Dana I. McCalley, Walter Dunn and Andrew Sias for their service to the City of North Port while serving on an Advisory Board.

Commissioner Hanks read the Certificates of Appreciation into the record, and the certificates will be mailed.

- B. [18-414](#) Twenty Seventh Anniversary of Ukrainian Independence Day Proclamation.

Mayor Carusone read the Ukrainian Independence Day Proclamation into the record and presented it to representatives of the United Ukrainian American Organization of Southwest Florida.

- C. [18-437](#) Certificates of Completion to be presented to Mayor Carusone, Commissioner Hanks, Commissioner Luke, and Commissioner McDowell for their completion of the Advanced Institute for Elected municipal Officials that was held in Tampa on April 27-28, 2018.

Vice-Mayor Yates read the Advanced Institute for Elected Municipal Officials Certificates of Completion, and presented them to Mayor Carusone, Commissioner Hanks, Commissioner Luke, and Commissioner McDowell.

5. PRESENTATIONS

- A. [18-364](#) Presentation by Senator Greg Steube

Senator Steube gave a presentation about the latest Legislative session and changes with the upcoming election.

Discussion ensued: (1) it was suggested that the Commission present their project requests promptly after the election, or before the election if possible; (2) a suggestion was made to reach out now to Senator Galvano or his staff and seek support to address North Port's position regarding the Certificate of Need. There was no public comment.

- B. [18-423](#) Presentation on Free Trade Zones and Manufacturing

City Manager Lear, City Economic Development Program Manager Buchanan, Port Manatee Senior Manager-Trade Development Malcolm Edwards, Florida State's Enterprise Florida Regional Manager Joseph Bell, and Apollo Sunguard Systems, Inc. President Kevin Connolly gave a PowerPoint presentation of the item.

Discussion ensued: (1) a Foreign Trade Zone (FTZ) is an established warehouse, or fenced area, that is monitored by Customs and Border Patrol; (2) goods that are received, or moved from a FTZ to another FTZ are duty free; (2) goods are subject to duties and tariffs, once they are sold or leave the FTZ; (3) for the City of North Port to become an operator of a subzone: [a] the City would be responsible for reporting; [b] would need to complete the application process; [c] a specific business would have to present a

business plan; [d] the City would be inspected by customs and border protection; [e] pay an annual fee of \$12,000; (4) a FTZ is beneficial to a company that imports and exports foreign goods, or imports materials used for manufacturing; (5) there are two or three businesses in North Port that may benefit from having a FTZ; (6) it was suggested that businesses in North Port apply to be the operator of a FTZ having them pay the annual fee, and the City can promote FTZ to other businesses; (7) FTZ 169 in Manatee was established in 1990; (8) FTZs in Miami are very active, there are 11 operators in the Tampa area and only three are currently active, as the population grows so will the need for FTZs; (9) United States (US) companies can export through FTZs and have the same benefits as importing; (10) if an item is received, manufactured or repackaged within a FTZ, exports would be duty free; (11) the intent of a FTZ is to encourage exports; (12) there are goods and products that are made in other countries and assembled or repackaged in the US for export; (13) FTZs encourage new business to come to the area and creates jobs. There was no public comment.

C. [18-405](#) Neighborhood Development Services, Planning and Zoning Division Presentation

City Manager Lear and Planning and Zoning Division Manager Frank Miles gave a PowerPoint presentation of the item.

Discussion ensued: (1) Staff is rotated to act as Planner of the Day; (2) Public Utilities is reviewing U.S. 41 to provide water and sewer in the future; (3) a request for annexation has to be made voluntarily, the City cannot solicit for annexation; (4) it was noted that the map in the presentation is from 2008 and not the current map; (5) it was suggested that Staff provide the Commission with a current zoning map, and that it also be posted on the City website; (6) two consultant firms have been interviewed regarding the Unified Land Development Code (ULDC) update, one firm has been recommended for selection, the City Attorney's office is reviewing the documents prepared by Finance and this will come before the Commission in September; (7) a suggestion was made that updated maps and information should be used in future presentations to avoid confusion; (8) concerns were expressed regarding public feedback about permitting, Staff Development Review (SDR) and the inability to connect with personnel; (9) Planning has been reviewing processes and expediting situations where they can, it has taken time to adjust with new personnel and the volume of growth in the City; (10) a new process is in effect and Staff has been trained to streamline permits for sheds, fences and single-action items; (11) a suggestion was made that maybe phone calls could become a one-stop-shop and reduce the number of transfers; (12) it was explained that there are some options for online permitting, and skype is being used for some inspections; (13) the TrackIt program is almost in place and training is being provided; (14) Staff will communicate with the City Manager to coordinate a walk-through of the department with each Commissioner to see the new processes. There was no public comment.

Recess 6:09 p.m. - 6:25 p.m.

6. GENERAL BUSINESS:

A. [18-399](#) Discussion of Amendments to Section 53-265 (Temporary Uses) and Chapter 61 (Definitions) of the Unified Land Development Code relating to Mobile Vending and Food Trucks.

City Planner Whittaker provided an overview of the item.

Discussion ensued: (1) it was explained that the language in (4)(a) allows the City to

determine appropriate vendor use at other locations in the future because the permit isn't a blanket approval, an example was to not allow food vendor trucks to conflict with what is being sold at concession stands during league events; (2) it was suggested that approval criteria should be established to be fair to all; (3) concern was expressed how a determination is made to revoke or relocate a vendor, that the language is vague and could be misapplied; (4) a suggestion was made that criteria needs to be stated that food truck vendors would be prohibited from a location that is rented out to someone else; (5) it was explained that the temporary use permit can be used at any of the locations listed in (4)(a); (6) it was noted that item (xii) on page four only allows a mobile food vendor to set-up in a location as stated in the temporary use permit; (7) the special use permit application hasn't been updated yet pending direction from the Commission; (8) all parks and their surroundings were reviewed to identify the best locations for food vendors, and four parks were selected; (9) Staff is reviewing the four sites to determine where the food vendors should setup; (10) the Morgan Center is not on the list because the pool is coming in with concessions; (11) it was suggested to leave the locations as listed in (4)(a).

There was a unanimous consensus to approve the four locations listed in (4)(a).

Discussion continued: (1) concern was expressed that the food trucks shouldn't be allowed at a location rented by another group or individual; (2) a suggestion was made that the proprietor should determine if they do or do not want a food vendor present; (3) it was noted that the individual would have to rent the whole park to deny a food truck to be present; (4) it was explained that proprietary consideration is provided in (4)(a) so that there isn't any competition or conflict; (5) concern was expressed that the permit is issued for 12-months, how would a vendor know when they cannot set-up; (6) it was suggested that Staff create and bring back a policy or criteria that is spelled out for the public that defines any reason for permit acceptance, refusal or revocation; (7) it was suggested that food vendors that want to use City Parks should submit an offer to the City to provide service, similar to how the kayak launch is handled; (8) a suggestion was made to give Staff direction that there should not be a conflict between an existing franchise and a food vendor.

There was a unanimous consensus that if another event with food vendors is taking place via a special event or a franchise contracted service a temporary permit will not be allowed.

Discussion continued: (1) a suggestion was made to not limit a food vendor to utilize one park, they should be able to rotate or have a vendor truck at each of the outlined parks; (2) the proposed language allows for four mobile food vendors at a location, excluding special events, and the Commission previously suggested more than two; (3) a suggestion was made to regulate the number of vendors based on linear space for parking; (4) after asking how minimum required parking is determined, a suggestion was made to delete (d)(iv); (5) concern was expressed for designating parking spaces to be used by mobile food vendors; (6) allowing two vendors per location is reasonable, and some areas are large enough to accommodate more than two food vendors; (7) the free market will dictate what works, first come first serve, and it is easier to expand than reduce regulations; (8) it was suggested that the maximum limit should be four vendors, but let the space at each park determine how many vendors can be allowed at each location.

There was a unanimous consensus to designate the parking areas per park, with a maximum of four.

Discussion continued: (1) it was suggested that Staff clarify the policy in (4)(a) revoking or denying a permit for any reason; (2) there are various reasons to revoke or deny a permit, such as a health issue or a past criminal record; (3) Planning and Zoning would

make the determination because they are issuing the permit.

There was a consensus by majority that Staff provide clarification of the policy to revoke or deny a permit.

PUBLIC COMMENT

Matt Ashley and Anna Kopfhamer: food trucks.

Discussion continued: (1) it was noted that (4)(b) doesn't allow for a food truck in a residential area; (2) it was explained that a property owner can privately invite a vendor on their property; (3) it was suggested that language be clear regarding the public being invited; (4) the special use permit would not be needed for a private party, but the food vendor would still need a permit to do business in the City; (5) a transient vendor could be granted a business temporary use permit and the cost is \$120 for one year; (6) it was suggested that the business permit fee needs to be addressed; (7) food vendors would be allowed in Neighborhood Commercial High Intensity (NC-HI), Neighborhood Commercial Low Intensity (NC-LI) because those are commercial properties within a residential neighborhood; (8) the owner or master developer would have to give permission to use privately owned property; (9) it was explained that a temporary use permit is similar to a business license, and a special event permit is larger in scale and is reviewed by Planning and other departments; (10) a food vendor that is included in a special event permit wouldn't need a temporary use permit; (11) activity centers were not included because they are a future land use and not a zoning district; (12) the policy can be clarified to identify use in a Planned Community Development (PCD) as office, commercial or industrial area, and exclude residential neighborhoods; (13) it was explained that within a PCD the master developer may grant permission for a food vendor to use an open or recreation space; (14) a suggestion was made that "expressed permission" should state "written permission" in (4)(b) and throughout.

There was a consensus by majority that language regarding a Planned Community Development should be clarified, and expressed permission should be replaced with written permission throughout the document.

Discussion continued: (1) a suggestion was made to allow more than one food truck at large construction sites; (2) property owners can be confirmed with the Property Appraiser.

There was a unanimous consensus to not limit construction sites to one food vendor, and remove the last sentence in (4)(c).

Discussion continued: (1) it was suggested that language requiring a temporary use permit be stated in items (4)(b)(i) and (4)(c) for clarification; (2) a suggestion was made that the zoning districts under (4)(b) be separated and labeled (4)(b)(i), and the current (4)(b)(i) be re-sequenced to (4)(b)(ii); (3) though item (4)(c) could be categorized as private property, addressing construction sites should stay in for clarity; (4) it was explained that a food truck is an actual truck, and a mobile food vendor is a push cart or trailer; (5) the written definition of food truck and mobile food vendor are similar and not clear.

There was a unanimous consensus that the City Attorney review food truck and mobile food vendor definitions for clarification.

Discussion continued: (1) it was noted that push carts can be discussed more in the next agenda item regarding the artisan market; (2) concern was expressed that food tent vendors haven't been discussed and they may require a review by the Fire Marshall; (3) a suggestion was made that all food vendors should be allowed; (4) clarification from the City Attorney should be provided before a final decision is made regarding vendor types.

There was a consensus by majority to allow any food vendor pending clarification from the City Attorney.

Discussion continued: (1) at the request of the Commission, Public Speaker Matt Ashley explained that Charlotte County has two categories, one is Mobile Food Distribution Vehicle (MFVD) and the other is like a hot dog cart, all are required to have a hand washing station. Proof of a state license is also required when applying for a permit; (2) it was noted that the title states mobile vending but the rest of the ordinance addresses food vending; (3) the City Attorney will review the document and the title for proper language.

Recess 8:08 p.m. - 8:22 p.m.

B. [18-411](#) Discussion on the development of an Artisan Market

This item was tabled.

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Yates, to move Agenda item 6.b. to another meeting at the City Manager's discretion. The motion carried by the following vote:

Yes: 5 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks, Commissioner McDowell and Commissioner Luke

A. [18-399](#) Discussion of Amendments to Section 53-265 (Temporary Uses) and Chapter 61 (Definitions) of the Unified Land Development Code relating to Mobile Vending and Food Trucks.

Discussion ensued: (1) it was clarified that prohibiting the sale of alcoholic beverages is only for food truck and mobile vendors, alcohol would be allowed for special events and is a separate permit from this ordinance; (2) item (4)(d)(vi) provides that the food truck shall be set back 50 feet from any abutting residential districts, it was suggested that the Commission review this on a radius map to make sure this regulation is feasible; (3) it was explained that item (4)(d)(vi) is 50-feet from a district and item (4)(d)(viii) is 150-feet from a house; (4) it was noted that a standard lot in the City is 80-feet by 125-feet; (5) concern was expressed limiting hours of operation Monday through Friday from 9:00 a.m. to 3:00 p.m. as stated in item (4)(d)(vii); (6) a suggestion was made to allow hours of operation from 9:00 a.m. to dusk; (7) the ordinance provides that the food vendor may operate during the hours of the onsite business will be clarified to work with the operational hours for construction sites; (8) it was suggested that dusk may be too early during the winter months and hours of operation should parallel the time listed in the noise ordinance; (9) the noise ordinance allows for operation at 7:00 a.m. during the week and 7:30 a.m. on the weekends.

There was a unanimous consensus to allow operations seven-days a week, until 10:00 p.m. in the evening, opening hours at 9:00 a.m. or the operating hours of the onsite business, institution or construction.

Discussion continued: (1) a special event permit has different rules, and it should be clarified that this ordinance is for daily use and is different from a special event; (2) it was noted that wording of the ordinance should allow setup time so that a vendor is actually open during hours of operation; (3) it was suggested that item (4)(d)(ix) should say "up to four", and add the caveat as previously stated regarding designated spaces on City property.

There was a unanimous consensus that item (4)(d)(ix) state "up to four", with the caveat previously stated for designated spaces on City property.

Discussion continued: (1) it was suggested to change the language in item (4)(d)(x) to allow vendors to place signs and trash receptacles in the right-of-way, but not to block

the sidewalks.

There was a unanimous consensus to change the language in item (4)(d)(x) to allow vendors to place signs and trash receptacles in the right-of-way but not to block a sidewalk.

Discussion continued: (1) the word "county" should be changed to "City" in item (4)(d)(xi); (2) it was suggested to change item (4)(d)(xiii) to 30-feet on public property; (3) the truck would need to be removed from the trailer in the vending area if the total length is greater than 30-feet; (4) there shouldn't be a limit on private property because the property owner can set their own requirement.

There was a unanimous consensus that item (4)(d)(xiii) be changed to 30-feet on public property and no size limit on private property.

Discussion continued: (1) \$300,000 insurance is required with the temporary use permit; (2) Sarasota County's insurance requirement is \$500,000; (3) it was explained that "along any corridor" means "any roadway"; (4) safety concerns were expressed and it was suggested that the language in (4)(e) be changed to say local roadways but not on a collector or arterial road; (5) concerns were expressed that the Police Department and Fire Rescue need to review this, and that enforcement on the weekends needs to be addressed; (6) it was noted that Code Enforcement is available on Saturdays; (7) it was clarified that section (4)(e) applies to ice cream trucks; (8) it was suggested to remove the language regarding food trucks and mobile food vendors in item (4)(e).

There was a unanimous consensus to remove language regarding food trucks and mobile food vendors in item (4)(e).

Discussion continued: (1) a suggestion was made that the hours listed in section (4)(e)(iv) should be 9:00 a.m. to 10:00 p.m. to keep hours of operation uniform in the ordinance; (2) it was suggested to replace the word "shall" with "may" in section (4)(e)(v) and throughout the document.

There was a unanimous consensus that the hours of operation will be 9:00 a.m. to 10:00 p.m., and that the word "shall" be replaced with "may" throughout the document.

Discussion continued: (1) a suggestion was made to delete section (4)(e)(v) that limits an ice cream truck to ten minutes in a location.

There was a unanimous consensus to delete section (4)(e)(v).

Discussion continued: (1) a suggestion was made that criteria should be established to revoke or deny a permit in section (4)(e)(vi); (2) Staff should add this item to the original consensus regarding revocation or denial of a permit as previously discussed in (4)(a).

There was a unanimous consensus that criteria be established to revoke a permit as stated in section (4)(e)(vi).

Discussion continued: (1) it was noted that the City Attorney will be reviewing the definitions for correct terminology and clarification; (2) food vendors at construction sites should be allowed on the property or the right-of-way, but not to obstruct sidewalks; (3) complaints about vendors will be handled by Code Enforcement; (4) a temporary use permit is valid for 12-months and that is noted in the temporary use application; (5) the revised temporary use application will be brought back to the Commission; (6) it was suggested that the temporary use permit be reduced from the current four pages; (7) it was noted that the hold harmless language is dated and should be reviewed by the City Attorney; (8) the food truck definition provides that the vehicle is to be removed daily from the location and this should also apply to the mobile food vendor; (9) there was discussion to bring the item back as a draft review or for first reading; (10) basic factors of

first reading requirements were explained.

There was a unanimous consensus to bring the document back to the Commission for first reading.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Commissioner Luke: nothing to report.

Vice-Mayor Yates: (1) will be bringing a draft of community gardens for discussion preferably before August break, suggested starting the July 24, 2018 meeting at 1:00 p.m.; (2) was in attendance for the Guatemala event; (3) reported attending the Aquatic Center ground breaking ceremony.

There was a unanimous consensus to schedule a City Commission Special Meeting July 24, 2018 at 1:00 p.m.

COMMISSION COMMUNICATIONS:

Commissioner Hanks: (1) announced that Teen Court will be holding their annual Recognition Dinner on August 1, 2018, and tickets are \$100

Commissioner McDowell: (1) reported attending the Freedom Festival.

Mayor Carusone: (1) reported attending a meeting with the school; (2) participated with Incident Command System (ICS) training; (3) attended the Aquatic Center ground breaking ceremony.

9. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lear: nothing to report.

City Attorney Slayton: nothing to report.

Deputy City Clerk Peto: nothing to report.

10. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Special Meeting at 9:21 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

Attest: _____
Kathryn Peto, Interim City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2018.

