



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Special Meeting

CITY COMMISSIONERS

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

APPOINTED OFFICIALS

Jonathan R. Lewis, City Manager
Mark Moriarty, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Tuesday, February 21, 2017

2:00 PM

CITY COMMISSION CHAMBERS

Excessive Growth

NOTE: This is a draft copy of the minutes of the 02-21-2017 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 2:00 p.m. in City Chambers by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks and McDowell; City Manager Lewis; City Attorney Moriarty; City Clerk Adkins; Deputy City Clerk Peto; Recording Secretary Hale and Police Captain Morales.

The Pledge of Allegiance was led by the Commission.

APPROVAL OF AGENDA – COMMISSION

A motion was made by Commissioner Carusone, seconded by Commissioner McDowell, to approve the agenda as presented. The motion carried unanimously.

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

A motion was made by Commissioner Carusone, seconded by Commissioner McDowell, to suspend the Commission Meeting procedures and rules. The motion carried unanimously.

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

A. [17-0841](#) Discussion regarding excessive growth

Mayor Yates clarified that Ordinance No. 2012-27 has been in place since 2013. Thereafter, City Manager Lewis presented an overview regarding previous discussion concerning excessive and impinging growth and stated that this is a Commission discussion regarding public policy.

Public comment was held.

Greg Culy: Vacant lots full of trash.

David Duval: (1) Enforceable laws and (2) Vacant lots.

Questions and Discussion ensued: (1) following a question, City Attorney Moriarty stated that before the end of the meeting, information will be provided regarding the propriety of charging a \$10 maintenance fee for easements, setbacks and rights-of-way on undeveloped property; (2) City Manager Lewis added that: [a] administratively, the fee is possible but must be tied to a cost of service regarding a right-of-way; [b] mowing of swales in front of undeveloped lots is currently paid through their Road & Drainage Assessments; [c] the City has an entitlement to maintain trees and overgrowth in the easement (canal embankments for example); [d] if dead trees pose a safety concern to neighboring property, the City can obligate the removal of the tree; (3) after a question, City Attorney Moriarty confirmed that: [a] the Ordinance can be changed to compel vacant land owners to be responsible for excessive growth encroaching on developed property on the interior lot lines; [b] an individual always has the remedy to take his neighbor to small claims court for damages due to growth trespassing onto their property; (4) clarification was provided that due to budget constraints, the portion addressing the responsibility of vacant lot owners to remove dead trees was removed from Ordinance 2012-27; (5) it was stated that the City Code is enforced and when property is found in violation, owners are notified accordingly; (6) a handout was distributed of suggested changes that addressed the following: [a] provides the ability to lien a property not found in compliance; [b] provides the ability for the City to fix the problem if the property owner does not comply; [c] is only concerned with undeveloped lots abutting the rear or side on a developed property; (7) a recommendation was proffered to generate Mayor Yates' draft Ordinance as an agenda item to be discussed at a future meeting; (8) subsequent to a concern, clarification was provided regarding the process of satisfying a Property Standards Code Violation; (9) it was noted that when there is a Code violation, the City has the right to cross onto private property to abate the situation; (10) care must be taken to ensure that any changes in a Code will be cross-checked for similar statements in other sections; (11) definitions in the City Code that no longer exist need to be addressed; (12) after a brief discussion, City Manager Lewis will research and forward a memo of his findings to the Commission regarding how the City might address removing invasive species on private property; (13) following a concern regarding the cost to resolve the problem, it was reported that many cities impose a special non-ad valorem assessment; (14) another suggestion was to place a lien on the property and if the amount exceeds the value of the lot, the City acquires the land and places it in a Land Bank; (15) it was noted that there is a 92% voluntary compliance rate with the Code Enforcement process; (16) it was requested to clarify the definition of a fire hazard; (17) returning to a former question regarding imposing a special assessment, City Attorney Moriarty stated that: [a] the benefit to the land must be proportional to the assessment, and establishing an assessment amount will be an extensive process requiring an analysis of the costs and benefits to each property; [b] assessing a fee requires the identification of a point of service; [c] municipalities may only charge taxes as allowed by the State legislature; [d] if the City abates the problem, the cost is placed on the property as a lien which ultimately can go toward a land banking situation; (18) concern was articulated that the City should not foreclose on properties that have a mortgage; (19) to be fair to all parties, private property rights must be protected and everyone must be responsible for their own property; (20) it was stated that the violation was removed in the 2012 Ordinance, regarding mowing a lot, not sodding and/or seeding it, and then allowing it to return to a natural state; (21) following a question, City Attorney Moriarty stated that, if directed by

the Commission, it would be appropriate to repeal Chapter 42 of the Administrative Code, Sections 42-19 through 42-26; (22) Mayor Yates will provide the information to the City Clerk to prepare the agenda item.

There was a consensus that Mayor Yates will provide to the City Clerk, the strikethrough, amended version of Chapter 42 of the Administrative Code, Nuisances, Sections 42-19 through 42-26, to prepare an agenda item, as a draft Ordinance, along with a clean version of an Ordinance repealing the pertinent sections, with the new language as a first reading at the March 7, 2017 Commission Regular Meeting.

Following a request for clarification, City Manager Lewis reported accepting a conditional offer for a new job with Sarasota County. He will tender his resignation to the City March 1, 2017 which will take effect on April 1, 2017. He will place an agenda item on the March 7, 2017 Meeting to discuss filling the vacancy should this be finalized by Sarasota County.

Thereafter, the Commissioners, City Attorney and City Clerk all expressed appreciation for his work and dedication to the City.

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Special Meeting at 3:36 p.m.

City of North Port, Florida

By: _____
Linda M. Yates, Mayor

Attest: _____
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2017.