



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Regular Meeting

CITY COMMISSIONERS

Christopher B. Hanks, Mayor
Debbie McDowell, Vice-Mayor
Vanessa Carusone, Commissioner
Peter Emrich, Commissioner
Jill Luke, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Kathryn Peto, City Clerk
Heather Taylor, Deputy City Clerk

Tuesday, February 12, 2019

10:00 AM

CITY COMMISSION CHAMBERS

NOTE: This is a draft copy of the minutes of the 2-12-2019 City Commission Regular Meeting, has not been approved by the Commission and is subject to change.

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 10:02 a.m. in City Commission Chambers by Mayor Hanks.

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

The invocation was provided by Pastor Jim Glazier from Atwater Community Church, followed by the Pledge of Allegiance led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

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

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

2. ANNOUNCEMENTS

A. [19-0091](#) Current Vacancies for Boards and Committees.

City Clerk Peto read the Current Vacancies for Boards and Committees into the record.

After discussion it was noted that Commissioner Emrich will fill the seat for the Sarasota Metropolitan Planning Organization (MPO) Public Transportation Task Force.

B. [19-0092](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Peto read the Upcoming Expiration Dates for Boards and Committees into the record.

3. PUBLIC COMMENT:

Public comment was held 10:08 a.m. - 10:16 a.m.

Frederick Cohane: Beautification and Tree/Scenic Highway Committee.

SandreLey Henderson: camera facing her property and fence on property.

Tim Doyle: complaint against City.

4. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

A. [19-0086](#) American Flood Coalition - Presentation

Commissioner Luke gave an overview of the item. City Manager Lear introduced American Flood Coalition Florida Resilience Manager Alec Bogdanoff who provided a PowerPoint presentation.

Discussion ensued: (1) there are many different sea level rise viewers that provide various types of data, storm surge information is provided by National Oceanic and Atmospheric Administration (NOAA); (2) staff will review what has been done in the City to move water and it will be included in the resolution; (3) it was suggested that staff work on a resolution to join the coalition. There was no public comment.

There was a unanimous consensus that staff will develop a resolution that works for the City in conjunction with today's presentation.

5. PUBLIC HEARINGS:

A. [19-062](#) Second reading of Ordinance 2018-65, modifying the City-Wide Fee Schedule to change certain Development Review, Police, Parks and Recreation, Facility Rental, and Road and Drainage Fees for Fiscal Year 2018-2019

City Clerk Peto read Ordinance No. 2018-65 into the record by title only. City Manager Lear gave an overview of the item.

Recess 10:35 a.m. - 10:39 a.m.

Discussion ensued: (1) it was explained that the fee for reserving open space at the parks is to cover incidental costs to the City. There was no public comment.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Ordinance No. 2018-65 Modifying the City-Wide Fee Schedule as presented for second reading. The motion carried by the following vote.

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

B. [18-884](#)

Ordinance No. 2018-62, first reading, establishing security measure to help protect the users of payment cards from skimming devices.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to read Ordinance No. 2018-62 by title only. The motion carried by the following vote:

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

City Clerk Peto read Ordinance No. 2018-62 into the record by title only. City Manager Lear gave an overview of the item. Police Chief Garrison provided a presentation.

Discussion ensued: (1) five skimmers have been found over the past five years with the last incident occurring in 2016 and no further devices have been located; (2) the \$250 fine per pump would go into the general fund; (3) concern was expressed that if the ordinance takes effect with adoption then all gas stations would be noncompliant, it was suggested that they be allowed additional time to come into compliance; (4) if the ordinance is adopted an informational letter will be sent certified mail to all gas stations in the City limits; (5) concern was expressed that the ordinance does not reflect that the issue is the older gas pumps and that the newer pumps do not require a locking device; (6) it is recommended that the ordinance be specific to gas pumps and not other point of sale machines or automated teller machines (ATM); (7) it was explained that gas stations have master keys that work at various locations, the ordinance provides that locking devices be individual to each location; (8) police department inspections are estimated at eight hours per month and the cost of the locking devices will be under \$10 per gas pump or approximately \$100 per gas station; (9) the police department can inspect the exterior of a gas pump, only the Department of Agriculture can inspect the internal components; (10) if an investigation is initiated due to a tampered gas pump and the business does not promptly fix the locking mechanism the fine outlined in the ordinance would be enforced; (11) a suggestion was made that businesses should maintain a daily inspection log and that the log should remain on the premises; (12) concern was expressed for regulation of inspection sheets and how a business is conducted, that the intent should be to protect the consumer at all point of sale equipment not just gas pumps, and that 90-days may not be sufficient to comply; (13) concern was expressed for mandating a store owner to conduct daily inspections and inspections should be completed as the business owner sees fit; (14) it was opined that a separate ordinance may be necessary for machines; (15) daily inspections with a log should not be required if antitheft deterrents are installed on the pumps. There was no public comment.

A motion was made by Commissioner Carusone, seconded by Mayor Hanks, to continue Ordinance No. 2018-62 with the following changes: remove any mention of "machines" and replace with the words "gas pump point of sale equipment"; specifically in section 46-1(4)(b) to make sure that every owner or operator of a gas pump point of sale equipment is mentioned and to be consistent throughout the ordinance; in section three(c), line 90 to remove "machine" and require inspections by owners to gas pumps and point of sale equipment no less than once a day and to continue through the rest of the ordinance; with an effective date 90-days from the date of adoption. The motion failed with Vice-Mayor McDowell and Commissioners Emrich, Carusone and Luke dissenting:

Yes: 1 - Mayor Hanks

No: 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

Recess 11:53 a.m. - 12:05 p.m.

6. GENERAL BUSINESS:

- A. [19-0015](#) Template for Affiliation Agreement with Florida Gulf Coast University for Internships.

City Manager Lear gave an overview of the item. Police Chief Garrison answered questions for the Commission.

Discussion ensued: (1) interns will be students studying Criminal Justice; (2) the internships are not paid and it is for educational purposes only; (3) it is recommended that the program be limited to two interns per semester. There was no public comment.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the agreement with Florida Gulf Coast University (FGCU) for Internships with the North Port Police Department. The motion carried by the following vote:

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

- B. [19-0084](#) Examples of Neighborhood Commercial Zoning Requirements

City Manager Lear gave an overview of the item. Mayor Hanks provided a presentation. Planning Division Manager Galehouse answered questions for the Commission.

Discussion ensued: (1) the intent is to have the City Attorney and staff review the Code and recommend what restrictions can be reduced or removed in low-density commercial; (2) Neighborhood Commercial is stringent in what is allowed, businesses are restricted to only what is stated in the Code and application for special exceptions cannot be made; (3) several potential businesses have been turned away because of the zoning restriction; (4) there are 36 total parcels for both low and high-density in Neighborhood Commercial and only five are built; (5) a suggestion was made that the Economic Development Manager participate in the review and provide input; (6) it was suggested that a list of the types of businesses that were denied be provided to the Commission; (7) a special exemption costs between \$3,000-\$4,000 and can add four - six months additional time to a development; (8) it was suggested that staff also review and recommend the types of businesses that would be acceptable; (9) a suggestion was made to provide a list of what should not be permitted rather than restrict what can be allowed; (10) staff can provide a list of where low and high-density Neighborhood Commercial is currently located; (11) a comparative of other municipalities should be considered; (12) the City's Code should also be included for Commission review with the other information; (13) concern was expressed that the intent of Neighborhood Commercial is for foot traffic and bicyclists, not drive throughs or generating high traffic; (14) it was suggested to look at low-density zoning in northern states to see what types of businesses are allowed that are neighborhood compatible.

PUBLIC COMMENT

Hector Munoz: look at what is a benefit to the community.

Dorothy Seifts: issues living behind Dollar General, need to protect the homeowners.

Janice Wilbert: issues living behind Dollar General, problems with noise and water.

Discussion continued: (1) it was clarified that Dollar General is zoned high-density and today's discussion is about low-density zoning.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to bring back Chapter 53 portion relating to neighborhood commercial districts

specifically low-density, with the following information: (1) types of businesses that are prohibited as well as those that require special exception; (2) a map showing where the low-density neighborhood commercial areas are; (3) to also include types of businesses that have been refused thus far; (4) research areas that have successful neighborhood commercial zoning not limited to Florida but attempt to research northern areas; (5) to include the Economic Development Manager in this information gathering and bring it back before the Commission.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to amend the motion to include the full details of why a business may have inquired but chose not to or was unable to proceed. The motion carried by the following vote:

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

Discussion continued: (1) an inquiry was made to know why certain businesses were not allowed in low-density zoning.

A vote was taken on the main motion, as amended, to bring back Chapter 53 portion relating to neighborhood commercial districts specifically low-density, with the following information: (1) types of businesses that are prohibited as well as those that require special exception; (2) a map showing where the low-density neighborhood commercial areas are; (3) to also include types of businesses that have been refused thus far; (4) research areas that have successful neighborhood commercial zoning not limited to Florida but attempt to research northern areas; (5) to include the Economic Development Manager in this information gathering and bring it back before the Commission; (6) include the full details of why a business may have inquired but chose not to or was unable to proceed. The motion carried by the following vote:

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

7. CONSENT AGENDA:

After a request by the Mayor, the Commission determined that they would like to pull Consent Agenda item 7.F. for discussion.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Consent Agenda items A, B, C, D, E and G. The motion carried by the following vote:

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

- A. [19-0061](#) Cash Receipts Summary - December 2018
- B. [19-035](#) Proposed Budget Calendar for Fiscal Year 2019-2020
- C. [19-0025](#) Discussion and possible action regarding the appointment of a North Port Resident Member, appointed by the Commission to the Firefighters' Pension Board of Trustees.
- D. [19-0057](#) Appointment of Frederick Cohane as a Regular Member to the

Beautification & Tree/Scenic Highway Committee.

- E. [18-928](#) Purchase one (1) replacement Ford F-550 Service Truck in the estimated total of \$77,830.15 from Garber Ford, Inc.

- F. [18-883](#) Agreement with Ring Neighborhoods, a digital neighborhood watch.

City Manager Lear gave an overview of the item. Police Chief Garrison answered questions for the Commission.

Discussion ensued: (1) it was explained that shared data is kept by Ring, the original video is kept by the owner; (2) owners can share videos with the Police Department directly or through Ring; (3) it was suggested that the Commission create a policy to determine who will receive the donated cameras provided by Ring; (4) the Police Department will review and assess where the cameras would be most beneficial; (5) once information is shared with the Police Department it is treated as evidence and subject to Florida Sunshine laws; (6) the number of donated cameras will increase based on the number of people using the Neighbors application; (7) it was noted that the application is free and can be downloaded even if you don't have a camera; (8) people purchase cameras and subscribe to Ring which is a service that records activity captured on camera; (9) the benefit of this agreement provides a platform for the Police Department as an entity in a virtual neighborhood and provides for two-way communication with Ring during a legal process; (10) it was noted this is a voluntary process; (11) a suggestion was made to have the cameras installed on City property first where needed and residential areas second; (12) the intent is to provide cameras to people who cannot afford it; (13) it was noted that a subscription is required at an annual cost and can be as low as \$12. There was no public comment.

A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, to approve the agreement with Ring Neighborhoods a digital neighborhood watch. The motion carried by the following vote:

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

- G. [18-600](#) Service Agreement between Kommander Software, LLC and the City of North Port for off-duty detail management

8. PUBLIC COMMENT:

There was no public comment.

9. COMMISSION COMMUNICATIONS:

Commissioner Luke reported attending: (1) Warm Mineral Springs tour with Leadership North Port; (2) Habitat for Humanity Hearts and Hammers fundraiser; (3) Woofstock North Port; (4) Council of Neighborhood Associations (CONA) meeting in Sarasota; (4) raised the question if attendance by telecom is permitted for an advisory board position.

Discussion ensued: (1) City Attorney Slayton stated that there are Attorney General (AG) legal opinions that will need to be researched regarding telecom attendance.

There was a unanimous consensus to have staff review the possibility of attendance by telecom.

COMMISSION COMMUNICATIONS:

Vice-Mayor McDowell: (1) reported attending Woofstock North Port; (2) attended the Community Yard Sale; (3) suggested that staff talk to Ms. Wilbert about drug activity behind Dollar General that she has witnessed; (4) the parking lot lighting at Dollar General is excessively bright and suggested that staff review the requirements and enforcement of the current Code.

Commissioner Carusone: nothing to report.

Commissioner Emrich: nothing to report.

Mayor Hanks: nothing to report.

10. ADMINISTRATIVE AND LEGAL REPORTS:

City Attorney Slayton: nothing to report.

City Manager Lear: (1) Charlotte County would prefer two joint meetings; (2) discussion to include River Road, public transit and legislative issues; (3) Charlotte County would like an update on the Braves Stadium and discuss coordinating baseball teams; (4) it was suggested that the first conversation include an update on the Aquatic Center and they will provide an update about North Regional Park, Sunseeker Resort and Murdock Village; (5) topics for the second meeting include illegal dumping, development challenges with Hillsborough Boulevard and Yorkshire Boulevard; (6) it was suggested to have one meeting in North Port and the other meeting in Charlotte County.

City Clerk Peto: (1) suggested moving the April 4 workshop and consolidate it with the April 9 regular meeting.

Discussion ensued: (1) a suggestion was made that the state-wide Stormwater Rule be included in discussions with Charlotte County; (2) it was also suggested to discuss the Charlotte County Health Department and the North Port Health Center.

11. ADJOURNMENT:

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 1:27 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Kathryn Peto, City Clerk

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