



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft 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 Wong, City Clerk
Heather Taylor, Deputy City Clerk

Tuesday, April 9, 2019

10:00 AM

CITY COMMISSION CHAMBERS

CALL TO ORDER

The North Port City Commission Regular Meeting was called to order at 10:00 a.m. in City Commission Chambers by Mayor Hanks.

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, City Clerk Katy Wong, Deputy City Clerk Heather Taylor, Recording Secretary Susan Hale, Deputy Police Chief Chris Morales, Fire Chief Scott Titus, Human Resource Director Christine McDade, Assistant City Manager Jason Yarborough, Neighborhood Development Services Director Frank Miles, Planning Division Manager Nicole Galehouse, Parks and Recreation Director Sandy Pfundheller, Parks and Recreation Assistant Director Tricia Wisner, Public Utilities Director Rick Newkirk, Outreach Coordinator Anna Duffey and City Arborist Ryan Pieper.

The invocation was provided by Pastor Jared Gritton of First Baptist Church of North Port 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 and to move item 7.B. after 3.A. The motion carried by the following vote:

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

2. ANNOUNCEMENTS

- A. [19-0344](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Ms. Taylor read the Current Vacancies and the Upcoming Expiration Dates for Boards and Committees into the record.

3. WELCOME OF NEW EMPLOYEES:

- A. [19-0299](#) New Employee Acknowledgement

Ms. McDade introduced the City's new employees.

7. GENERAL BUSINESS:

- B. [19-0111](#) Discussion and Direction to Move Forward on the Negotiation to Purchase the First Ranked Property for the Utilities Administration and Warehouse Facility and Recommendation to Negotiate with the Second Ranked Property if First Negotiation Fails

Mr. Newkirk provided a report.

Tim Hancock and Stephen MacEachem of Stantec, Inc. provided a review of the site selection for the new warehouse, maps, scoring matrix, parcel selection, comparison of Pan American Boulevard and Talon Bay Drive, and the need to rezone either area.

Mr. Newkirk responded to Commission questions regarding staff location, and need for lift station at Pan American parcel.

Mr. Hancock replied to Commission questions regarding acreage available at both locations, conceptual layout for Pan American, entrance/exit locations, cost estimates for purchase, status of private ownership areas, access points and potential building location for Pan American.

Mr. Newkirk spoke to future site expectations, satellite offices, acreage of current Utility Department location, previous study considering the City's build-out, and future locations for payments and customer service.

Mr. Hancock responded to additional questions regarding wetland acreage, acquisition costs, canopy percentage requirements, corridor maintenance, traffic concerns, and trip generations.

Mr. Newkirk clarified times of service at utility facilities, traffic issues with current location, and responded to questions regarding staffing.

Mr. Hancock spoke to reducing back up alarms and responded to Commission questions regarding Marsh Creek Holdings LTD compatibility issues, internet accessibility, Supervisory Control and Data Acquisition (SCADA) system, and need for communication tower.

Mr. Newkirk responded to questions regarding billing centers.

Mr. Hancock responded to questions regarding whether there are wetlands located at Talon Bay and current property zoning.

PUBLIC COMMENT

Margaret Becwick: expressed opposition with Talon Bay location
Patricia Wallace: expressed opposition with Talon Bay location
Lou LagGois: expressed opposition with Talon Bay location
Jay Record: expressed opposition with Talon Bay and Pan American locations
Algis Valanciunas: expressed opposition with Talon Bay location
Kathy Hood: expressed opposition with Talon Bay location
Scott Frankson: expressed opposition with Talon Bay location
Bill Fearn: expressed opposition with Talon Bay location
Leigh Legatie: expressed opposition with Talon Bay location
Nancy Fearn: expressed concern regarding fuel storage at Talon Bay location

Mr. Newkirk clarified no fuel or chemicals will be stored at the facility.

Jack Cork: expressed opposition with Talon Bay location
John Mawyer: expressed opposition with Talon Bay location
Charles Harrison: expressed opposition with Talon Bay location
Laura Mueller: expressed opposition with Talon Bay location
Dan Nixon: favors one-owner/occupant versus numerous businesses for Talon Bay location
William Spalter: expressed opposition with Talon Bay location
Justin Willis: spoke to preserving Talon Bay community and favors purchase of Pan American location

Recess took place from 11:39 a.m. - 11:57 a.m.

Discussion took place regarding access options for Talon Bay, chemical storage, sidewalk locations on Talon Bay, property ownership, and Pan American funding options.

Mr. Lear spoke to an environmental overlay and funding sources to purchase land.

Discussion ensued regarding the pros and cons of moving forward with the Talon Bay site with potential control for the commercial site.

Commissioners Emrich and Carusone expressed support of the Pan American site, funding options available and possibly purchasing all acreage.

A motion was made by Commissioner Luke, seconded by Mayor Hanks, to direct staff to move forward on the negotiation to purchase the first rated property for the Utilities administration and warehouse facility. If negotiations fail, recommend permission to negotiate for the second ranked property.

Mr. Hancock spoke to the wetlands at the Pan American site being approximately four to five acres, the gopher tortoise area being approximately one to two acres and dedicated land for water storage management, with buildable acreage available between 30-33 acres.

The motion carried by the following vote, with Commissioners Emrich and Carusone dissenting for reasons stated:

Yes: 3 - Mayor Hanks, Vice-Mayor McDowell and Commissioner Luke

No: 2 - Commissioner Emrich and Commissioner Carusone

4. PUBLIC COMMENT:

Public comment was held from 12:17 p.m. - 12:28 p.m.

Alice White: provided a CD of pictures, expressed concern with tree protection and noted upcoming Tree Fair.

Linda Yates: spoke to proposed Ordinances 2019-10 and 2019-11.

Nancy Fischer: spoke to safety concerns regarding Price Boulevard expansion project.

A motion was made by Commissioner Carusone, seconded by Vice-Mayor McDowell, that 5.J. be moved after item 4. The motion carried by the following vote:

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

5. CONSENT AGENDA:

- J. [19-0185](#) Approve Asset Disposition dated April 2019, in Accordance with Chapter 2, Article VII, Section 2-419, (d), (1), (2) and (3), City of North Port Administrative Code and Florida Statute 274.06

Mr. Lear provided an overview of the item.

Members from North Port D-FY were invited to provide public comment.

PUBLIC COMMENT

Kristin Cawthorne and Laurie File: spoke to the donation of vehicles for Project Graduation.

Discussion ensued regarding the City's long-term participation with Project Graduation and their need for more volunteers.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the distribution of assets to the North Port High School Project Graduation and to the Suncoast Technical College (STC) Law Enforcement Academy. The motion carried by the following vote:

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

5. CONSENT AGENDA - CONTINUED:

Recess took place from 12:37 p.m. - 1:20 p.m.

PUBLIC COMMENT

Carl Goodrich: spoke to membership on the Art Advisory Board.

Commissioner Emrich joined the meeting at 1:25 p.m.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve Consent Agenda items A, B, C, D, E, F, G, I, K, L and N, pulling items H and M for discussion. The motion carried by the following vote:

Yes: 4 - Mayor Hanks, Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

Not Present: 1 - Commissioner Carusone

- A. [19-0345](#) Approve Minutes for the March 4, 2019 Commission Workshop Meeting, March 5, 2019 Commission Regular Meeting, March 6, 2019 Commission Workshop Meeting, and March 7, 2019 Commission Special Meeting
This item was approved on consent.
- B. [19-0197](#) Appoint Carl Goodrich as a Regular Member to the Art Advisory Board
This item was approved on consent.
- C. [19-0206](#) Appoint David L. Duval as Regular Member to the Charter Review Advisory Board
This item was approved on consent.
- D. [19-0205](#) Appoint Hannah Wik as an Imagine High School Representative to the North Port Youth Council
This item was approved on consent.
- E. [19-0235](#) Appoint Grayce Oney as an Alternate Member to the Parks & Recreation Advisory Board
This item was approved on consent.
- F. [19-0051](#) Approve Family Service Center Tenant Lease Agreement with American Association of Retired Persons (AARP)
This item was approved on consent.
- G. [19-0065](#) Approve Agreement Between the Salvation Army and the City of North Port for the City to Coordinate Services for Households Applying for Low Income Home Energy Assistance Program (LIHEAP) Assistance
This item was approved on consent.
- H. [19-0134](#) Approve Submission of Statement of Support for Participation in the 2019 Wyland Foundation National Mayor's Challenge through the Wyland Foundation's Website and Encourage Community Participation in the Challenge

Mr. Lear provided an overview of the item.

Commissioner Carusone joined the meeting at 1:27 p.m.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve submission of statement of support for participation in the 2019 Wyland Foundation National Mayor's Challenge. The motion carried by the following vote, with Commissioner Carusone not voting:

Yes: 4 - Mayor Hanks, Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

- I. [19-0178](#) Approve KeyTrak System Purchase, Support and Software License

Agreement and Contract Amendment No. 1

This item was approved on consent.

- K. [19-0234](#) Approve Memorandum of Understanding Between the City of North Port and the School Board of Sarasota County Regarding the Emergency Vehicle Operations Track

This item was approved on consent.

- L. [19-0237](#) Approve Amendment #1 for RFB No. 2018-30, Water Treatment Chemicals - Aluminum Sulfate, to Chemtrade Chemicals US, LLC., in Accordance with the Unit Prices on an 'As Required' Basis for an Additional \$45,000, for a Total Amount of \$130,000

This item was approved on consent.

- M. [19-0330](#) Authorize the City Attorney to Send a Notice of Cancellation to the Sky Family YMCA Terminating the April 13, 2009 Lease Agreement for the Modular Building at Dallas White Park

Mr. Lear provided an overview of the item.

Ms. Wisner spoke to removal of the modular unit and condition of the property.

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

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

- N. [19-0296](#) Accept the Cash Receipts Summary Report for February 2019

This item was approved on consent.

6. PUBLIC HEARINGS:

ORDINANCES - Second Reading

- A. [19-0301](#) Ordinance No. 2019-12, second reading, amending the Code of the City of North Port, Florida, Sec. 2-55 - Agenda, relating to the agenda for City Commission meetings

Ms. Taylor read the ordinance by title only.

Mr. Lear provided an overview of the item.

Ms. Slayton clarified the process for removal of items from the Consent Agenda for separate disposition.

Vice-Mayor McDowell stated she is dissenting due to consistency, that she doesn't agree with the requirement to notice an item the day before.

A motion was made by Commissioner Carusone, seconded by Commissioner Luke,

to approve Ordinance No. 2019-12. The motion carried by the following vote, with Vice-Mayor McDowell dissenting for reasons stated:

Yes: 4 - Mayor Hanks, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

No: 1 - Vice-Mayor McDowell

ORDINANCES - First Reading

- B. ORD. NO. 2019-10** An Ordinance of the City of North Port, Florida, Allowing for Community Gardens in the AG Agricultural District, GU Government Use District, RSF Residential Single-Family District, RTF Residential Two-Family District, RMF Residential Multifamily District, and RMH Residential Manufactured Home District by Amending the City of North Port Unified Land Development Code, Section 53-25, Section 53-64, Section 53-121, Section 53-134, Section 53-147, and Section 53-160; Providing Regulations for Community Gardens by Amending the City of North Port Unified Land Development Code Section 53-240 – Special Structures; Providing Relevant Definitions by Amending the City of North Port Unified Land Development Code, Section 61-3 – Definitions and Word Usage; Creating a Community Garden Operation Permit Fee by Amending the Code of the City of North Port, Appendix A – City Fee Structure; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Coding of Amendments; and Providing for an Effective Date. (TXT-18-128)

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to read the ordinance by title only. The motion carried by the following vote:

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

Ms. Taylor read the ordinance by title only.

Mr. Lear introduced the item.

Mr. Miles provided an overview of the item to include previous Commission discussion and direction, and Planning and Zoning Advisory Board discussion.

Ms. Galehouse provided a presentation to include review by city attorney and advertisement, locations, Unified Land Development Code (ULDC) Definitions, regulations regarding operation permit, site assessment, garden operation/rules, garden conclusion, site design, storage, parking, waste, sales maintenance, and environmental concerns and responded to Commission questions regarding location of agriculture districts, and concern with inclusion of residential single-family and residential two-family districts, issuance of operational permits, and establishing requirement for permission of percentage of neighbors or holding a public workshop for approval.

Discussion took place regarding inclusion in Residential Single-Family District (RSF) and Residential Two-Family District (RTF) zoning districts, concerns with communal activities on private property, garden size, intention for ordinance to apply to vacant lots, and concern regarding obtaining neighborhood approval.

There was a consensus to keep RSF and RTF zoning districts as is.

There was a consensus to add one-time permit fee language in section H.(1)(a).

There was a consensus to add "principal" in section H.(1)(a) prior to the word structure.

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

Discussion took place regarding cost for Environmental Site Assessment (ESA), issuance of permit, removing ESA and add precursory inspection of environmental impacts done by city staff, staff qualifications, and concern for soil contamination.

Mr. Miles spoke to the city's assumption of liability.

Ms. Slayton stated she does not see a liability issue with issuing a permit.

There was a consensus to remove ESA language from section H.(1)(b).

There was a consensus to remove universal design language from section H.(2)(a).

Discussion ensued regarding allowable storage areas consistent with current Code, storage sheds greater than 200 square feet requiring a permit, allowing sheds on vacant lots independent from requiring principal buildings, and exempting community gardens in the current shed code.

Ms. Slayton informed the Commission this would be a different ordinance through the Planning and Zoning Advisory Board.

There was a consensus to remove the language "no larger than one hundred and twenty (120) square feet" and add "per city code..." to section H.(3)(a)(i) and amend current shed code to exempt commercial and community gardens primary structure requirement.

Discussion ensued regarding inclusion of pergolas, trellises and stakes in section (3)(a).

There was a consensus to add section X under (3)(a) to allow for any similar structures of a non-permanent nature including pergolas, trellises and stakes.

There was discussion regarding on-site sale of produce and the difference between community and commercial gardens.

There was a consensus to keep language regarding on-site sales as is.

Discussion ensued regarding organic classification, and use of fertilizers in residential areas and within City Code.

Mr. Miles explained organic practices imply non-use of fertilizers.

There was a consensus to keep the language in section H(9) as is.

Discussion ensued regarding staff resources and the basis of the permit fee.

Ms. Galehouse replied to Commission questions regarding staff time and resources.

There was a consensus to reduce the permit fee to \$75.

Discussion followed regarding Planning and Zoning Advisory Board's discussion on lot clearing, tree removal requirements and permits.

Ms. Galehouse explained lot clearing of brush and tree removal requiring a permit.

Mr. Pieper responded to Commission questions regarding cost for undercut brush permits if applicable, procedure for underbrush removal, and need for surveys.

PUBLIC COMMENT

Justin Willis: purpose of community garden.

Ms. Galehouse explained the community garden will not change the property classification with the Tax Appraiser.

Discussion took place regarding vacant lots applying to residential districts and community gardens allowed on improved property.

Ms. Galehouse stated the proposed ordinance addresses vacant lots, language to be clarified to remove a conflict within the Code.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to continue Ordinance No. 2019-10 allowing for community gardens with the following changes to the Code:

1: line 185 changing it to a one-time permit fee in language that the City Attorney sees fit;

2: line 190 being a principal building or principal structure;

3: line 192 removing (b) entirely;

4: line 236 removing entirely "universal design";

5: line 253 referencing the shed, removing the size and installing language to the effect of shed referencing the existing City Code;

6: line 270 allowing the non-permanent structures, for example pergolas or trellises;

7: line 369 permit costs of \$75.

A motion to amend was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to clarify vacant lots for multi-family residential resolving conflict of language within the Code. The motion carried by the following vote:

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

A vote was taken on the main motion as amended. The amended motion carried by the following vote:

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

C. [ORD. NO. 2019-11](#)

An Ordinance of the City of North Port, Florida, Amending the City of North Port Unified Land Development Code to Allow for Urban Market Gardens by Amending Chapter 25 – Parking and Loading Regulations, Article II – Off-Street Parking, Section 25-17 – Minimum Off-Street Parking Requirements; Amending Chapter 53 – Zoning Regulations, Part 2 – Schedule of District Regulations to Allow Urban Market Gardens as a Permitted Principal Use in the CG Commercial General District, CG-S Commercial General Special District, ILW Light Industrial and Warehousing District, and NC-HI/NC-LI Neighborhood Commercial High/Low Intensity Districts; Amending Part 3 – Special District

Regulations, Article XX Special Circumstance Regulations, Section 53-240 Special Structures; Amending Chapter 55 – Activity Center Design Regulations to Allow Urban Market Gardens as a Permitted Principal Use in Panacea (Activity Center #4), Midway (Activity Center #5), The Shire (Activity Center #6), And The Gardens (Activity Center #8); Amending Chapter 61 Definitions, Section 61-3 Definitions and Word Usage; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (TXT-18-208)

A motion was made by Commissioner Carusone, seconded by Commissioner Luke, to read the ordinance by title only. The motion carried by the following vote:

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

Ms. Taylor read the ordinance by title only.

Mr. Lear provided an overview of the legislation.

Ms. Galehouse spoke to city attorney review, advertisement, Planning and Zoning Advisory Board discussion and direction, and provided a presentation including garden locations, Unified Land Development Code (ULDC) Definitions, activity centers not recommended, proposed regulations to include location and size, hours and sales, application process, setbacks and buffers, universal design, storage, environmental concerns, enforcement, and parking regulations, and responded to Commission questions regarding tree removal, cost of major site development, principal structure requirements and permit review fees, temporary structure requirements, and intent of staff recommendation regarding a pilot program.

Discussion ensued regarding size relevance for potential grants, size regulations, preventing agricultural status tax exemptions, estimated net operating surplus versus 5 acres of agricultural, and establishing a clause.

PUBLIC COMMENT

Hector Munoz: Expressed support of community gardens, spoke to purpose of urban market gardens and responded to Commission questions regarding cooperatives (co-ops), grants and how they relate to the agricultural exemption and prevention of loss of revenue.

Recess was taken from 3:34 p.m. to 4:00 p.m.

9. PROCLAMATIONS AND RECOGNITIONS: TIME CERTAIN AT 4:00 P.M.

- A. [19-0186](#) Recognition of Atwater Elementary School Students and Teachers for their Success at South County STEM (Science, Technology, Engineering, and Math) Competitions

Commissioner Luke introduced Tina Blashinsky, Acting Intern Vice-Principal of Atwater Elementary School regarding competitive robotics. STEM Program Certificates were presented to students for their participation and excellent work.

- C. [19-0355](#) Proclaim April 9, 2019 as Richard Lockhart Day, Presented to Richard Lockhart

Commissioner Emrich read the Proclamation of Richard Lockhart Day into the record and presented it and a Key to the City to former Commissioner Richard Lockhart.

- F. [19-0190](#) Proclaim April 2019 as Child Abuse Prevention Month, Presented to Case Coordinator Joseph Matteen
- Commissioner Carusone read the Proclamation for Child Abuse Prevention Month and presented it to Joseph Matteen, Child Protection Team Case Coordinator.*
- I. [19-0014](#) Proclaim April 2019 as City of North Port Volunteer Month, Presented to Donald Fowler, Volunteer Coordinator, City of North Port Police Department
- Commissioner Emrich read the Proclamation for City of North Port Volunteer Month and presented it to Donald Fowler, Volunteer Coordinator, City of North Port Police Department.*
- D. [19-0132](#) Proclaim April 2019 as Water Conservation Month, Presented to Dennis Ragosta, Southwest Florida Water Management District (SWFWMD) Government Affairs Regional Manager
- Vice-Mayor McDowell read the Proclamation for Water Conservation Month and presented it to Dennis Ragosta, Southwest Florida Water Management District Government Affairs Regional Manager.*
- Ms. Duffey invited all to participate in the Wyland Foundation National Mayor's Challenge for Water Conservation.*
- E. [19-0133](#) Proclaim April 2019 as Florida Water Professionals Month, Presented to Dana Mills, Vice-Chair, FWPCOA
- Vice-Mayor McDowell read the Proclamation for Florida Water Professionals Month and presented it to Dana Mills, Vice-Chair of Florida Water Professionals.*
- H. [19-0309](#) Proclaim April 2019 as Donate Life Month, Presented to LifeLink Volunteer Gary Rosenbaum
- Mayor Hanks read the Proclamation for Donate Life Month and presented it Gary Rosenbaum, LifeLink Volunteer.*
- K. [19-0223](#) Proclaim April 2019 as Sexual Assault Awareness Month
- Commissioner Carusone read the Proclamation for Sexual Assault Awareness Month and presented it to Jessica, a Sexual Violence Victims Advocate from Safe Place and Rape Crisis Center (SPARCC).*
- G. [19-0203](#) Proclaim April 10, 2019 as Gopher Tortoise Day, Presented to Edie Driest
- Commissioner Luke read the Proclamation for Gopher Tortoise Day and presented it to Edie Driest from North Port Friends of Wildlife.*
- J. [19-0148](#) Proclaim April 8-14, 2019 as National Public Safety Telecommunicators Week, Presented to Telecommunications Manager Misty Elmore

Mayor Hanks read the Proclamation for National Public Safety Telecommunicators Week and presented it to Misty Elmore, North Port Telecommunications Manager.

- B. [19-0306](#) Certificate of Appreciation Presented to David Wheatcroft for his Service on the Citizen Tax Oversight Committee

Vice-Mayor McDowell read the Certificate of Appreciation to David Wheatcroft for serving on the Citizens Tax Oversight Committee. The certificate will be mailed to Mr. Wheatcroft.

6. PUBLIC HEARINGS - CONTINUED:

- C. [ORD. NO. 2019-11](#) An Ordinance of the City of North Port, Florida, Amending the City of North Port Unified Land Development Code to Allow for Urban Market Gardens by Amending Chapter 25 – Parking and Loading Regulations, Article II – Off-Street Parking, Section 25-17 – Minimum Off-Street Parking Requirements; Amending Chapter 53 – Zoning Regulations, Part 2 – Schedule of District Regulations to Allow Urban Market Gardens as a Permitted Principal Use in the CG Commercial General District, CG-S Commercial General Special District, ILW Light Industrial and Warehousing District, and NC-HI/NC-LI Neighborhood Commercial High/Low Intensity Districts; Amending Part 3 – Special District Regulations, Article XX Special Circumstance Regulations, Section 53-240 Special Structures; Amending Chapter 55 – Activity Center Design Regulations to Allow Urban Market Gardens as a Permitted Principal Use in Panacea (Activity Center #4), Midway (Activity Center #5), The Shire (Activity Center #6), And The Gardens (Activity Center #8); Amending Chapter 61 Definitions, Section 61-3 Definitions and Word Usage; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (TXT-18-208)

Discussion continued on the item regarding the number of parking spaces per square feet of building/structure, and code requirements for paved parking.

Commissioner Carusone left the dais at 5:09 p.m.

There was a consensus that section 25-17 (B) be changed to 350 square feet.

Ms. Galehouse responded to Commission concern regarding outside sales in commercial districts and building requirements for ongoing sales.

Commissioner Carusone returned to the dais at 5:12 p.m.

Discussion continued regarding internal point of sales, including language regarding special exemptions or special event permits, and outdoor sales and storage restrictions in the code.

There was a consensus to revise the verbiage in Sec. 25-17 B. to allow inside or outside sales for urban market gardens in all districts.

Ms. Slayton clarified the exemption intent verbiage in Sec 53-240 S.(1)(a)(ii).

Ms. Galehouse spoke to Commissions concerns regarding allowance of special exemptions and replied to Commission questions regarding sale of tools and/or supplies, and maximum size requirements impact on taxation.

Discussion ensued regarding limitation of allowed acreage, and setting minimum and maximum allowances for activity centers and neighborhood commercial.

Ms. Galehouse spoke to the consideration of the tax base in restricting the maximum of three acres and suggested compromising with a narrow scope for expansion.

There was a consensus to revise the verbiage in Sec. 53-240 S.(1)(b)(ii) to activity centers up to 6 acres, neighborhood commercial up to 3 acres.

There was a consensus to remove Sec. 53-240 S.(1)(c)(i).

Discussion took place regarding application process section being redundant with law compliance section, major site plan review cost, setbacks and buffer requirements, and universal design.

There was a consensus to remove Sec. 53-240 S.(3)(a)(b)(c)(d).

Discussion took place regarding outside storage, visibility, and determining opacity.

Ms. Galehouse spoke to the difficulty in enforcing opacity.

Ms. Slayton suggested allowing outdoor storage with screening.

There was a consensus to revise the verbiage in Sec. 53-240 S.(4) to state outside storage must be screened from public view.

Discussion took place regarding composting verbiage in the ULDC and storage of toxic and flammable materials.

There was a consensus to remove Sec. 53-240 S.(4)(c)(i) and direct staff to research Sec. 53-240 S.(4)(c)(ii) and if it is redundant to remove it.

Discussion took place regarding organic practices, prohibiting synthetic chemical materials, and Department of Agriculture regulations.

There was a consensus to remove the first sentence in Sec. 53-240 S.(6).

Discussion took place regarding the Institute of Food and Agricultural Sciences (IFAS) listing of prohibited plants, livestock and animals prohibited, state regulations and use of fish for fertilizing.

There was a consensus to revise the verbiage in Sec. 53-240 S.(8) to state breeding and raising livestock and animals prohibited and revising the verbiage to allow use of bees and/or fish in the operations.

There was a consensus to remove "on-site" from the definition of urban market garden.

Discussion took place regarding mixed uses on the property.

There was a consensus to direct staff to research mixed use definition and how it is applied in the ordinance.

PUBLIC COMMENT

Linda Yates: exclusion of nurseries and equal treatment of all businesses

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to continue Ordinance No. 2019-11 allowing for urban market gardens to a meeting date to be determined with the following changes:

1: line 62 parking one additional space per 350 square feet;

2: line 89 inside and outside sales allowed in all zoning districts;

3: line 120 addresses sizes in activity centers up to six acres and in neighborhood commercial up to three acres;

4: line 123 remove all of (c)(i);

5: line 166 strike all of three;

6: line 181 outdoor storage must be screened from public view, City Attorney to craft language;

7: line 190 remove (c)(i);

8: line 199 (c)(ii) investigate and report back for second reading;

9: line 206 remove the sentence that starts "The use of synthetic chemical...";

10: line 213 staff will recraft the language with the intent that bees and fish used within use of the garden will be allowed, and to readdress the language about breeding and raising livestock being prohibited;

11: line 273 remove the word "on-site";

12: line 279 staff to check how the mixed use of all three definitions are going to apply within the Code.

The motion carried by the following vote:

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

Recess was taken from 6:29 p.m. until 6:43 p.m. Commissioner Emrich and Carusone were not present.

7. GENERAL BUSINESS:

Without objection Mayor Hanks reordered the agenda to hear Item 7E at this time.

E. [19-0321](#)

Review and Adopt Warm Mineral Springs Park Final Master Plan

Mr. Lear introduced this item.

Commissioner Emrich returned at 6:45 p.m.

Ms. Pfundheller provided an overview of the item to include prior discussion and direction.

Commissioner Carusone returned at 6:46 p.m.

James Pankin, Kimley Horn and Associates, provided a presentation to include agenda, draft master plan concept modifications to include bus lane shift, maintenance building location, fire lane added adjacent to event plaza and education center (school house) and additional educational activity space, final master plan concept incorporating prior Commission direction, phasing recommendations, infrastructure improvements, next steps to include design and permitting of phase 1, bidding and project delivery options, and construction, construction manager at risk benefits and keys to success, and responded to Commission questions regarding meaning of construction manager "at risk", regarding city properties versus county properties.

Mayor Hanks passed the gavel to Vice-Mayor McDowell and left the dais at 7:02 p.m.

In response to Commission questions, Mr. Lear confirmed the infrastructure improvements are part of the final master plan approval, stressed the intent to develop a loop system, funding for county residents to hook up, and state funding request.

Discussion took place regarding concern with infrastructure down Ortiz Boulevard, and reconfiguration of bus loop.

Mayor Hanks returned to the dais at 7:14 p.m.

Discussion ensued regarding indigenous people and the possibility to include a mission statement of what the Springs mean to them.

Mr. Pankin stated the mission statement would take place during the design phase.

Discussion continued regarding indigenous people's request to help craft what the museum would look like, adoption preventing future development and reprioritization of the phase list.

Commissioner Carusone dissented due to underutilizing opportunity to think outside the box to expand its use, looking at connectivity to the rest of the area and their uses.

A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to adopt Warm Mineral Springs Park final master plan. The motion carried by the following vote, with Commissioner Carusone dissenting for reasons stated:

Yes: 4 - Mayor Hanks, Vice-Mayor McDowell, Commissioner Luke and Commissioner Emrich

No: 1 - Commissioner Carusone

Without objection, Mayor Hanks reordered the agenda to hear Item 7.F. at this time.

F. [19-0349](#)

Approve Scope of Work and Evaluation Criteria for State Lobbyist Services and Direction to Move Forward with the Competitive Procurement Process

Mr. Lear provided an overview of this item, responded to Commission questions regarding procurement cost for solicitation, clarified Commission is not required to put out a solicitation but it is suggested, and responded to further questions regarding renegotiating the current contract.

Discussion took place regarding relationship with current company, updating scopes of services during the negotiation process, and reputation of lobbyists caliber and work ethic.

Mayor Hanks dissented due to opinion for reevaluation.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Carusone, to instruct City Manager and staff to renegotiate the contract with Greenberg Traurig following the procurement exemption. The motion carried by the following vote, with Mayor Hanks dissenting for reasons stated:

Yes: 4 - Vice-Mayor McDowell, Commissioner Luke, Commissioner Emrich and Commissioner Carusone

No: 1 - Mayor Hanks

10. PUBLIC COMMENT:

There was no public comment.

11. COMMISSION COMMUNICATIONS:

Commissioner Luke reported on Legislative Days, trip to Atlanta, AmVets thank you to Commission, Joint Management meeting once a year and bringing up possibility of mural at Performing Arts Center, and obtaining an update on Sarasota County Area Transit (SCAT).

Mr. Yarborough provided an update on SCAT to include holding an internal meeting and that they threw out proposal they received to date.

Vice-Mayor McDowell reported on the Community Baby Shower and suggested considering the use of Suncoast Technical College (STC) conference room for future events.

Mayor Hanks reported on trip to Atlanta and suggested ongoing educational programs in response to recent Driving Under the Influence (DUI) fatalities.

Discussion took place regarding Holly's Hope upcoming events regarding educational and teaching tools and reorganizing North Port ASAP.

Deputy Chief Morales spoke to National Night Out, working with schools, and educating youth.

Discussion took place regarding staff using social media to support project graduation and don't drink and drive.

Chief Titus spoke to placing vehicles in schools, youth thinking they are invincible and educating parents.

Discussion took place regarding educating parents on technology to monitor youth.

Chief Titus spoke to changing venue of project graduation to entice youth from other districts.

There was a consensus to have staff use social media to make a public service announcement (PSA).

12. ADMINISTRATIVE AND LEGAL REPORTS:

City Attorney: nothing to report.

City Clerk: nothing to report.

Mr. Lear reported on last minute notification from Metropolitan Planning Organization (MPO) to do presentation on City's 2045 long-term plans and requested MPO representatives request more notice from MPO.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to continue to date at City Manager's discretion, Agenda items 6.D., 7.A., 7.C., 7.D. and 8.A. The motion carried by the following vote:

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

6. PUBLIC HEARINGS - CONTINUED:

RESOLUTIONS

- D. [RES. NO. 2019-R-05](#) A Resolution of the City of North Port, Florida, Adopting a Citywide Sponsorship Policy; Incorporating Recitals; Providing for Conflicts; Providing for Severability; and Providing for an Effective Date.

7. GENERAL BUSINESS:

- A. [19-0285](#) Discussion and Direction to Approve the Use of Code Enforcement Fines for North Port Beautification and Tree/Scenic Highway Committee US 41 Revitalization Program
- C. [19-0189](#) Discussion and Direction Regarding the Use of Art Fund Monies for Senior Center Mural Project and Possible Charette and Involvement and Utilization of the Art Advisory Board
- D. [19-0209](#) Discussion and Direction Regarding the Use of CGI and their Promotional Video Services

8. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

- A. [19-0346](#) Human Resources Director Christine McDade: Annual Presentation to Commission

13. ADJOURNMENT:

Mayor Hanks adjourned the North Port City Commission Regular Meeting at 7:56 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.