



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Special Meeting

### **CITY COMMISSIONERS**

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

### **APPOINTED OFFICIALS**

*Peter Lear, Interim City Manager*  
*Mark Moriarty, City Attorney*  
*Patsy Adkins, City Clerk*  
*Kathryn Peto, Deputy City Clerk*

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Tuesday, April 4, 2017

9:00 AM

CITY COMMISSION CHAMBERS

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**Youth Advisory Board, Parking and Siting and buffer requirements of medical cannabis  
dispensing facilities**

### **MINUTES APPROVED AT THE 06-13-2017 MEETING.**

#### **CALL TO ORDER/ROLL CALL**

The North Port Commission Special Meeting was called to order at 9:00 a.m. in the City Chambers by Mayor Yates.

Present: Mayor Yates, Vice-Mayor Carusone, Commissioners Hanks and McDowell, Interim City Manager Lear, City Attorney Moriarty, City Clerk Adkins, Deputy City Clerk Peto.

**The Pledge of Allegiance was led by the Commission.**

#### **APPROVAL OF AGENDA – COMMISSION**

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to suspend the Commission rules for Procedure for this meeting. The motion carried with the following vote:***

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

Subsequent to a question, Interim City Manager Lear stated that he will check on the status of the changes to the Commission Procedures and get back to the Commission.

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

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

**A. [17-0976](#) Siting and buffer requirements of medical cannabis dispensing facilities**

Interim City Manager Lear, Planning Division Manager Norton, and City Planner Galehouse provided an update regarding siting and buffer requirements for medical cannabis dispensing facilities.

Discussion and questions ensued: (1) the Ordinance for buffer requirements was passed in November 2016; (2) Miami Dade is the only other City with a medical cannabis facility that has passed an Ordinance regarding requirements; (3) Tampa currently has a moratorium on these facilities which was enacted after a facility was sited; (4) an entire parcel is excluded if the buffer runs over any portion of the parcel; (5) the 800 foot residential buffer severely limits where these facilities can locate; (6) the 800 foot residential buffer allows for 11 parcels to the east and zero parcels to the west of Sumter Blvd; (7) a 1500 foot residential buffer was also considered to be conservative; (8) there are several challenges these facilities face outside of our zoning requirements and the Ordinance; (a) financing is a concern because of the interaction with Federal Law; (9) Activity Centers 3, 7, and 8 are excluded from development because the buffer line crosses over the parcel at some place; (a) they may be eligible in the future if they are subdivided; (10) the current buffer restrictions for alcohol establishments is 800 feet; (11) subsequent to a question, City Attorney Moriarty stated that leasing requirements that require proof of a lease were to expedite any evictions; (12) a copy of the lease is required to be submitted for water hook ups at the address; (a) pain management facilities and alcohol establishment are not subject to same requirements; (13) Subsequent to a question, City Attorney Moriarty explained this procedure is discriminatory but not an actionable offense; (14) when this process was started it was known that these buffers would need to be amended, it was just a starting point; (15) it was stated, the Scenario maps are not taking into consideration that parcels may already be occupied; (16) following a question, it was stated that Scenario A opens a few more parcels along US 41 and around City Hall and Scenario B opens up a lot more parcels on US 41 and around City Hall; (18) there is no residential buffer required for alcohol sale, only around schools, child care, and churches; (19) Scenario C opens up a lot of US 41 and much more in Activity Center 2; (20) Urban Service Boundary restricts any development in Activity Center 6; (21) the Ordinance limits only one facility per an Activity Center and only one East and one West of Sumter Blvd; (22) it was confirmed that there are no similar restrictions for pain management, pharmacies or alcohol sales.

PUBLIC COMMENT 9:36 a.m. - 9:43 a.m.

Justin Willis, Jill Luke, David Duval: Medical Marijuana

Discussion and questions continued: (1) it was noted that the least restrictive plan would be preferred; (2) subsequent to a question, City Attorney Moriarty confirmed that any changes to this Ordinance would need to come back for a first reading; (3) it was suggested that the residential buffer, lease agreement requirement, and facility limitations specifically limiting one in each activity center and only allowing two total to be removed; (4) the 800 foot buffer for churches and schools is agreeable because it is consistent with the buffer for alcohol sales; (5) it was noted that some buffer should be afforded to the residents; a 400 foot buffer is agreeable; (6) reducing the residential buffer will allow the market to work and open more location possibilities; (7) any changes will need to be reviewed by the Planning and Zoning Advisory Board first.

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to bring back an amended Ordinance for Ordinance 2017- 33 that will address the following: reducing the school and church buffer to 800 ft, removing the residential buffer requirement, removing the lease requirement, and removing the limitation of dispensaries within activity centers and geographical city boundaries. The motion carried with the following vote:***

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

**B. [17-0974](#)** Discussion regarding creating a Youth Advisory Board and developing an Intern Program in partnership with North Port High School.

Vice-Mayor Carusone provided a brief overview of the item about creation of a Youth Advisory Board and development of an Intern Program.

Discussion and questions ensued: (1) it was stated that all previous members of the Youth Advisory Board are successful as adults; (2) the main question about the Board is how many members to have; (3) the Board will also need representation from different schools; (4) it was stated that the reason for having five at-large seats was so that home school students can participate; (5) there would also be an application and appointment process but the Intern Program would have a stricter screening process; (6) subsequent to a question, it was stated that the previous Board was developed through an Ordinance (correction: should be Resolution) and has since been repealed; (7) it was stated that goals need to be established for this Board in order for them to be successful; (8) a suggested goal for the Youth Advisory Board should be to keep the teen center usable; (9) the previous Youth Advisory Board created a scholarship program, was involved in the parades and was responsible for data collection; (10) it was explained that the reason for creating a Board through an Ordinance is so that it can be codified; (11) the template for previous Boards was not used for the Youth Advisory Board because there are several aspects to be changed; (12) some concerns were addressed about the age requirements for admission to the Board; (13) the number of members on the Board needs to be an odd number of students for voting purposes; (14) the representation of the Board should be between 7 and 11 members; (15) home school students are represented by having at least one member; (16) there will be room for five at large members; (17) at the request of the Commission Justin Willis came up and spoke; (a) it was noted that having five adult members is too many, it won't allow for the Youth opinions to come out; (b) the Board needs to be between 7 and 11 members for voting; (c) the adult members should be one staff member and one adult volunteer; (d) the term limits should be one year not two years; (18) a suggestion was made to have as few adult members as possible and have their term limits short; (19) it was also stated that previous Youth Advisory Board Members were interviewed before the Commission; (20) Sunshine classes were offered to the Youth Members; (21) Justin Willis was volunteered to be the Adult Member Liaison as the "Youth Ambassador"; (22) the City Clerk would have to have a representative there to take official minutes but also to provide training to a Youth member about taking minutes; (23) the responsibilities of the Chair and Vice-Chair need to be outlined; (a) the Vice-Chair would be responsible for creating the Board's annual report; (24) the annual report would need to be turned in the first week of March for budget; (25) the Officer's terms would start January 1; (26) the Parliamentarian would have to be someone from City Clerk's office; (27) City Attorney Moriarty would have to create a clause outlining that anything not addressed in this Ordinance reverts back to the general Ordinance for establishing Advisory Boards; (28) the vacancy requirement will need to be reviewed on a case by case basis because the Youth is not always in control of their own schedule; (29) at the request of the Commission Justin Willis came up and spoke; (a) removal from the Board after three missed meetings shouldn't be a problem because the Youth will want to be there, if at all possible; (b) the Board give the Youth a sense of pride in the Community; (c) a suggestion was made to have members come before the Commission after three missed meetings instead of immediate removal; (30) if someone replaces a vacant seat, their term starts fresh and is not a continuation of the previous members term; (31) PAL system could be used for the Internship program but not for the Youth Advisory Board, the Police Department background would be preferred; (32) the adult members are more for supervision for there for direction of the Board; (33) Youth and Adult Advisory members will serve at the pleasure of the

Commission; (34) the application will be reviewed by the Board and then interviewed and approved by the Commission; (35) the Board will be responsible for creating by-laws; (36) the Board will be required to annually look at the Goals and Objectives and evaluate those; (37) the Council may be allowed to create sub-committees for research, when needed; (38) the meetings being televised was very well received by previous Boards; (39) the location for the meetings should not be limited to the Morgan Center; (40) the frequency of meetings should be at least quarterly; (41) the Board may follow Robert's Rules but it is not required; (42) recommendation to the Commission will need to have a simple majority of the votes; (43) approval of the by-laws will need a 2/3 approval of the Board; (44) the Youth Advisory Board agendas will be advertised like all other Boards indicating one or more Commissioners may be in attendance; (45) the adult members can be one ex-officio Commissioner, one staff liaison, and a Youth Ambassador; (46) there is a lot of opportunity with this group to benefit the community; (47) a suggestion was made to have an annual goal setting joint meeting, special meeting, or workshop; (48) the members time on the Board should be considered as community service but it is up to the accepting organization; (49) there is not a current Internship program at North Port High School; (50) North Port High School would have to implement the program and then we can set up the Internship program to meet their requirements; (51) the research will be handed over to the City Manager's office; (52) there should be monthly updates to the Commission about the progress.

***There was a consensus to have Vice-Mayor Carusone make the discussed changes to the Ordinance and bring the Ordinance back for a first reading.***

***A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to direct staff specifically City Manager's department to work in conjunction with North Port High School to redevelop an internship program city-wide and to provide a monthly report as to the progress on that with a goal to start this program by August. The motion carried by the following vote:***

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

Discussion continued: (1) Interim City Manager Lear will provide an update by email about the website and quarterly newsletter getting a youth corner; (2) an update will also be provided about the Commission Meeting Procedures and Commission pay schedule; (3) Commissioner McDowell will get a Workshop scheduled about the Tree Ordinance. There was no public comment.

There was an agreement to take general public comment before the recess.

### **PUBLIC COMMENT:**

PUBLIC COMMENT. 12:09 p.m. - 12:12 p.m.  
Sally Lovick: Boat Parking.

Recess 12:12 p.m. - 12:50 p.m.

### **C. [17-0967](#)**

### **Parking and Loading Regulations – ULDC Chapter 25 Section 25-19**

Mayor Yates introduced the parking issues and explained the codes that need to be addressed.

Discussion and questions ensued: (1) it was noted that the conceptual language was very good; (2) the term "boat" was so inclusive that it included even plastic rafts and needs to be updated; (3) the term "improved surface" will need to be defined; (4) the language about 80% opacity was removed for vehicles outside of an enclosed structure; (5) your property should dictate how many vehicles you can put in your yard and should not be limited to 6 vehicles; (6) an explanation was provided regarding the difference between manufactured and modular homes; (7) specific types of homes are being removed and replaced with single family dwellings; (8) the term principle structure needs to be left in to avoid vacant lots from being used for parking; (9) lots next to a principle structure would need to have the lot lines combined to allow for parking on the vacant property; (10) the language about unlicensed vehicles on property was removed; (11) most of the community will not want to destroy their property or neighborhood with vehicles all over; (12) there are older sections of North Port that do not have enough room in the driveway for vehicles; (13) the restriction for larger vehicles having to be on an improved surface was meant to be a middle ground; (14) there is no way to control your neighbor's actions to preserve property values unless you live in a deed restricted community;

PUBLIC COMMENT. 1:26 p.m. - 1:27 p.m.  
Jill Luke: Parking.

Discussion continued: (1) regulating parking will not deter everyone from having too many cars on their property; (2) the phrase "improved surface" is subjective; (3) the vehicle limitations are only for front yard only;

***There was a consensus to remove on page 2, A) "Other than in completely enclosed structures and unless otherwise prohibited herein, no more than a combined total of six (6)....." and in same sentence to remove "....whether single or of two (2) or more lots combined and used for single-family residence" and same sentence to remove "...either a single-family dwelling or a manufactured home located on such lot." The sentence will now read "Motor vehicles, recreational vehicles, trucks, boats, and trailers, may be parked on a residential lot provided that said lot or lots have a principle structure."***

***There was a consensus to change page 2, C) to read: "No more than a combined total of six (6) motor vehicles, recreational vehicles, trucks, boats and trailers may be parked in the front yard"***

Discussion continued: (1) Neighborhood Development Services Director Williams stated that the definition for a front yard was in the code already

***A consensus was made to move the last sentence of page 2, C) "The front yard is that area that extends from the wall of the dwelling unit that parallels the road and to the road right-of-way and typically contains the door" to the definition for the word "Front Yard"***

***There was a consensus to remove page 2, C.), (1) in its entirety.***

***There was a consensus to leave page 2, C.), 2) as it reads currently.***

Discussion continued: (1) there may be a problem by leaving language about sight visibility for the older sections of North Port and possible on the new Price Blvd; (2) any calls that come in about line of sight issues are deferred to the Engineering department;

***There was a consensus to remove page 2, C.), 3) in its entirety.***

***There was a consensus to remove page 2, B.) in its entirety.***

***There was a consensus to leave page 2, D.) as it is stated.***

***There was a consensus on page 3, E.) to leave the first sentence as stated.***

Discussion continued: (1) the only place with enough room for a semi in the drive way is in the Estates; (2) it would be difficult to park semi on the side of your home because of the setbacks;

PUBLIC COMMENT. 2:02 p.m. - 2:03 p.m.  
Jill Luke: Semi Parking.

(1) parking semis on the drive way make damage concrete but that would be the responsibility of the homeowner to replace; (2) there is a noise Ordinance in place that would prevent the semis from being running all night; (3) there are a lot of questions about where truck drivers are allowed to park their trucks within the City; (4) a suggestion was made to require the homeowner to have two lots;

***There was a consensus on page 3, E.), to remove "Truck tractors and semitrailer are prohibited on a single-family lot as one (1) of the six (6) permitted vehicles, except when three (3) or more lots are combined (interior lot lines eliminated)" the sentence will now read: "One (1) truck tractor may be parked on the property, provided that all setback requirements are met."***

***There was a consensus to remove page 3, F.), in its entirety.***

Discussion continued: (1) there should be a limit on how long repairs can be left in front yard; (2) North Port has the appearance of a Clean City; (3) the code needs to be written in a way so that it is enforceable for staff;

PUBLIC COMMENT: 2:27 p.m. - 2:28 p.m.  
Jill Luke: Parking.

(1) there was a suggestion made that debris and repairs should be separated; (2) it was confirmed that there is a littering Ordinance in place; (3) it was noted that reducing the amount of time vehicles are allowed outside is reasonable; (4) some concerns were raised about enforcement of this part of the Ordinance; (5) Neighborhood Development Services Director Williams stated that Code Enforcement is proactive about noting violations and following up on them;

***There was a consensus on page 3, G.) to remove from the first sentence the words "parts and" and to change in the last sentence "60 days" to "21 days".***

Recess 2:41 p.m. - 2:56 p.m.

Discussion continued: (1) currently only vehicles are allowed to be in the right of way, recreational vehicles, trucks, trailers, and boats are not allowed at any time;

***There was a consensus to consolidate section C.) 2) "In no case shall any vehicle or boat extend over or interfere with the use of any sidewalk right-of-way intended for pedestrian or vehicular traffic" into section H).***

Discussion continued: (1) following a question, Interim City Manager explained that parallel parking is allowed pursuant to Chapter 74 of the code; (2) a question was asked about why angled parking is not allowed; (3) Neighborhood Development Services Director Williams stated that angled parking requires a ratio for allotment of space for backing up into traffic; (4) it was further explained that stacked parking is not allowed because it blocks in some cars; (5) it was noted that the code should reflect that parallel and angled parking should be allowed for licensed motor vehicles;

***There was a consensus to have staff change I.) to allow Parallel and Angled parking and for staff to look at this section for compliance with the other codes.***

Discussion continued: (1) the lot owner should not be responsible for damage in a

swale that was beyond their control; (2) it was confirmed by Neighborhood Development Services Director Williams that the Public Works department makes determinations about damage to swales;

***There was a consensus to add the phrase "If determined that the property owner is at fault and if the..." to the beginning of page 4, I.), (4)(a).***

***There was a consensus to remove I.) (5) in its entirety.***

***There was a consensus to leave page 4, I.), (4) (b) as it is currently stated.***

***There was a consensus to leave page 4, I.) (6) as it is currently stated.***

***There was a consensus that on page 4, J.) to delete "... shall count toward the six (6) allowed. Additionally, the vehicle offered for sale..." so the section will now read "Sale of vehicles. Any motor vehicle, recreational vehicle, truck, boat or trailer offered for sale on a parcel must be owned by the resident of the parcel, where the vehicle is located."***

Discussion continued: (1) it was stated that the fumes from painting vehicles are very toxic and it should be prohibited in residential areas; (2) the type of paint used is different between house paint and vehicle paint; (3) it was stated that there are EPA regulations regarding toxic fumes and the City cannot exempt themselves from those regulations; (4) it was directed that staff check to see if there is currently any regulations in the Life Safety Code about painting;

***There was a consensus to have staff research the regulations regarding the painting of vehicles and bring back information to the Commission.***

Discussion continued: (1) it was stated that overnight parking for a maximum of 30 days is intended to be allowed for guests;

***There was a consensus to leave page 4, K.) as it is currently stated.***

Discussion continued: (1) it was noted that overnight parking should be allowed if it relates to employment; (2) there should be a limitation for commercial vehicles in residential neighborhoods; (3) limiting the amount of larger vehicles to one per household is more palatable; (4) there needs to be consideration given to buses in this section. Public Comment was held.

***There was a consensus to remove page 3, E.) in its entirety.***

***There was a consensus to direct staff to make the following corrections to page 5, L.): (1) to add "no more than one of the following", (a) to add "truck tractor", (e) to remove the phrase "including but not limited to", (h) the phrase "Vehicles converted for the sale of food" needs to be un-stricken and added back in, add (j) Bus, and the sentence "However, the vehicles listed above are prohibited on any road, right-of-way, or zoning district except in the course of delivery and pickup"***

***There was a consensus to add bus to the definitions.***

***There was a consensus for Mayor Yates to get together with City Clerk Adkins to review the draft minutes from this meeting to get with Neighborhood Development Services Director Williams to start the re-write of this code.***

## **ADJOURNMENT:**

Mayor Yates adjourned the North Port City Commission Regular Meeting at 4:45 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.