



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Workshop

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

Thursday, April 6, 2017

8:30 AM

CITY HALL ROOM 244

MINUTES APPROVED AT THE 07-25-2017 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Workshop Meeting was called to order at 8:30 a.m. in City Chambers by Mayor Yates:

Present: Mayor Yates, Vice-Mayor Carusone; Commissioners Hanks and McDowell; Interim City Manager Lear; Assistant City Manager Schult; City Clerk Adkins; Recording Secretary Hale and Assistant Police Chief Pelfrey.

The Pledge of Allegiance was led by the Commission.

A. [17-0972](#) City Wide Fees Discussion

Interim City Manager Lear provided a brief overview of the City fees and costs of services with a PowerPoint presentation.

ROAD AND DRAINAGE FEES

Discussion ensued: (1) clarification was provided that the Utility Department is a business-type entity, not a business entity, it is not designed to make a profit and all fees are paid by the end-users; (2) following a question concerning culvert permit fees on private property, it was stated that the proposed \$200 fee for a culvert permit in the right-of-way covers the survey costs and the cost of inspections; (3) it was stated that if a secondary access is desired on a property, the new culvert must be set at the appropriate elevation for water to flow; (4) it was explained that if the contractor builds in error, there is a \$75 re-inspection flat fee; (5) subsequent to a question, it was stated that the 3-year expiration on a survey is to ensure that all structures are properly placed on the property; (6) it was noted that Neighborhood Development Services Director Williams will research the requirements and authorship source regarding expiration dates on surveys.

BUILDING FEES

Questions ensued and answered: (1) clarification was provided that the fee for a Letter of Determination (\$100) under Miscellaneous Fees, is rarely used and is in response to

a formal request for an interpretation of a Building ruling. If the private party can provide sufficient additional information, the Building Official will review the City Code and may reverse the decision; (2) generally speaking, the fees that go into the Building Fund are to cover costs of services; (3) revenues and expenditures are tracked monthly to make sure the charge is sufficient and if not, a detailed review is performed; (4) the last fee study was performed approximately five years ago and was an internal review; (5) revenues from fees are not allocated in detail and the City's tracking system is limited; (6) clarification was provided that the permit fees should offset the operational costs and that sets the standard of how much to charge; (7) the Additional Electrical Fees and its subcategories were explained; (8) under Miscellaneous Fees, the difference was explained between an Affidavit of Completion and Certificate of Completion and why there are two distinct charges; (9) clarification was provided regarding the charge for residential and commercial Certificates of Occupancy and additional verbiage will be added to clarify how commercial impact fees are administered when a warehouse subdivides into individual units; (10) the purpose of a Temporary Certificate of Occupancy was explained.

BUILDING FEES (Property Standards)

Questions ensued and answered: (1) a fee for mowing was not listed due to timing issue in getting the item on the agenda, and is taken from a pool of vendors to resolve the violation; (2) Interim City Manager Lear will forward the current list of mowing vendors to the Commission; (3) the contractor fee for tree violations varies due to the complexity of the job and therefore, cannot be listed.

BUILDING FEES (Permits)

(1) under the Permit subcategory, the \$50 fee for Land Clearing is for a Tree Survey from the City Arborist and includes a site verification that the survey is correct prior to issuance of a Building Permit; (2) clear cutting a property is a violation under Chapter 45 of the Unified Land Development Code (ULDC); (3) following a request, Director Williams: [a] will verify the stipulations of visibly posting a permit to clear trees on the property, when it was removed, and whether it was added back; [b] will review the discrepancy between the Land Clearing fees for commercial and residential surveys; (3) a permit for underbrush removal is a classification under the Land Clearing fees.

BUILDING FEES (Business Tax, formerly Occupational License Tax)

Questions ensued and answered: (1) most of the fees are regulated by State regulations and there is current pending legislation to change or limit the amount a municipality may charge; (2) following a request, Interim City Manager Lear will research the reasoning behind why the fees seem to be disproportionate; (3) clarification was provided that the business tax applies to individuals conducting a business, not a building; (4) the subcategory of Merchants, is for a business that doesn't fit other categories; (5) staff will review the ability to require contractors located outside the City to have some type of registration to work inside the City; (6) staff will provide a copy of the 2006 Business Tax Ordinance and the Local Government Financial Information handbook published by the Florida Department of Revenue which provides the City with estimates but also defines business taxes and the City Ordinance from 2006 that establishes business tax fees in North Port; (7) an explanation was provided that North Port businesses receive a tax credit when the entity has already paid a business tax to Sarasota County; (8) after it was questioned why a peddler of fruits etc., under the Merchant subcategory is not charged a fee, clarification was provided that the State has exemptions for those types of businesses to promote those types of produce; (9) staff was requested to check if the City's website could perform a search for North Port businesses; (10) Section D, Building General Fund contains the permit fees for fences, sheds, etc., and the structure of fees assessed for a project was explained; (11) concern was expressed that people are unaware of the total cost involved.

PLANNING & ZONING

Discussion ensued: (1) subsequent to a concern, it was stated that there is no fee for a Special Events Permit, but if City services are utilized, those "actual, reasonable and customary charges" will be charged to the entity or individual; (2) it was suggested to remove the text in the fee area, insert \$0 for the fee charged, and add another line stating: "Any services provided by the City connected to the event will be charged at actual, reasonable and customary charges."; (3) Director Williams will research and verify the reasoning behind the \$120 fee for a Temporary Use Permit; (4) a future discussion regarding Special Event Permits is needed; (5) fees for different permits were discussed along with Special Events Fees and signs.

There was a consensus that the Commission will provide staff with a list of permit fees or issues to review, such as fencing, and staff will provide a breakdown of installation fees, listed by permit and provide the rationale for the permit fee. Thereafter, the Commission will discuss which permit fees not to charge. The following preliminary categories were as listed: fences, pools, shed, water heaters, front door, window. The City Clerk will schedule a workshop or other meeting for a follow-up discussion.

Recess 11:07 a.m. - 11:26 a.m.

Following a recap of the discussion items, Mayor Yates requested a consensus regarding the Commission's direction.

There was a consensus to direct staff review the business tax receipts and rationale for the fees; and to bring back the information in a follow-up meeting.

There was a consensus that staff will provide the items requested during the previous discussion items: (1) the requirements and authorship source regarding expiration dates on surveys; (2) additional verbiage will be added to clarify how commercial impact fees are administered when a warehouse subdivides into individual units; (3) the current list of mowing vendors will be forwarded to the Commissioners; (4) stipulations will be verified of visibly posting a permit to clear trees on properties; when that requirement was removed from the ULDC and whether it was added back; (5) the discrepancy between the land clearing fees for commercial and residential surveys will be reviewed; (6) the reasoning behind why the fees seem to be disproportionate will be researched; (7) to review the ability to require contractors located outside the City to have some type of registration to work inside the City; (8) staff will provide a copy of the 2006 Business Tax Ordinance; (9) a copy will be forwarded to the Commission of the Local Government Financial Information published by the Florida Department of Revenue; (10) Special Events Fees and signs; (11) the reduction of North Port fees if a similar fee has already been paid to Sarasota County.

PARKS & RECREATION

General Services Director Carmichael provided an overview.

Discussion ensued regarding: (1) the fee difference between basketball league and the cheerleaders and the facility usage requested by each group; (2) concern was expressed that, under Special Events, Governments and Active Military are charged a fee but non-profit organizations are not.

There was a consensus, under the Special Events/Activities, the Parade Entry (excluding Local Government & Active Military), to add and Non-Profit agencies with proof of a 501(c)3 status.

PARKS & RECREATION (Festival - Government & Non-Profit Table at special events)

Discussion continued: (1) concern was expressed that non-profit entities are discouraged due to the no food/sales provision in the fee schedule; (2) it was suggested to implement a clause for a first preference and no repetitive foods; (3) clarification was provided that there is language in the Vendor Application stating the City does not

provide exclusivity for any one project but also reserves the right to turn away vendors if there are too many of a certain type based on the expected attendance; (4) it was suggested to lower the fee of \$25 for the Food Vendor category, under 500 attendees whether for profit or non-profit; (5) following a question, it was stated that the 10% of sales is charged to food trucks with the intent of a food truck event; (6) discussion ensued regarding the fairness of exclusive food vendors.

There was a consensus to lower the fee for the food vendors for expected attendees under is 500.

There was a consensus to change the title Special Events/Activities, should be changed to City-sponsored Special Events/Activities.

Following a concern, it was stated that the fee of 10% of gross sales for food trucks could be clarified further to offer that to vendors at the City's discretion, event by event.

There was a consensus to charge food trucks 10% of gross sales at the City's discretion.

Discussion continued: (1) subsequent to a concern, clarification was provided regarding the selling parameters within Special Exception Permits; (2) regarding events on private property and the requirements to have a Special Event Permit and/or a Special Exception Permit were explained; (3) it was suggested to sunset the businesses in the Estates area of North Port unless it is a true agricultural business.

This Presentation was consensus to add clarification and information regarding Special Events Permit fees to the list to be discussed.

PARKS & RECREATION (Warm Mineral Springs)

Discussion continued: (1) it was suggested to review the extended hours requirements and current fees; (2) it was requested to see the PowerPoint and updated data regarding attendance at Warm Mineral Springs; (3) it was reported that the non-residents who visit Warm Mineral Springs come from different states and countries; (4) staff was requested to provide a Profit and Loss Statement for Warm Mineral Springs; (5) it was suggested to have a North Port Day for residents to experience the Springs at no charge.

There was a consensus to the forward the PowerPoint and updated data regarding attendance at Warm Mineral Springs to the Commission, including the Contract, and include this to the follow-up meeting on the fees.

PARKS & RECREATION (Facility Rental Fees)

Discussion continued: (1) clarification was provided that that the Open Space fee was intended to facilitate reservation requests for weddings or other private gatherings; (2) there was a discussion concerning reducing the rental fees or charging a flat fee.

There was a consensus to direct staff to revise the Park Rental (Exclusive Use) and Open Space to \$15 and list the variety of park locations.

PARKS & RECREATION (Facility Rental Fees - Security Deposit)

Following a discussion, clarification was needed that the security deposit refers to indoor reservations and the City Green.

There was a consensus to clarify the areas that require a security deposit and provide a breakdown of costs.

PARKS & RECREATION (Facility Rental Fees - Pavilions & Gazebos)

Discussion ensued: (1) concern was expressed regarding the ability to determine how many people attend a private event/gathering; (2) it was suggested to remove the minimum charge of two hours; (3) clarification was provided that the intent behind renting pavilions was for private gatherings where exclusive use is wanted.

There was a consensus to leave the fees but remove the minimum charge of 2

hours for residents and non-residents.

PARKS & RECREATION (Facility Rental Fees - All Rentals Subject to Sales Tax)
Concern was expressed that non-profit agencies should also receive the same 10% discount as Achieve Anything members receive.

There was consensus to extend the 10% discount for entities that can provide a 501(3)c certificate.

Discussion ensued: (1) the Tree/Bench Tribute Program was explained; (2) following a question, clarification was provided that the Concession/Merchandise Items category was included as a place holder if Parks & Recreation had an event and allowed outside vendors to sell food etc.

Recess 1:17 p.m. - 2:05 p.m.

PUBLIC WORKS

Assistant Public Works Director Bramble and Solid Waste Manager Lama provided a PowerPoint review regarding the City's Recycling Program.

Discussion ensued: (1) after a question, the fees for dumpster roll-off were explained; (2) clarification was provided regarding rental fees for recycling containers after an event, including delivery and pickup/disposal.

There was a consensus that staff will clarify that the fee for recycling containers for event garbage and recycling service is for pickup and delivery.

UTILITIES

Utilities Director Newkirk and Customer Service Coordinator Duffy provided a review.

Discussion ensued: (1) following a concern, it was explained that the delinquency shut-off fee after hours is a placeholder if needed in the future; (2) the delinquency processing fee is used to process the paperwork, mail letters and notices; (3) after a question, it was explained that the results of the Rate Study demonstrated a need to recoup the expense of staff time and resources necessary to compile an accurate shutoff list prior to the actual action; (4) concern was expressed regarding the amount of money collected for disconnections and late fees; (5) staff will provide the Rate Study to the Commission which explains the details of Utility fees and the justification for Utility late fees; (6) subsequent to a concern, it was stated that the high collection amount for last year may have been due to an anomaly and staff will review the reason.

There was a consensus to remove the \$105 fee for the delinquency shutoff charge after hours.

There was a consensus to direct staff to provide the Commission a copy of the Rate Study; a breakdown of each account fees for disconnections; and how much revenue was collected in returned check fees.

UTILITIES (Continued)

Discussion continued and questions were answered: (1) clarification was provided that the Service Availability Fee is charged per property for written confirmation of water/wastewater availability prior to building permit being issued; (2) the Premise visit fee of \$15 is for the requests for staff to make a site visit, at the request of the customer, to determine why there is no water flow; (3) the Certificate of Occupancy Inspection Fee for a residence is apart from the Building Department and is a Utilities Certificate of Occupancy and was explained in detail; (4) the Construction Re-inspection Fee and the Overtime Inspection Fee will be reviewed and clarification will be provided to the Commission; (5) it was requested to provide an updated version of the fee comparison; (6) Mayor Yates distributed a Permit Cost Comparison study for the record; (7) a presentation regarding the Backflow Program is scheduled on a Commission meeting agenda; (8) the Shutoff fee is for not having a residential Backflow

device tested; (9) the proposed Ordinance is structured so that the City has ability to go onto property and coordinate backflow testing when customers are non-compliant; (8) it was stated that the City owns the line up to the shutoff valve and staff cannot jump a fence, but the program mandates that every three years a site survey must be done to ensure compliance; (9) the fee for a new construction turn on after backflow installed was explained; (10) the Utility Department is preparing an Ordinance regarding fats, oils, and greases; (11) clarification was provided that a discussion regarding a Utility return on investment fee will be during the budget workshops.

ROAD AND DRAINAGE

Interim Finance Director Lowry presented a brief overview of the fees that were moved from the Neighborhood Development Services to the Road & Drainage District.

Discussion ensued regarding other general City-wide fees: (1) following a concern, it was stated that the \$4 fee for a copy of the City Charter is based on a State statute fees of \$0.15 per page and \$0.20 for double sided; (2) the legal services actual charges incurred by the City, has to do with when the court finds the City is entitled to receive legal fees; (3) clarification was provided regarding notary fees that are regulated by the State and it was stated that typically, it is only done for City business.

There was a consensus to direct staff to come back with justification regarding overtime issue; the actual cost; and the overtime inspection fee of \$110 hour minimum; and a breakdown of the actual line item changes for residential and commercial.

There was a consensus to direct the City Clerk to schedule another workshop and staff will bring back a refreshed copy of the City-wide fee Ordinance.

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Workshop Meeting at 3:34 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.