



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
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Thursday, October 5, 2017

9:00 AM

CITY COMMISSION CHAMBERS

Parking Ordinance AMENDEND #2 AGENDA CHANGING THE ORDINANCE TO A DISCUSSION ITEM INSTEAD OF FIRST READING.

MINUTES APPROVED AT THE 02-13-2018 MEETING.

CALL TO ORDER/ROLL CALL

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

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

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

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

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

Subsequent to a concern, Mayor Yates clarified that by suspending the rules, the time allotted for public comment could be extended if needed.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke to suspend the rules for Commission Procedures for this meeting. The motion

carried by the following vote:

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

2. PUBLIC COMMENT:

Public comment was held 9:05 a.m. - 9:06 a.m.
Edmond Rouleau: sandbags during Hurricane Irma.

3. PUBLIC HEARINGS:**A. [17-1255](#)**

Discussion and possible action regarding draft Ordinance No. 2017-19; Amendments to Chapter 25, Parking and Loading Regulations, Article I. General Provisions, Section 25-19, Parking and Storage of Certain Vehicles.

City Manager Lear provided an overview of the item. Confirmation was provided that the Ordinance that was posted for first reading was reviewed by the Planning & Zoning Advisory Board. Subsequently, the Commission was provided with a Draft Ordinance this morning which contains some changes.

Neighborhood Development Services Director Williams noted that staff is requesting direction from the Commission to finalize any changes in the Ordinance. A PowerPoint overview was presented.

Discussion ensued: (1) clarification was provided that the document under consideration today is different from the conceptual language in the April 4, 2017 document and is a compilation of the current City Code plus what was discussed on April 4th; (2) due to public concerns, discussion ensued regarding different types of commercial vehicles parked in residential areas; (3) it was stated that Commission action regarding this legislation does not prevent gated communities, Community Development Districts (CDDs) and other entities from enforcing their own property standards. The City Code applies to the whole City but their own private rules may be more restrictive; (4) confirmation was provided that today's document reflects all of the consensuses from the April 4, 2017 meeting.

There was a consensus to work from the clean document provided as Exhibit B.

PUBLIC COMMENT:

Estella Konves; Ann Reid-Smith: vehicles parked on lots in gated communities.
Joe Candito: the Ordinance should be easy to read.

Following a public comment, City Attorney Slayton affirmed that, generally speaking, all of the City Codes apply throughout the City. In a deed restricted area, it is up to the Homeowners' Association (HOA) to enforce the deed restrictions. They cannot allow something that the City disallows, but they can be more restrictive. When a homeowner buys property in a deed restricted community, he agrees to abide by their rules. It is not legally accurate to state that a homeowners' association is restricted in its enforcement because the City has a less restrictive code. Police Captain Morales explained the Traffic Enforcement Agreement with Lakeside Plantation; clarifying where the City Code applies and where the HOA Deed Restrictions apply. Trucks, trailers and boats are not allowed to park in the right-of-way.

PUBLIC COMMENT:

Ronnie Carroll: Talon Bay Deed Restrictions.

Richard Oliveri: sent Commissioners information regarding changes to the Ordinance.

Mary Oliveri: property rights of those affected by changes. A moratorium on limiting the number of vehicles.

Following public comment, clarification was provided that there is no current moratorium on parking that allows unlimited vehicles. Additionally, the document received today is a corrected Ordinance based on the April 4, 2017 Commission conversation and this is not a first reading of the Ordinance.

PUBLIC COMMENT:

Charlotte Leonard; Valerie Henderson: property values and quality of life in the community.

Gerald Henderson: parking of boat in the right-of-way.

RIGHT-OF-WAY

Clarification was provided regarding the following: (1) current right-of-way parking regulations; (2) information of concern from Mr. Oliveri was forwarded to a Code Enforcement Inspector and clarified; (3) draft language includes the requirements that visibility must be maintained within the right-of-way; (4) differences were noted between the current Code and the draft Ordinance; (5) the hours for parking vehicles will not increase and parking is not allowed in the right-of-way at all times; (6) the restriction of no parking on the sidewalk remains.

CAMPING LIVING

It was stated that the current Code's RV occupation requirement of 30 consecutive days was increased from 20 calendar days in a year, and does not restrict the total number of days.

Discussion continued: (1) it was stated that some of the visibility sections were removed from the conceptual proposed language and is now reflected in Section 25-19(F); (2) it was suggested to designate a location where large vehicles could be stored and to allow commercial storage facilities to have outside storage for RVs and boats with common sense guidelines; (3) property standards vs. property rights were discussed; (4) a historical summary was provided.

DEFINITIONS:

IMPROVED SURFACE

Subsequent to a concern, it was suggested to add mulch to the Definition for Improved Surface, it was stated that a Right-of-way Permit is required to put an improved surface down.

There was a consensus to direct staff to work on the definition of Improved Surface, to include "woodchipping".

BOATS

It was suggested to change the language regarding waters in North Port.

There was a consensus to clear up the definition of Boats.

PRINCIPAL STRUCTURE

It was stated that the definition was transferred from Chapter 61 of the ULDC for consistency. Clarification is needed.

There was a consensus to direct staff to clarify and work on the language for Principal Structure.

RACE CAR

It was suggested to remove "race car" from the Motor Vehicle definition and keep the Race Car definition. After a brief discussion, it was stated that there has been no negative impact from having the definition in one place or both places.

There was a consensus to direct staff to re-evaluate the Definitions based on the changes the Commission directs today within the Ordinance.

TRUCK

It was stated that the changes were crafted due to the changes that were being proposed in the Code.

VEHICLES ON PUBLIC STREETS

Following a concern, clarification was provided that Vehicles on Public Streets had a specific purpose when it was defined. Staff will review the definitions and make them consistent and clear in their intent.

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B Motor vehicles, recreational vehicles, buses, trucks, truck tractors, boats and trailers, may be parked on a residential lot provided that said lot or lots have a principal structure.

It was suggested to add "and improved surface" to the requirement, so that if anything is parked on a lot, it must be on an improved surface.

Discussion ensued regarding: (1) weeds growing through mulch; (2) leaving Section B as it is stated vs. adding improved surface; (3) consideration of property rights; (4) making sure the regulations fit the zoning districts vs. one-size fits all; (5) limiting the number of vehicles to six vs. no limit but make sure there is an improved surface requirement; (6) cars and pickups do not have to be on an improved surface vs. recreational vehicles must be on an improved surface; (7) after a concern, clarification was provided that an improved surface requires a zoning permit and the owner must be aware of and meet the requirements for setbacks etc., and if the lot is not sufficiently large for an improved surface, it cannot be done; (8) concerns were expressed regarding the bigger issue of limiting/not limiting vehicle parking and where parking is permitted on a lot; (9) the opacity requirement; (10) it was suggested to table the issue but schedule a meeting soon; (10) following a question, it was agreed not to incorporate today's changes into the document until after all changes are made; (11) citizen input is needed; (12) it was stated that staff is working on creating a Property Standards Section to the Administrative Code, where issues will be placed that don't belong in the ULDC; (13) the next Workshop will include the following discussion items: [a] number of vehicles allowed to park on a lot; [b] licensed/unlicensed vehicles; [c] parallel and angle parking; [d] improved/non-improved surface; [e] types of vehicles; (14) staff requested to work off Exhibit B and staff will cleanup conflicting areas before the Workshop; (15) following a suggestion, it was stated that the City Manager will bring back the Code references regarding outdoor storage at storage facilities.

4. PUBLIC COMMENT:

Public comment was held 12:02 p.m. - 12:14 p.m.

Karen Dill; Charlotte Leonard; Chris Rajala; Richard Oliveri; Gerald Henderson; Edmond Rouleau, Jr.: concerns regarding the Parking Ordinance.

There was a consensus to direct City Manager Lear to schedule a full-day Workshop as soon as possible, for a continued discussion with all backup material from today; bringing Code references regarding commercial properties to allow for storage of vehicles.

5. COMMISSION COMMUNICATIONS:

There were no Commission Communications.

6. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Legal or Administrative reports.

7. ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Special Meeting at 12:22 p.m.

City of North Port, Florida

By: _____
Vanessa Carusone, Mayor

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

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2018.