



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Special Meeting

CITY COMMISSIONERS
Vanessa Carusone, Mayor
Linda M. Yates, Vice-Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS
Peter Lear, City Manager
Amber L. Slayton, City Attorney
Kathryn Peto, City Clerk

Monday, November 5, 2018

9:00 AM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 11-27-2018 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Special Meeting was called to order at 9:14 a.m. in City Commission Chambers by Vice-Mayor Yates.

Present: Vice-Mayor Yates; Commissioners, Hanks, Luke and McDowell, City Manager Lear; City Attorney Slayton; Recording Secretary Hale and Police Chief Garrison.

Absent: Mayor Carusone.

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

After a request by the Vice-Mayor, the Commission determined that they would like to move Consent Agenda item 3.A. after 3.C. for discussion.

A motion was made by Commissioner McDowell, seconded by Commissioner Hanks, to approve the Agenda moving 3.C. to be heard first followed by 3.B., 3.A. and then 3.D. The motion carried by the following vote, with Mayor Carusone absent:

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

2. PUBLIC COMMENT:

There was no public comment.

3. GENERAL BUSINESS:

C. [18-767](#) Legislative Calendar of Events

City Manager Lear gave an overview of the item.

Discussion ensued: (1) there was discussion regarding how and where the Commission would meet with the legislators, it was noted that meeting with the legislators should take place prior to them going to Tallahassee; (2) it was suggested to invite the legislators here and provide them with a tour of the City to make a personable impression; (3) providing a tour of the City and discussing legislative matters are two separate issues, a preference was opined for meeting with the legislators in their office; (4) it was suggested to invite a house and senate member here for the December meeting to discuss legislative action and provide them with a tour of the City, then follow up with a meeting in their office; (5) Vice-Mayor Yates distributed information in support of restoring and preserving local zoning authority and suggested it be added to the list of legislative priorities; (6) the City's list of legislative actions has not been sent to ManaSota League of Cities and a date for the legislative delegation meeting has not been set. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to have the City Manager include in the legislative priorities that the City supports any legislation that restores and preserves local zoning authority and that the City Manager may word the details as he deems necessary. The motion carried by the following vote, with Mayor Carusone absent:

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

There was a unanimous consensus to have the City Manager invite the elected representatives for a tour of the City and schedule a presentation at a Commission meeting to discuss legislative priorities inviting the representatives to participate, as soon as possible.

B. [18-772](#) Axon Field Trial Agreement for Body Worn Cameras

City Manager Lear introduced Police Chief Garrison who provided an update of the item.

Discussion ensued: (1) it was explained there are blanks in the agreement because they need to meet with the vendor and discuss options, initially ten to 12 body worn cameras will be deployed, that is the maximum number of cameras for the trial period; (2) the recordings are subject to sunshine laws, the videos will be uploaded into the cloud through a program provided by the vendor, and the information will continue to be available to the City even if a different vendor is selected; (3) there is not a fee to extend the trial period and it's not expected to go beyond 30 days; (4) the cameras will be worn by two patrol officers per shift and both K-9 officers, the cameras will remain with those officers during the 30-day trial period; (5) legal aspects are being reviewed for final approval by the City Attorney's office, policy can be tweaked as the program evolves; (6) it was explained that the Commission needs to give approval of the agreement to start the trial period. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to approve the agreement with Axon and the City of North Port for the field training for the body worn cameras. The motion carried by the following vote, with Mayor Carusone absent:

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

Mayor Carusone joined the meeting at 9:47 a.m.

Recess 9:47 a.m. - 9:57 a.m.

Present: 5 - Mayor Vanessa Carusone, Vice-Mayor Linda M. Yates, Commissioner Christopher Hanks, Commissioner Debbie McDowell and Commissioner Jill Luke

A. [18-757](#) Fence Height Measurement Discussion with Possible Action

Discussion ensued: (1) it was noted that the maximum height for a residential fence is six feet and commercial is eight feet, a suggestion was made to allow for a residential fence to be eight feet high and change the allowable hedge height; (2) it was suggested that fence or hedge height be based on elevation; (3) concern was expressed for the limitations listed within an easement that may not be necessary, it was suggested that staff explain what the City does to maintain an easement, and that a fence or shed should be allowed in the easement; (4) a suggestion was made to correct the typo in section (2)(b), it should reference subsection (4), not (5); (5) drainage, utility easements and their legalities were explained, some easements vary based on lot size; (6) there is a process to request a vacation of easement or a partial vacation and those are looked at case by case, there are some areas where the easement must remain; (7) concern was expressed to not make a blanket rule where each vacation request is already handled case by case; (8) Fire Chief Titus expressed concern about fencing, sheds or obstructions in the easement that can make it difficult to respond in an emergency; (8) it was suggested that language regarding owner responsibility as stated in (vii)(f) should apply to hedges and fences; (9) it was noted there is conflicting language in section 53-240 and the regulation requirements regarding setback; (10) this item will be addressed before the Unified Land Development Code (ULDC) rewrite occurs; (11) there was discussion regarding elevation and it was suggested that fence height be eight-foot from the elevation of the home, and that there could be a 15 to 16-foot-tall fence; (12) it was suggested to remove hedge height requirements with the understanding if the Fire Department needs access they may remove or drive over hedges; (13) it was noted that the current regulation provides for different fence height requirements for front, side and back yards; (14) a suggestion was made that the new fence height be allowed all the way around the house; (15) it was explained that the lower fence requirement in the front is for visibility and safety; (16) the landscaping code should be updated if necessary to reflect changes being made today; (17) Mayor Carusone summarized changes: [a] allow an eight-foot fence from the house elevation with setbacks equal on all sides; [b] remove the hedge requirements; [c] the landscaping code to match direction given today; [d] setback language in the code should be consistent; [e] staff to bring back a draft ordinance with the revisions within three months; (18) staff will review if this will be put in Property Standards or the ULDC; (19) staff will review the visibility triangle provision for modification; (20) it was noted that berms may need to be addressed; (21) concern was expressed regarding easements, sheds and wells, and that further discussion may be necessary.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct staff to bring an ordinance back to Commission within three months regarding the fence section in the code with the following changes: (1) allow eight-foot fence from the elevation of the house and around all sides; (2) remove hedges from the language; (3) be sure to cross reference the landscaping section of the code bringing any necessary changes there to be consistent; (4) make sure the code is consistent within the language itself; (5) the visibility triangle language is to be reviewed to be consistent with the changes. The motion carried by the following vote:

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

Discussion continued: (1) a suggestion was made that when the draft ordinance is brought back the Commission can have a discussion regarding sheds within an easement where a well exists; (2) it was suggested to have a workshop to discuss easements and that the history of the easements should be provided; (3) staff can review the pros and cons of allowing sheds in an easement, not to be included as part of the ordinance, and provide that information to the Commission when sheds are discussed again; (4) a suggestion was made to review the process for what is or is not exempt, and the internal procedures and policies; (5) third-party easements have to be considered in addition to City easements. There was no public comment.

A motion was made by Commissioner McDowell, seconded by Commissioner Luke, to have a workshop or an Agenda item in four to six months, for an overview of the pros and cons regarding placement of sheds in the easement, the current policy and procedures for exemptions, what are the other easements and measurements including third-parties and their coordination. The motion carried by the following vote:

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

Mayor Carusone presented Vice-Mayor Yates a plaque acknowledging her service as a Commissioner.

Recess 11:19 a.m. - 11:47 a.m.

D. [18-784](#)

City Code Chapter 46 Article II Division 2 - Noise Regulations

Vice-Mayor Yates provided an overview of the item.

Discussion ensued: (1) it was suggested to remove the exemption and restore the ordinance; (2) there haven't been any code enforcement complaints in the planned development communities since this code exemption, and that only one complaint was made prior; (3) Commissioner McDowell expressed concerns that the exemption was implemented because staff does not have a way to determine the decibel level within a planned development that has a zero-lot line, and that the Community Development District (CDD) and Home Owners Associations should be regulating; (4) a suggestion was made to regulate construction decibel limits based on certain times; (5) it was noted there were two incidents regarding a noise complaint and the second incident had a reading of 60 decibels which is the volume of a conversation; (6) by removing the exemption the HOA will need to act if there is a problem; (7) it was explained that removing the exemption will be the responsibility of the City to enforce, not the HOA. There was no public comment.

A motion was made by Vice-Mayor Yates, seconded by Commissioner Luke, to direct staff to bring back an ordinance amending the City Code Chapter 46 Article II Division 2 removing the exemption "a." from section 46-42(13). The motion carried by the following vote, with Commissioner McDowell dissenting for reasons stated:

Yes: 4 - Mayor Carusone, Vice-Mayor Yates, Commissioner Hanks and Commissioner Luke

No: 1 - Commissioner McDowell

4. PUBLIC COMMENT:

There was no public comment.

5. COMMISSION COMMUNICATIONS:

Vice-Mayor Yates expressed gratitude for serving on the Commission.

There were no other Commission Communications.

6. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative and Legal Reports.

7. ADJOURNMENT:

Mayor Carusone adjourned the North Port City Commission Special Meeting at 12:18 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 _____, 2018.