



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Special 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 Peto, City Clerk
Heather Taylor, Deputy City Clerk

Thursday, March 7, 2019

1:00 PM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 04-09-2019 MEETING.

CALL TO ORDER

The North Port City Commission Special Meeting was called to order at 1:04 p.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, Assistant City Manager Cari Branco, City Attorney Amber Slayton, City Clerk Katy Peto, Deputy City Clerk Heather Taylor, Police Chief Todd Garrison, Fire Chief Scott Titus, Human Resource Director Christine McDade, Outreach Coordinator Anna Duffey, Planning Division Manager Nicole Galehouse, Senior Planner Heather Hansen, Building Official Rick Hopkins, Public Works Director Julie Bellia and Engineering Division Manager Gerardo Traverso.

The Pledge of Allegiance was led by Commissioner Luke.

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to approve the Agenda. The motion carried by unanimous voice vote.

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

2. PUBLIC COMMENT:

Public comment took place from 1:07 p.m. - 1:10 p.m.

Linda Yates: school board meeting and non-conforming use

3. WELCOME OF NEW EMPLOYEES:

A. [19-0126](#) New Employee Acknowledgement

Ms. McDade introduced new employees.

4. PRESENTATIONS: TIME LIMIT OF 15 MINUTES

A. [19-0121](#) Public Utility Advisory Board 2018 Annual Report to Commission

Alicia Phidd, Vice Chair Public Utility Advisory Board, provided an annual report to include board membership, board goals and mission, 2018 achievements including support regarding water quality, hydrant maintenance program, and backflow program, various 2018 projects, community outreach, goals for 2019 including input, support and participation in outreach programs, remain informed, and involved and offer diverse perspective on utility matters.

Ms. Duffy responded to Commission questions regarding the U.S. 41 widening project, manhole locations, funding for increasing outreach, and spoke to recognition received for the "Where's Ricky Campaign".

Victor Dobrin, Chair, Public Utilities Advisory Board, recognized the Utility Department Staff for their efforts with the board and the community.

Ms. Duffy responded to Commission questions regarding board vacancies.

Ms. Phidd responded to Commission questions regarding meeting times, and efficiency and cross training with Ms. Duffy's replacement as Staff Liaison.

B. [19-0131](#) 2019 Department of Public Works Presentation

Ms. Bellia provided a presentation to include number of employees, department divisions, stormwater management plan including drainage system, infrastructure with emphasis on emergency versus urgency, maintenance, plan including water control structures, drainage program including neighborhood rehabilitation by grid, road crossing pipe replacement, outfall lining or replacement, swale full front piping, and tractor crossing pipe replacement, funds dedicated to drainage system, flood reduction study, future canal maintenance and outreach, and responded to Commission questions regarding structure life expectancy and timeline for rehabilitation of Biscayne Boulevard.

C. [19-0182](#) Presentation on Plastic Pollution

Commissioner Luke spoke to her request for this item to be added to the agenda following her attendance at City of Sarasota Commission meeting.

Jana Hoeftling and Kat Dillard, Rethinking Plastic, provided a presentation to include their location, BADFive items including clamshell to-go containers, cups, lids and straws, bottles, bags and utensils, plastic problem with one use items and alternatives, plastic in beaches, local data, microplastics, loggerhead hatchlings data, state policies and current litigations, recent proposed bills, summary of actions by other jurisdictions, impacts for

local businesses, and recommendations including watching litigation, collaboration, education and taking action.

Discussion took place regarding social media campaign to give up straws for lent, North Port Friends of Wildlife presentation regarding use of plastics, Rethink Plastic providing Commission with draft letter to Governor for review, and student involvement with the campaign against use of plastic, education, and City of Sarasota upcoming discussion on possible ban on use of plastic on public grounds.

Ms. Slayton responded to Commission questions regarding state preemption from ban on single use plastic and possibility to charge for use of bags.

Ms. Hoefling responded to Commission questions regarding emailing Commission informational links and statutes and why the focus is mainly on plastics versus other items.

Recess was taken from 2:22 p.m. - 2:36 p.m.

5. PUBLIC HEARINGS:

A. [19-0097](#) Commission-directed ULDC Revisions to Fence Height and Location Requirements (TXT-18-296)

Mr. Lear introduced the item and in response to Commission questions, clarified this is not a public hearing.

Commissioner Emrich and Commissioner Carusone returned to the meeting at 2:39 p.m.

Ms. Hansen spoke to concerns with fence height at visibility triangle and sight distance triangle, construction and site development related issues, floodplain issues, concern with measuring fence from ground elevation of the house, the need for a surveyor to measure fence, objective to allow fences to be tall enough to provide yard privacy, and safety issues with visibility when backing out of driveway and reviewed three possible options.

Mr. Traverso spoke to safety issues, site distance, and potential ramifications.

Mr. Hopkins spoke to building code determination of where to measure fence from, liability requirements, need for fences in excess of six feet to be engineered, and cost of engineering.

Ms. Hansen responded to Commission questions regarding differentiating lot lines that are against the road, three-foot and four-foot fence distance from street, 10-foot fence engineering requirement, comparison to other municipalities, current code regarding front yard fence height, and side setbacks when abutting a road.

Mr. Lear responded to Commission questions regarding November 5, 2018 Commission direction to bring back an ordinance.

Ms. Galehouse responded to Commission questions regarding page three of the staff report Part 3. Special District Regulations in reference to application to all zoning districts.

Ms. Hansen continued to respond to Commission questions regarding page four of the

staff report implementing a 15-foot setback, and minimum setback to meet visibility triangle.

Mr. Hopkins provided clarification that the Florida Building Code is based on the International Building Code and responded to Commission questions regarding being stricter in the City's code than the State code, and parts of the Florida Building Code that do not apply and have not been adopted by the City.

In response to Commission questions, Ms. Slayton stated she can bring back information regarding state approval of changes to lessen the building code.

Discussion followed regarding whether there is a need to obtain further information regarding Florida Building Code requirements.

There was a unanimous consensus for the City Attorney to provide additional information regarding Florida Building Code requirements and obtaining state approval.

Ms. Hansen responded to Commission questions regarding shrubbery height limits.

A motion was made by Vice-Mayor McDowell, that Commission adopt Option One, that is the current code, for the front yard of the home.

Discussion took place regarding hybrid of option three with keeping the front at the current requirement in option one, current code setbacks, intent of board to open up property rights of residents, placement of fence in regard to septic location, traffic engineer exemptions, fence transparency, and impact on undeveloped properties.

Ms. Hansen requested clarification from Commission regarding how applying Option 1, 2 and 3 would help the issue of undeveloped properties.

The motion failed for lack of a second.

A motion was made by Commissioner Luke, seconded by Commissioner Carusone, to make a hybrid of Options one, two and three having a 15-foot setback to start the fence in the front yard all the way across and going back the remainder of the way around the property when there is an adjacent road on the side lots thus fulfilling the same regulations as the front yard with a 15-foot setback.

Discussion continued regarding 15-foot setbacks in front yards and average front yard size, option one fence height allowance, setback requirements for fencing higher than eight feet, noting relevance to properties on a street not properties adjacent to a street, clarification of all options, installation of fence from elevation, side and rear areas to be included.

There was no public comment.

The motion carried by the following vote:

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

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, that staff prepare an ordinance for first reading after all legal and other reviews and present to the Planning and Zoning Advisory Board prior to presentation to Commission, with any nuances being addressed in a memorandum. 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 3:51 p.m. - 4:02 p.m.

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

A. [19-0053](#) Proclamation, March 2019 Social Work Month

Commissioner Carusone read the National Social Work Month Proclamation into the record and presented it to Janet Carrillo, Social Services Manager.

B. [19-0105](#) Certificates of Appreciation for Lauren Almarode and Norbert Schneider.

Mayor Hanks read the Certificates of Appreciation for Lauren Almarode Art Advisory Board service and Norbert Schneider Planning and Zoning Advisory Board service. The certificates will be mailed.

C. [19-0188](#) Certificate of Appreciation for Shaun Slapp

Mayor Hanks read the Certificate of Appreciation for service as Teen Court Case Manager and presented it Mr. Slapp.

5. PUBLIC HEARINGS CONTINUED:

B. [19-0122](#) Discussion on Research Regarding Potential Expansion of Nonconforming Uses

Mr. Lear introduced this item.

Ms. Galehouse spoke to the item to include prior Commission direction, issues needing to be addressed prior to drafting ordinance to include nonconforming uses within Activity Center One and limitations within the Comprehensive Plan and requested Commission direction.

Ms. Slayton clarified the difference between nonconforming use and special exception, separating commercial business and residential, allowing to protect current businesses in the future, and explained loss of conformity.

Discussion took place regarding the potential of restricting business investments by prohibiting nonconforming expansion, current restrictions on residential properties on U.S. 41, not expanding outside of original footprint, legal implications of allowing different uses for different zoning, not being able to purchase additional property in order to expand and adding a lanai to your property.

Ms. Hansen responded to Commission questions regarding addition of structures in relevance to the requirement of a Comprehensive Plan amendment and changing the code to state fences or sheds less than 200 square feet do not apply.

Discussion continued regarding economic viability, crafting language to allow for expansion, and height restrictions.

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to direct staff to work with the City Attorney and City Manager to look at allowing

sheds, fences, lanais, expansion of a home for bedrooms to be allowed in residential nonconforming without expanding the existing property lines or adding additional stories.

Discussion took place regarding property line expansion, further discussion after review, and nonconforming residential in the commercial zone.

The motion carried by the following vote:

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

A motion was made by Vice-Mayor McDowell, seconded by Commissioner Luke, to allow nonconforming businesses within the commercial zoning districts to expand within the footprint of their existing property line.

An amendment to the motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, to add "to be brought back at point of the ULDC rewrite". The amendment to the motion carried by the following vote:

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

Discussion took place whether you can apply different standards based on zoning classification.

A vote was taken on the main motion, as amended to allow nonconforming businesses within the commercial zoning districts to expand within the footprint of their existing property line and to be brought back at point of the ULDC rewrite. The motion carried by the following vote:

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

A motion was made by Commissioner Luke, seconded by Vice-Mayor McDowell, that nonconforming residential work be brought back at time of ULDC rewrite. The motion carried by the following vote:

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

Discussion took place regarding current nonconforming uses in residential areas in the Agricultural District and ability to sunset.

There was no public comment.

There was a majority consensus to look at what is nonconforming and what has special exceptions within residential for the entire City and look at legality of sunset special exemptions in residential zones.

7. PUBLIC COMMENT:

There was no public comment.

8. COMMISSION COMMUNICATIONS:

Ms. Galehouse provided clarification regarding Commercial Garden ordinance.

Commissioner Luke reported on Warm Mineral Springs, Utilities, and Atwater Elementary food pantry.

Vice Mayor McDowell reported on attending Government Day at Cranberry Elementary.

Mayor Hanks did not have a report.

Commissioner Carusone reported on Florida League Cities, and federal funding for River Road.

Commissioner Emrich did not have a report.

9. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager did not have a report.

City Attorney did not have a report.

Ms. Peto reported on Charter Review Advisory Board and Youth Council applications.

Discussion ensued regarding modifying language in Youth Council ordinance.

Ms. Branco replaced Mr. Lear on the dais at 5:34 p.m.

Ms. Peto noted applications can be reconsidered after the Youth Council ordinance is reviewed.

There was a unanimous consensus to bring back an ordinance to allow someone who is attending another school but lives in North Port full-time to serve on the Board as an at-large member.

10. ADJOURNMENT:

Mayor Hanks adjourned the North Port City Commission Special Meeting at 5:39 p.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Kathryn Wong, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2019.