



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes City Commission Regular Meeting

### *CITY COMMISSIONERS*

*Jacqueline Moore, Mayor*  
*Rhonda Y. DiFranco, Vice-Mayor*  
*Cheryl Cook, Commissioner*  
*Tom Jones, Commissioner*  
*Linda M. Yates, Commissioner*

### *APPOINTED OFFICIALS*

*Jonathan R. Lewis, City Manager*  
*Mark Moriarty, City Attorney*  
*Patsy Adkins, City Clerk*

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Tuesday, September 13, 2016

10:00 AM

CITY COMMISSION CHAMBERS

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**NOTE: This is a draft copy of the minutes of the 09-13-2016 Commission Regular Meeting, has not been approved by the Commission and is subject to change.**

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

The North Port City Commission was called to order at 10:00 a.m. in City Chambers by Mayor Moore.

Present: Mayor Moore; Vice-Mayor DiFranco; City Manager Lewis; City Attorney Moriarty; City Clerk Adkins; Recording Secretary Hale and Police Chief Vespia.

### **INVOCATION PROVIDED BY**

A moment of silence was observed followed by the Pledge of Allegiance led by the Commission.

### **1. APPROVAL OF AGENDA – COMMISSION**

Mayor Moore requested to pull item 7.B. from the agenda due to new information having been received. Commissioner Cook requested to pull 7.K. Vice-Mayor DiFranco requested to pull 7.I.; 7.J.; and Consent Agenda item 4.A.

Reasons for removing agenda items were as follows: (1) Agenda item 4.A., was removed at the request of the City Clerk, for changes and corrections; (2) Agenda item 7.B., was determined to be premature because of some actions that must be taken first by the Sarasota County Board of County Commissioners; (3) Agenda item 7.I and 7.J., were pulled due to previous Commission discussions in July and August where the issue was vetted and then tabled indefinitely; (4) Agenda item 7.K., was discussed at Commission Workshops prior to a formal discussion on October 13, 2015 where a super-majority vote passed the Resolution. A future Commission may determine to modify the legislation but it is not up to this Commission to do so now.

Discussion ensued: (1) Commissioner Yates stated that: [a] Items 7.I., and 7.J., are not pertinent to, and are separate issues from the July 12, 2016 Commission meeting which addressed the City Attorney's salary. The items are to evaluate Charter officers to be

compliant with the provisions of their contracts, and this is the last opportunity to fulfill the obligation to the Charter officers prior to approval of the Budget; [b] voiced serious concerns with the Commission not following-through with the time-sensitive evaluations; [c] did not support removing item 7.K., due to the need to address concerns expressed by the public; (2) Mayor Moore: [a] articulated the need to discuss 7.K., due to public feedback and due to unintended consequences pertaining to signage, a decision is critical prior to the November 8, 2016 Election date; [b] regarding items 7.I., and 7.J, she supported removing them, but expressed concern regarding the process of evaluations and agreed with Commissioner Yates regarding the timing and the need for the Commissioners to complete the forms by October 1, 2016. She supported scheduling a workshop to discuss the evaluation process; [c] agreed that item 7.B., was premature and would not support keeping it on the agenda.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to approve the Agenda, pulling items 4.A., Approval of Commission Minutes; 7.B. Discussion and possible action regarding the Dancing Ladies; 7.I. Commission annual review and evaluation of City Attorney; 7.J. Commission annual review and evaluation of City Manager; 7.K. Discussion and Action on Resolution 2015-R-28. The motion carried by the following vote with Mayor Moore and Commissioner Yates dissenting for reasons stated:***

**Yes:** 3 - Vice-Mayor DiFranco, Commissioner Cook and Commissioner Jones

**No:** 2 - Mayor Moore and Commissioner Yates

## **2. ANNOUNCEMENTS**

**A. [16-0513](#)** Current Vacancies for Boards and Committees.

City Clerk Adkins read the Current Vacancies for Boards and Committees into the record.

**B. [16-0514](#)** Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expirations Dates for Boards and Committees into the record.

## **3. PUBLIC COMMENT:**

Public comment was held 10:19 a.m. -- 10:54 a.m.

Vice-Mayor DiFranco explained that the public comment cards submitted for those items that were removed from the agenda, were added to the list of general public comments.

## **4. CONSENT AGENDA:**

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve the Consent Agenda, items 4.B., through 4.E., and 4.G., through 4.I., and pulling item 4.F. for discussion. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

**A. [16-0512](#)** Approval of minutes for the June 14, 2016 Commission Regular Meeting; June 21, 2016 Commission Special Meeting; June 21, 2016 Commission Budget Workshop Meeting for Districts and CIP; June 23,

2016 Commission Non-District Budget Workshop Meeting; June 28, 2016 Commission Regular Meeting; July 12, 2016 Commission Regular Meeting; July 26, 2016 Commission Regular Meeting; July 28, 2016 Commission Budget Workshop Meeting; July 28, 2016 Commission Special Meeting to Set Maximum Millage Rate; July 29, 2016 Commission Workshop Meeting; August 16, 2016 Commission Special Meeting and Executive Session.

***THIS ITEM WAS REMOVED FROM THE AGENDA.***

- B. [16-0414](#) Cash Receipts Summary - June and July 2016
- C. [16-0454](#) Piggyback of City of Punta Gorda Cooperative Contract No. N06177 for the City wide purchase of infrastructure, plumbing and utility products in the amount of \$205,000.
- D. [16-0455](#) Florida Department of Environmental Protection Grant Agreements for Lift Station Rehabilitation Project and Inflow and Infiltration Project.
- E. [16-0456](#) Authorization to sole source Neptune AMR Water Meters, reading equipment, software and services for repair and maintenance from Sunstate Meter & Supply, Inc. in an annual estimated amount of \$396,900 for FY 2016-17.
- F. [16-0471](#) Approval of continuing services Agreements No. 2016-23 with CDM Smith, Inc., Stantec Consulting Services, Inc., Hazen and Sawyer, P.C., and TKW Consulting Engineers, Inc. for Utilities engineering services.

City Manager Lewis provided a report of the procurement process for the outsourced engineering services for the City. This is a Standard Utilities Engineering Agreement, does not approve dollar amounts, only approves the list of four companies for specific tasks. There was no public comment.

Questions ensued: (1) clarification was provided that each project is approved on a case by case basis where the procurement would be let, and could come back to the Commission for approval if the dollar threshold is tripped; (2) the contract is for a specific period of time with a renewal provision as long as the terms and conditions are exactly the same; (3) City Manager Lewis stated that this is consistent with the way things have been done in the past.

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve Agreements No. 2016-23 with CDM Smith, Inc., Stantec Consulting Services, Inc., Hazen and Sawyer, P.C., and TKW Consulting Engineers, Inc. for Utilities engineering services. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

- G. [16-0458](#) Ranking of project priority for the Southwest Florida Water Management District 2018 Cooperative Funding Initiative.
- H. [16-0298](#) A 39-month Technical Support Service Agreement with Physio-Control, Inc. for Fire Rescue's cardiac monitor/defibrillators at a cost of \$46,410.

- I. [16-0469](#) Contract No. 2016-20 with Willis A. Smith Construction, Inc. for the construction of Fire Station 85 at 1308 N. Biscayne Drive in the amount of \$2,863,710.85 base cost and authorize a 7% project contingency in the amount not to exceed \$200,459.76 for a total amount of \$3,064,170.61.

## **5. PUBLIC HEARINGS:**

- A. [16-0438](#) Ordinance No. 2016-16, Second Reading, Petition No. REZ-15-158, West Villages Rezone. (Quasi-Judicial)

City Clerk Adkins, as a Notary Public, swore in all those wishing to provide testimony on the agenda item.

Exparte communication was disclosed by Mayor Moore and Commissioner Yates who spoke with staff.

City Clerk Adkins read Ordinance No. 2016-16 into the record by title only.

Attorney Bailey, representing the applicant, provided a brief review of the West Villages petition to implement the zoning designation of Village to the overall village lands as designated by the City's Comprehensive Plan, with the intent to rezone the unzoned or county-zoned land. Mr. Black, General Manager of West Villages and Kate LaBarr with Stantec were present to answer questions. Thereafter, Neighborhood Development Services Director Williams reported a unanimous approval by the Planning & Zoning Advisory Board and there have been no changes since first reading. There was no public comment and no questions from the Commission.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to approve Ordinance No. 2016-16. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

- B. [16-0428](#) Ordinance No. 2016-17, Second Reading, Petition No. VIA-15-178 amendments to the West Villages Index Map (Quasi-Judicial)

City Clerk Adkins, as a Notary Public, swore in all those wishing to provide testimony on the agenda item.

Exparte communication was disclosed by Mayor Moore and Commissioner Yates who spoke with staff.

City Clerk Adkins read Ordinance No. 2016-17 into the record by title only.

Attorney Bailey, representing the applicant, provided a brief review of the petition and stated the amendments to the Index Map will modify the boundaries of the West Villages Improvement District to reflect the change in ownership as parcels are cleaned up, clarified and coordinated. Mr. Black, General Manager of West Villages and Kate LaBarr with Stantec were present to answer questions. Thereafter, Neighborhood Development Services Director Williams stated for the record, the Planning & Zoning Advisory Board unanimously approved the petition; the petition was advertised on June 21, 2016; and the City Attorney reviewed and approved the Ordinance as to form and correctness. There was no public comment and no questions from the Commission.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook,***

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*to approve Ordinance No. 2016-17. The motion carried by the following vote:*

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

Recess 11:15 a.m. -- 11:20 a.m.

- C.** [16-0427](#) Ordinance No. 2016-20, Second Reading, Petition No. TXT-16-088 Amending Chapter 14, Earthmoving, Dredge and Fill Regulations, Sections 14-1 through 14-21 of the City of North Port Unified Land Development Code and Amending Chapter 61, Definitions, Section 61-3 Definitions and Word Usage

City Clerk Adkins Read Ordinance No. 2016-20 into the record by title only. City Manager Lewis introduced Neighborhood Services Development Director Williams who provided a brief overview. There was no public comment.

Questions ensued: (1) citing Gran Paradiso as an example, clarification was provided that when multiple projects are on-going by the same entity, excess fill dirt from one project location may be moved to another project location; (2) the Ordinance restricts selling of fill dirt to the public.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to approve Ordinance No. 2016-20. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

- D.** [16-0439](#) Ordinance 2016-21, Second Reading, TXT 16-090 Amendment to Section 17-09 the City of North Port Unified Land Development Code

City Clerk Adkins read Ordinance No. 2016-21 into the record by title only and City Attorney Moriarty corrected the ULDC reference in the Ordinance title to Chapter 17-09 and Director Williams provided a brief review. There was no public comment and no questions or discussion from the Commission.

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve Ordinance No. 2016-21. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

- E.** [16-0441](#) DMP-16-068 Villas of Holly Brook North Port Development Master Plan (Quasi-Judicial)

City Clerk Adkins, as a Notary Public, swore in all those wishing to provide testimony on the agenda item.

Exparte communication was disclosed by Commissioner Jones, Mayor Moore and Commissioner Yates with staff.

Mr. Kevin Rainy, of Southwest Engineering and Design, representing Healthcare Associates of North Port, presented an overview of the project. Director Williams introduced Planning Division Planner McNish, who provided a PowerPoint review of the concept plan, and staff's recommendation for approval. There was no public comment.

Questions ensued: (1) it was reported that 70-80 employees will work on site; (2) addressing patient safety, clarification was provided that the retention pond is normally dry and the final landscaping will have a hedge as an additional buffer between the

stormwater area and the building; (3) the facility has 84 units, some of which have two bedrooms; (4) the Cocoplum canal has a 20-foot maintenance easement and the total setback is 56-feet; (6) traffic flow will be minimal during peak hours, there will be no need for road improvements, the traffic movements do not warrant improvements or signalization; (7) the four identified tortoise borrows will be removed but permits are not issued until construction is eminent; (8) the next step of the site plan review will include an updated environmental report which will include a new review of tortoise burrows.

**A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to approve DMP-16-068. The motion carried by the following vote:**

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

**F. [16-0481](#)** PLF 16-061, Heron Creek Town Center North (F/K/A Phase 2 Plat)

City Manager Lewis received communication applicant will not be present and asked to reschedule the agenda item for another time.

**A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to postpone agenda item 5.F. PLF 16-061, Heron Creek Town Center North (F/K/A Phase 2 Plat) until a later date. The motion carried by the following vote:**

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

**G. [16-0495](#)** Ordinance No. 2016-32, first reading, amending the Fiscal Year 2015-2016 Non-District Budget.

**A motion was made by Commissioner Jones, seconded by Vice-Mayor DiFranco, to read Ordinance No. 2016-32 by title only. The motion carried by the following vote:**

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

City Clerk Adkins read Ordinance No. 2016-32 into the record by title only, after which City Manager Lewis provided a brief overview regarding the officer training simulator. Police Chief Vespia presented a video featuring the situation training program. There was no public comment.

Questions ensued: (1) all weapons and equipment are included, the program can be implemented immediately and can expand to suit future needs; (2) City Manager Lewis stated that timing is an issue in that the price will increase by \$14,000 on October 1, 2016; (3) this program is portable, the technology is more advanced than the one currently used by Sarasota County, and it can be programmed to re-enact an actual local situation; (4) some funding was used from the forfeiture program and the remainder is from other savings within the police department; (5) the simulator trains with hand guns as well as tasers.

**A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to continue Ordinance No. 2016-32 to the September 27, 2016 Commission Regular meeting for second reading. The motion carried by the following vote:**

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

## **6. RESOLUTIONS**

**A. [16-0440](#)** Resolution 2016-R-21, Creation of the Medical Hospital Task Force

City Clerk Adkins read Resolution No. 2016-R-21 into the record by title only and City Manager Lewis provided a brief review of past Commission direction. Public comment was held.

Questions ensued: (1) City Manager Lewis stated that a special provision concerning residency requirements could be added under Section 1 of the proposed Resolution; (2) citing the indefinite term date of the membership, City Manager Lewis stated the intent of Section 1.03 was once an individual was appointed, he/she would serve until September 30th or 12 months after the first meeting, which ever was later, and will serve for the duration; (3) City Attorney Moriarty stated the Commission may amend the Resolution as it sees fit; (4) Section 2.02 was constructed from Commission direction at the Workshop; (5) the overall purpose of the task force may be formulated as the Commission directs; (6) Mayor Moore and Vice-Mayor DiFranco favored the Resolution as proposed; (7) it was proposed to consider adding a North Port resident as an at-large member of the task force; (8) the application process will follow the requirements in Chapter 4 of the City Code regarding Boards and Committees; (9) City Clerk Adkins stated that there is nothing in Ordinance No. 2014-07 that would prohibit moving forward, under Commission direction, to create a specific application form for the task force. Direction to advertise in the newspaper is preferable as well.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to approve Resolution No. 2016-R-21.***

Mayor Moore passed the gavel to Vice-Mayor DiFranco in order to make an amendment to the motion. A brief discussion ensued regarding an even number of members on the task force.

***A motion was made by Mayor Moore, seconded by Commissioner Yates, to amend the motion, adding an at-large citizen member to the member list.***

The motion to amend and the second were withdrawn.

Discussion ensued: (1) City Manager Lewis stated the current advisory board legislation states that all members must be North Port residents but the Commission may modify that requirement for this task force; (2) Vice-Mayor DiFranco only favored one at-large resident member and citizens may attend any of the meetings, but the focus of this task force is to achieve a specific objective; (3) Commissioner Cook agreed with Vice-Mayor DiFranco and stated that adding residents politicizes the issue. If the amendment is approved and made part of the main motion, she will not support that either.

***A motion was made by Mayor Moore, seconded by Commissioner Yates, to amend the motion, adding two at-large North Port Citizens to the membership list. The motion carried by the following vote with Vice-Mayor DiFranco and Commissioner Cook dissenting for reasons previously stated:***

**Yes:** 3 - Mayor Moore, Commissioner Jones and Commissioner Yates

**No:** 2 - Vice-Mayor DiFranco and Commissioner Cook

Vice-Mayor DiFranco passed the gavel back to Mayor Moore.

Following a question and after quoting a section of Ordinance No. 2014-11 creating the Community Economic Development Advisory Board, City Manager Lewis stated that the Community Economic Development Advisory Board specified its own residency requirements; and without a similar provision in the Hospital Task Force Resolution, all of the members must be citizens of North Port with the 6-month residency requirement.

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to amend the main motion, to utilize the same language as the Community Economic Development Advisory Board regarding: Preference will be given to***

***applicants who are also City residents. It is preferred that a majority of the categories be filled by City residents. However, in cases where local residents are unable or unavailable to fill a specific category, applicants who are not City residents will be considered.***

Discussion ensued: (1) City Manager Lewis recommended renumbering Section 1 of the Resolution by inserting the suggested provision to add North Port residents, after 1.02, making it a new 1.03 and renumber the existing 1.03 to 1.04.; (2) a suggestion was proffered to recess to give the City Manager time to add the suggested text and renumber the sections to the Resolution; (3) Vice-Mayor DiFranco: [a] opposed taking a recess when a motion is on the floor; [b] opined that with these complications, the legislation needs to go back to a workshop; and [c] was amenable to pull the main motion and send it back to a workshop; [d] favored resolving this item and then take a break; (4) Commissioner Cook suggested scheduling a discussion for the October Commission Workshop and stated she cannot support the changes because they are complicated and were decided at the last minute; (5) because the amendment would not capture all the City Manager's suggestions, Commissioner Yates withdrew her motion to amend and Vice-Mayor DiFranco withdrew her second.

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to amend the main motion, making Section 1.03, 1.04; and then inserting as 1.03, Preference will be given to applicants who are also City residents. It is preferred that a majority of the categories be filled by City residents. However, in cases where local residents are unable or unavailable to fill a specific category, applicants who are not City residents will be considered. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

***A vote was taken on the main motion, as amended, to read, to approve Resolution No. 2016-R-21, adding two at-large North Port residents to the membership list, making Section 1.03, 1.04; and then inserting as 1.03, preference will be given to applicants who are also City residents. It is preferred that a majority of the categories be filled by City residents. However, in cases where local residents are unable or unavailable to fill a specific category, applicants who are not City residents will be considered. The motion carried by the following vote with Commissioner Cook dissenting for reasons previously stated:***

**Yes:** 4 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Jones and Commissioner Yates

**No:** 1 - Commissioner Cook

***A motion was made by Commissioner Yates, seconded by Commissioner Jones, to direct the City Clerk to craft and use a specific form for the Medical Hospital Taskforce, and predominantly advertise through appropriate channels. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

Recess 12:53 p.m. -- 1:55 p.m.

## **7. GENERAL BUSINESS:**

### **A. [16-0374](#) Unified Land Development Code (ULDC) Rewrite, Formal Process**

City Manager Lewis provided a brief review and introduced Director Williams who

presented the agenda item to the Commission. Zoning Coordinator Willette-Grondin provided an overhead projection of major portions of the Unified Land Development Code (ULDC) re-write. The Recommended Work Program document was also reviewed along with the timeline for the project. Public comment was held

Questions ensued: (1) subsequent to receiving the proposed changes from the University of Florida, the City's Legal Department will review; followed by a Planning & Zoning Advisory Board Workshop where the public may attend; there is a dedicated webpage and social media news to also capture public input; lastly all the documentation and public input will be presented to the Commission at workshops which may be scheduled in the evening and daytime; (2) there are 22 chapters to the ULDC that could be consolidated if the Commission chooses to hold town hall meetings; (3) citizens' email suggestions could be posted on the City's website; (4) City Manager Lewis stated that the Commission will have to weigh all the input communicated from all the sources, then decide what will be included in the document; (5) Assignment 1 consists of reorganizing and reformatting the ULDC but no content is being changed as part of the process; (6) each assignment is a "grouping" of amendments; (7) public input will be invited after the consultant's initial recommendations of each grouping so they may see what exists and what is being proposed; (8) regarding a concern for sufficient public input, City Manager Lewis stated that staff will modify the project as directed by the Commission and if necessary, changes will be implemented and brought back at the next Commission meeting; (9) subsequent to a suggestion to add town hall meetings/public forums for each grouping to provide time for conversation not just comments prior to the consultant's first recommendations, and after referring to the ULDC Work Program slide, City Manager Lewis stated that a process "box" could be added for each grouping to accommodate the additional public engagement; (10) staff is requesting Commission approval of the ULDC review process with the recommended groupings; where community conversations will be held on the front end of each grouping. The discussions pertaining to content will take place during the community meetings; the Planning & Zoning Advisory Board workshops, and from the Commission's final discussion; (11) concerns were expressed regarding some of the methodology that the consultant is using in the work program, such as pulling out and making technical manuals; changing the authority of the Commission's decision making in certain processes.

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve the Unified Land Development Code (ULDC) review format, table of contents, and work program, adding in the community conversations for each grouping prior to the University of Florida delivering the group of amendments for staff review. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

- B.** [16-0424](#) Discussion and possible action regarding the Dancing Ladies (Three Graces) located in the Right Of Way of North Highway Drive Adjacent to U.S. 41 at the Intersection of Ortiz Boulevard

***THIS ITEM WAS REMOVED FROM THE AGENDA.***

- C.** [16-0447](#) Discussion and possible action regarding appointment of a Financial Services Representative to the Community Economic Development Advisory Board.

City Clerk Adkins provided a brief overview of the current vacancy on the Community Economic Development Advisory Board and the application for Commission consideration. There were no questions from the Commission and there was no public

comment.

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to appoint Nicholas Worden to the Community Economic Development Advisory Board for a second term. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

**D. [16-0448](#)** Discussion and possible action regarding appointment of two (2) Members to the Public Utility Advisory Board.

City Clerk Adkins provided a brief overview of the current vacancies on the Public Utility Advisory Board and the applications for Commission consideration. There was no public comment and no questions from the Commission.

***A motion was made by Commissioner Cook, seconded by Commissioner Yates, to appoint James Sawyer and Ann Francoletti to the Public Utility Advisory Board. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

**E. [16-0449](#)** Discussion and possible action regarding appointment of a Member to the Parks & Recreation Advisory Board.

City Clerk Adkins provided a brief overview of the current vacancy on the Parks & Recreation Advisory Board and the application for Commission consideration. There was no public comment and no questions from the Commission.

***A motion was made by Commissioner Yates, seconded by Mayor Moore, to appoint Erlene Larson as a member of the Parks & Recreation Advisory Board. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

**F. [16-0457](#)** Discussion and possible action regarding appointment of two members to the Zoning Board of Appeals.

City Clerk Adkins provided a brief overview of the current vacancies on the Zoning Board of Appeals and the applications for Commission consideration. There was no public comment and no questions from the Commission.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Jones, to appoint James Bonsky and Timothy Martin to the Zoning Board of Appeals. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

**G. [16-0459](#)** Discussion and possible action regarding appointment of one member to the Art Advisory Board.

City Clerk Adkins provided a brief overview of the current vacancy on the Art Advisory Board and the application for Commission consideration. There was no public comment and no questions from the Commission.

***A motion was made by Commissioner Yates, seconded by Commissioner Jones, to appoint Sean Kirkpatrick as a member of the Art Advisory Board. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

- H. [16-0463](#) Discussion and possible action requesting direction from the Commission regarding the Commission's preference for seeking applications for the position of Deputy City Clerk.

City Clerk Adkins posed the following questions regarding how to proceed to fill the vacant Deputy City Clerk position, and requested direction from the Commission. (1) How long would the Commission like to leave the position open and receive applications, i.e., 2 weeks, 3 weeks, one month? (2) Would the Commission like for HR to screen the applications and provide to the Commission the ones that meet the minimum qualifications or would the Commission like to receive all of the applications? (3) How would the Commission like to select applicants to interview, example each Commissioner choose a number of applicants 3, 5, or some other specified number to interview? (4) Would the Commission like to have the applicants chosen for interviews receive testing such as Customer Service Test, typing test, or add supplemental questions to the application, i.e., Familiarity with Sunshine Law, Public Records Law, open meetings, etc.? (5) Does the Commission desire to have the City Clerk, City Manager, or HR Director be part of the interview process, submit questions or will the questions be solely provided by the Commission? (6) Does the Commission want to interview the applicants individually 1st and then during a Special Meeting or only during a Special Meeting? (7) If the Commission chooses to interview applicants from out of state will the Commission require them to be present or allow for an interview over the phone? (8) Once a candidate is selected does the Commission want the City to perform the same background check and requirement of a physical as is required for general employees? There was no public comment.

City Manager Lewis answered the following questions concerning the delay in moving forward with hiring a new deputy city clerk: (1) originally, the item was not staff-driven and prior to the last meeting in July, the City Clerk did not have time to reflect on what specific steps to pursue regarding the Deputy City Clerk position until after the general direction was given; (2) once the Commission identifies the answer to the proposed questions, Human Resources (HR) can handle the details; (3) when a new hire reports to a director, they initiate the hiring steps in conjunction with the Human Resources Department.

Discussion ensued pertaining to the specific direction requested from the Commission: (1) after being posted, the position shall remain open for one month; (2) HR will receive and screen applications and present the ones that meet the minimum qualifications to the Commission; (3) City Manager Lewis recommended [a] that HR screen the applications for one month and present the Commission with a binder of those applications that met the minimum requirements; [b] a special meeting will be scheduled so that the Commission may rank the applicants into a short list of at least five; [c] in advance of the special meeting, the HR team will brief the Commission regarding the do's and don'ts of questions to be posed; [d] engage HR and the City Clerk to help select the applicants for the Commission to rank; (4) testing could be comprised of a battery of tests including transcribing a set of minutes, a math test, and English test, a definition test specific to local government terms, the Florida Sunshine Law and public records knowledge. City Clerk Adkins is in possession of the tests she was given. The battery of tests would be administered through HR; (5) Vice-Mayor DiFranco requested to review every application and the other Commissioners agreed that HR will vet all applications and present the final list to the Commission; (6) the Commission shall interview the short list of applicants at a Special Meeting. No individual one-on-one interviews will be performed; (7) out-of-state applicants, if chosen for interviews, shall be present in person; [b] applicants knowledge of Florida Sunshine & State Laws is crucial and City Manager Lewis stated that verbiage to describe that

nuance could be added to the job advertisement; (8) once a candidate is selected, the Commission shall require a background check and physical as mandated for general employees.

Additional items to be considered were as follows: (1) the process will move forward with the Deputy City Clerk remaining as a Charter Officer as currently stated in the Charter; (2) the job opening will be treated like a hiring a general employee with the Commission making the decision.

City Manager Lewis provided a summary of the process and actions: (1) the job opening will be posted for one month; (2) the Human Resources Department will use the Job Description that is attached to the agenda item to identify the minimum qualifications and sort accordingly; (3) the Commission will receive all the qualified applications based on those minimum qualifications; (4) the Commission will hold a Special Meeting to narrow down the pool of applicants; (5) the Human Resources Department and City Clerk Adkins will identify some questions that the Commission may consider asking the applicants; and the questions shall be agreed upon by the Commission at the Special Meeting; (6) the short list of applicants will receive the assortment of tests offered through Human Resources in addition to the tests referred by Ms. Adkins as it related to job-specific duties or knowledge; which will be presented to the Commission at the Special Meeting to make sure it is something with which the Commission determines to move forward; (7) the short list of applicants will be interviewed at one Special Meeting, not one-on-one combined with a Special Meeting; (8) all the short-listed applicants will be present at the Special Meeting; (9) the City shall bear the cost of associated travel, as has been done in the past; (10) the final physical and background check will only be done at the conditional offer stage; (11) the job description contains the minimum qualifications identified by the Commission.

Discussion continued regarding the Job Description: (1) the job description should state that this is a Charter Officer position; (2) to add the stipulation that the Deputy City Clerk, as a Charter Officer, shall be a North Port resident, or establish residency within a year; (3) the Deputy City Clerk should have Notary Public Certification; (4) the salary range is on the job description as a pay grade and the actual range is on the ad for the posting; (5) the Deputy City Clerk is a contract position and will be advertised as such.

***A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to move the application process for the Deputy City Clerk forward to Human Resources, with the applicable components discussed and approved by the Commission. The motion carried by the following vote:***

**Yes:** 5 - Mayor Moore, Vice-Mayor DiFranco, Commissioner Cook, Commissioner Jones and Commissioner Yates

I. [16-0516](#) Commission annual review and evaluation of City Attorney

***THIS ITEM WAS REMOVED FROM THE AGENDA.***

J. [16-0518](#) Commission annual review and evaluation of City Manager

***THIS ITEM WAS REMOVED FROM THE AGENDA.***

K. [16-0519](#) Discussion and Action on Resolution 2015-R-28.

***THIS ITEM WAS REMOVED FROM THE AGENDA.***

## **8. PUBLIC COMMENT:**

Public comment was held 3:45 p.m. -- 3:53 p.m.

### **9.. SCHEDULING OF WORKSHOPS:**

There were no workshops requested.

### **10. COMMISSION REPORTS:**

Commissioner Yates attended: (1) Florida League of Cities Conference on August 18-20, 2016; (2) the Manasota League of Cities on August 11, 2016.

Commissioner Cook attended: (1) the Charlotte Harbor National Estuary Program meeting; (2) Augus Foundation Meeting.

Vice-Mayor DiFranco attended: (1) the Florida League of Cities Conference on August 18-20, 2016; (2) the Sarasota Manasota Metropolitan Planning Organization meeting on August 24, 2016; (3) the Sarasota Economic Development Corporation meeting.

Mayor Moore: (1) announced the Ribbon Cutting Ceremony of the Myakkahatchee Creek Connector Bridge on September 17, 2016; (2) attended the Florida League of Cities Conference; (3) attended the Council of Government Meeting.

Mayor Moore requested but did not receive a consensus pertaining to a 50-meter pool in North Port.

Commissioner Cook recollected that the majority of the Commission wanted to send the issue to a referendum if the cost was more than what was already budgeted for the pool at the YMCA; the pool at the YMCA will suffice; and the Parks & Recreation Master Plan has not been approved.

Commissioner Yates stated that the Commission went through the budget process with a second Budget Hearing scheduled on September 22, 2016 and specific direction would be more appropriate at that time.

### **11. ADMINISTRATIVE AND LEGAL REPORTS:**

City Manager Lewis: (1) received communication from Sarasota County Commission that they will receive a presentation from some leaders in Tallahassee regarding homelessness and emergency services on September 20, 2016; (2) announced the Myakkahatchee Creek Connector Bridge Ribbon Cutting Ceremony is scheduled for Saturday, September 17, 2016 at 10:00 a.m.; (3) announced the National Coastal Cleanup Day is scheduled for September 17, 2016.

Mayor Moore acknowledged and thanked all those involved in the Remember the Fallen on September 11, 2016.

### **12. ADJOURNMENT:**

Mayor Moore adjourned the North Port City Commission Regular Meeting at 4:19 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Jacqueline Moore, Mayor

Attest: \_\_\_\_\_  
Patsy C. Adkins, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2016.