



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Regular Meeting

### *CITY COMMISSIONERS*

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

### *APPOINTED OFFICIALS*

*Jonathan R. Lewis, City Manager*  
*Mark Moriarty, City Attorney*  
*Helen Raimbeau, MMC, City Clerk*  
*Patsy Adkins, CMC, Deputy City Clerk*

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Monday, April 13, 2015

1:00 PM

CITY COMMISSION CHAMBERS

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### CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 1:01 p.m. in City Chambers by Mayor DiFranco.

Present: Mayor DiFranco; Vice-Mayor Moore; Commissioners Cook, Jones and Yates; City Manager Lewis; City Attorney Moriarty; City Clerk Raimbeau; Deputy City Clerk Adkins and Police Chief Vespia.

**A moment of silence was observed.**

**The Pledge of Allegiance was led by the Commission.**

### APPROVAL OF AGENDA – COMMISSION

Mayor DiFranco requested to remove Consent Agenda Item 3.A., and City Manager Lewis requested to remove Consent Agenda Item 3.E. and moving 3.G. to General Business.

***A motion was made by Commissioner Cook, seconded by Commissioner Jones to approve the Agenda, removing Consent Agenda Items 3.A.; 3.E.; and moving 3.G. to General Business Item 6.E. The motion carried by the following vote:***

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

### **1. ANNOUNCEMENTS –CITY CLERK RAIMBEAU**

**A. [14-0908](#)** Current Vacancies for Boards and Committees.

City Clerk Raimbeau read the current vacancies for Boards and Committees into the record.

**B. [14-0909](#)** Upcoming Expirations for Board Members.

City Clerk Raimbeau read the upcoming expiration dates for Advisory Board members

into the record.

## **2. PUBLIC COMMENT: 1:04 p.m. -- 1:08 p.m.**

## **3. CONSENT AGENDA:**

*A motion was made by Commissioner Cook, seconded by Commissioner Jones to approve Consent Agenda, Items 3.B., 3.C., 3.D, 3.F., and 3.H. Item 3.I. was not approved. See Item 3.I. below for discussion and motion. The motion carried by the following vote:*

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

- A.** [14-0907](#) Approval of Minutes for the February 23, 2015 Commission Regular Meeting; the March 3, 2015 Commission Workshop (Strategic Planning); March 23, 2015 Commission Regular Meeting; March 27, 2015 Commission Workshop and April 2, 2015 Commission Special Meeting.

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

- B.** [14-0897](#) Appointment of Howard Henriksen as the fifth Trustee chosen by a majority vote of the other four trustees to serve an additional two-year term on the North Port Police Officer's Pension Board.

- C.** [14-0848](#) Cash Receipts Summary – February 2015.

- D.** [14-0895](#) Request for a temporary over hire in Property Standards Division with no increase to the budget.

- E.** [14-0876](#) Approval of Amendment No. 1 to Contract No. 2013-52 with Ajax Paving Industries of Florida, LLC in the amount of \$407,339.99 and approve additional funds of \$41,600 for contingencies.

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

- F.** [14-0871](#) Approve Amendment No. 1 to Agreement No. 2014-13 for Design Engineering Services at Butler Park in the amount of \$10,500; for a contract total of \$78,000 with an original Agreement contingency not to exceed \$6,750.

- G.** [14-0873](#) Award Construction Contract 2015-17 to J.E.Charlotte Construction, Inc. for George Mullen Activity Center Site Improvements Phase II, in the amount of \$243,520.65 and authorize use of contingency up to \$17,000.

***CONSENT AGENDA ITEM 3.G. WAS MOVED TO BE THE LAST ITEM UNDER GENERAL BUSINESS***

- H.** [14-0877](#) Acceptance of FEMA Phase 32 Emergency Food and Shelter Grant in the amount of \$7,908.

- I.** [14-0887](#) Approval of Warm Mineral Springs Miscellaneous Purchases not to

exceed \$10,000.

City Manager Lewis provided a review of staff's recommendation for the purchases of tables and other items for the convenience of attendees at Warm Mineral Springs. There was no public comment.

***A motion was made by Commissioner Cook, seconded by Commissioner Yates, to approve Warm Mineral Springs Miscellaneous Purchases not to exceed \$10,000.***

Questions and discussion ensued: (1) after a concern was voiced regarding chairs that were damaged in the short amount of time from their purchase, it was reported that a certain amount of wear and tear is expected and now attendees are being allowed to bring their own chairs again. In connection with this concern, it was recommended to post signage stating: continued abuse of chairs will result in assigning a rental fee; (2) after a suggestion was proffered to purchase umbrellas with the tables, it was decided to order six tables and three umbrellas.

***A motion was made by Commissioner Yates, seconded by Commissioner Jones, to amend the motion to include the purchase of three umbrellas. The motion carried by the following vote:***

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

***Mayor DiFranco called the question on the main motion as amended to approve Warm Mineral Springs Miscellaneous Purchases not to exceed \$10,000, including the purchase of three umbrellas. The motion carried by the following vote:***

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

#### **4. PUBLIC HEARINGS:**

- A. [14-0884](#) Ordinance No. 2014-42, second reading, Petition No. TXT-14-127, Amending Chapter 29, Sign Regulations, Section 29-10I. and adding provisions for changeable copy/electronic signs on billboards within the incorporated City limits.

City Clerk Raimbeau read Ordinance No. 2014-42 into the record by title only, thereafter City Manager Lewis provided a brief overview. There were no questions or comments by the Commission and there was no public comment.

***A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve Ordinance No. 2014-42. The motion carried by the following vote:***

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

- B. [14-0885](#) Ordinance No. 2015-10, second reading, Petition No. GEN-15-019, Amending the North Port City Code Article II, Florida Building Code, Section 14-20. Adoption of standards by reference, repealing in its entirety North Port City code Chapter 14 Building and Construction Regulations, Article III, Contractor Certification and Examination

City Clerk Raimbeau read Ordinance No. 2015-10 into the record by title only. City Manager Lewis provided an overview, stating the legislation repeals Chapter 4, Article 3 in its entirety; Chapter 14, Article 3, making changes to Article 2, and sections in the City Code that have those same references regarding contractor certification and

examination process. There were no questions or comments from the Commission and there was no public comment.

***A motion was made by Vice-Mayor Moore, seconded by Commissioner Yates, to approve Ordinance No. 2015-10. The motion carried by the following vote:***

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

- C.** [14-0886](#) Ordinance No. 2015-14, second reading amending the Fiscal Year 2014-2015 Non-District Budget and Capital Improvement Budget and Program.

City Clerk Raimbeau read Ordinance No. 2015-14 into the record by title only and City Manager Lewis presented a review of the legislation and reiterated that it is not increasing or decreasing the budget. There were no questions from the Commission and there was no public comment.

***A motion was made by Vice-Mayor Moore, seconded by Commissioner Yates, to approve Ordinance No. 2015-14. The motion carried by the following vote:***

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

- D.** [14-0906](#) Ordinance No. 2015-17, first reading, repealing Ordinance 2014-05, dissolving the Sister City Advisory Committee.

***A motion was made by Commissioner Cook, seconded by Commissioner Jones, to read Ordinance No. 2015-17 by title only. The motion carried by the following vote:***

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

City Clerk Raimbeau read Ordinance No. 2015-17 into the record by title only, thereafter City Manager Lewis presented an overview of the request to dissolve the Committee.

Discussion ensued: (1) following a request to pose a question to the City Attorney, Mayor DiFranco stated that questions and discussion will be combined; (2) after a point of order was raised concerning Robert's Rules, City Attorney Moriarty confirmed that questions and discussion may be held at the same time; (3) City Attorney Moriarty advocated the ability of a colleague to be recognized prior to calling for a motion; (4) Mayor DiFranco stated that a more appropriate time for questions is after a motion during discussion; (5) a point of order was voiced to challenge the procedural ruling of the Mayor and re-implement the former practices of questions, then the public comment to be followed by the motion; (6) clarification was provided that, at the discretion of the Mayor, the parliamentary discussion procedure was altered to be comprised of questions and discussion to be held during the discussion portion of the agenda item.

***A motion was made by Commissioner Yates to challenge the ruling of the Mayor for changing the order of procedure. The motion failed for lack of a second.***

There was no public comment.

***A motion was made by Commissioner Cook, seconded by Commissioner Jones to continue Ordinance No. 2015-17 to the April 27, 2015 Commissioner Regular Meeting for second reading.***

Discussion ensued: (1) concern was raised that the Commission had not addressed the recommendation of the Sister City to review the City of Sarasota's Sister City Agreement; (2) a suggestion was proffered for documentation purposes, to include the

Sister City Committee's recommendation to dissolve the entity in the proposed legislation.

***A motion was made by Commissioner Yates to amend the motion to include in the Ordinance text "whereas the Sister City Advisory Committee met on February 22, 2015 and made a recommendation to the Commission for dissolving the Sister City Advisory Committee." There was no second and the motion was lost.***

***Mayor DiFranco called the question on the main motion to continue Ordinance No. 2015-17 to the April 27, 2015 Commissioner Regular Meeting for second reading. The motion carried by the following vote:***

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

## **5. RESOLUTIONS**

### **A. [14-0905](#)**

Resolution No. 2015-R-08, requesting a Joint Meeting with the City of Venice, the City of Sarasota and the Town of Long Boat Key.

City Clerk Raimbeau read Resolution No. 2015-R-08 into the record by title only, thereafter Commissioner Cook provided a brief overview of the request. Commissioner Yates stated for the record, that she has questions and is perplexed regarding the order of business and the way it is being conducted.

Questions and discussion ensued: (1) clarification was provided that the monthly Council of Governments (COG) meeting is attended by the Mayor but this request invites all elected officials to a discussion; (2) parameters of the meeting, including how often it will be held and issues that are unique to municipalities could be discussed; (3) agenda items could be submitted beforehand; (4) Commissioner Yates supported meeting with other cities to discuss issues but articulated concern that identifying issues prior to the meetings would give them a greater chance for success; (5) Commissioner Jones did not support the resolution because it is a COG function. There was no public comment.

***A motion was made by Commissioner Cook, seconded by Vice-Mayor Moore, to approve Resolution No. 2015-R-08 requesting a joint meeting with the City of Venice, the City of Sarasota and the Town of Long Boat Key. The motion carried by the following vote with Commissioners Yates and Jones dissenting for reasons previously stated:***

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

**No:** 2 - Commissioner Jones and Commissioner Yates

## **6. GENERAL BUSINESS:**

### **A. [14-0722](#)**

Consider approval of Tribute Program - Tree, Bench and Paver Donations in City owned property managed by the General Services Department.

City Manager Lewis introduced Parks and Recreation Manager Pfundheller who provided a PowerPoint overview of the sponsorship program.

Questions and discussion ensued: (1) it was reported that the program is specific to City parks and City-owned property, but opportunities always exist to include this program in future neighborhood agreements or with a community that is contemplating area improvements; (2) as approved by the General Services Director; the Program

guidelines include language that allows other features, such as bike racks; (3) the renewable option after ten years, is a one-time offer at the same rate; (4) the bench renewal fee would cover replacement costs after initial warranties expire or if becomes structurally unsound, and the tree renewal fee is standard with other municipalities, but could be adjusted if Commission chooses; (5) clarification was provided that all requests will be reviewed for operational impact and will be on a case by case basis; (6) at this juncture, the program is exclusive to new benches and planting of new trees. There was no public comment.

***A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve the establishment of the Tribute Program - Tree, Bench and Paver Donations in City-owned property, managed by the General Services Department. The motion carried by the following vote:***

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

**B. [14-0899](#)** Consideration of Letter of Support for Sarasota County's Primary Care Partnership

City Manager Lewis provided an overview of Sarasota County's request. There were no questions from the Commission and there was no public comment.

***A motion was made by Commissioner Cook, seconded by Commissioner Yates, to authorize a Letter of Support for Sarasota County's Primary Care Partnership under the Mayor's signature. The motion carried by the following vote:***

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

**C. [14-0863](#)** Appointment of James E Toale, Esquire as Zoning Hearing Officer of the Unified Land Development Code.

City Attorney Moriarty provided his recommendation and an overview of the need for a Zoning Hearing Officer, noting that Ordinance No. 2014-29 states the jurisdiction of the hearing officer is established when there is insufficient regular members of the Zoning Board of Appeals (ZBA) to constitute a quorum, the hearing officer shall have the same jurisdiction and authority as the ZBA, and exercise all powers of the ZBA.

***A motion was made by Commissioner Cook, seconded by Commissioner Jones, to appoint James E. Toale, Esq., as the Zoning Hearing Officer of the Unified Land Development Code.***

Questions and discussion ensued: (1) subsequent to an inquiry, the Commission may opt to select one outside attorney to oversee all variance matters and it was reported that other jurisdictions function under such legislation; (2) the term is memorialized in the Ordinance and is not a contract, but rather an appointment. Public comment was held.

***A motion was made by Commissioner Yates, seconded by Mayor DiFranco, to amend the motion to specify a definite term of four years. The motion carried by the following vote:***

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

***Mayor DiFranco called the question on the main motion as amended, to appoint James E. Toale, Esq., as the Zoning Hearing Officer of the Unified Land Development Code for a term of four years. The motion carried by the following vote:***

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

**D. [14-0898](#)** Consider appointment of three (3) Regular Members to the Charter Review Advisory Board.

City Clerk Raimbeau provided an overview for the recommended appointments. There were no questions from the Commission and there was no public comment.

***A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve Gerald Paugh, Jeffrey Knox and Valerie LaBoy as Regular Members of the Charter Review Advisory Board. The motion carried by the following vote:***

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

**[14-0873](#)**

Award Construction Contract 2015-17 to J.E.Charlotte Construction, Inc. for George Mullen Activity Center Site Improvements Phase II, in the amount of \$243,520.65 and authorize use of contingency up to \$17,000.

***THIS IS CONSENT AGENDA ITEM 3.G. THAT BECAME THE LAST ITEM UNDER GENERAL BUSINESS***

City Manager Lewis explained that due to a timing issue, Ordinance No. 2015-14 amending the budget had to occur prior to the approval of this contract. There were no questions or comments by the Commission and there was no public comment.

***A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the Construction Contract 2015-17 to J.E. Charlotte Construction, Inc., for George Mullen Activity Center Site Improvements, Phase II, in the amount of \$243,520.65 and to authorize the use of congency up to \$17,000. The motin carried by the following vote:***

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

**7. PUBLIC COMMENT: 2:38 p.m. -- 2:41 p.m.**

**8. SCHEDULING OF WORKSHOPS: None**

**9. COMMISSION REPORTS:**

Commissioner Yates attended the following events: (1) the IslandWalk Community Expo on March 26, 2015; (2) the Bunny Breakfast; (3) the North Port Chamber of Commerce Business and Community Expo; (4) the Solid Waste Association of North America Road-E-O in April; (5) she reported that the Florida Department of Transportation scheduled an information meeting on April 21, 2015 from 5:30 p.m to 7:00 p.m. in the North Port Library for the design of the two pedestrian bridges over the Myakkahatchee Creek on U.S. 41; (6) reported that the House Bill on firearms failed in committee.

Vice-Mayor Moore attended: (1) the Sarasota Coalition of Substance Abuse Luncheon on March 25, 2015; (2) the IslandWalk Community Expo; (3) three Community Conversations; (4) North Port Chamber of Commerce Networking Breakfast on April 1, 2015; (5) the Sarasota Parks Master Plan Meeting on April 7, 2015; (6) the Peace River Manasota Regional Water Supply Authority Board of Directors Meeting on April 8, 2015; (7) she met with Dave Hutchinson, Staff Lead for the Sarasota/Manatee Metropolitan

Planning Organization, and Michael Howe, the MPO Executive Director on April 6, 2015.

Mayor DiFranco attended: (1) the Community Economic Development Advisory Board on April 1, 2015; (2) the Council of Governments meeting; (3) the IslandWalk Community Expo; (4) the North Port Chamber of Commerce Government Relations meeting; (5) reported that she will be attending the Tampa Bay Area Regional Transportation Authority (TBARTA) meeting on April 24, 2015.

Commissioner Jones attended the Community Health Action Team meeting on April 8, 2015.

Commissioner Cook attended: (1) the IslandWalk Community Expo; (2) the Community Conversation at the Senior Center; (3) the Homeless Luncheon in Venice; (4) the Homeless to Home Luncheon by Catholic Charities Diocese of Venice on March 31, 2015.

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

City Manager Lewis: (1) reported that seven employees from the Solid Waste Division and Fleet Maintenance Division competed in the Florida Chapter of the Solid Waste Association of North America (SWANA) April 10, and 11, 2015; (2) announced that Sergeant Scott King and Officer Dustin Cohen are being recognized for exemplary service at the 16th District Congressional Law Enforcement Dedication; (3) requested authorization to draft a letter to the Florida Senate and House of Representatives regarding House Bill 391, relating to relocation of utilities when in municipal easements, for Mayor DiFranco's signature.

***There was a consensus to authorize Mayor DiFranco to sign letters directed to the Florida Senate and House of Representatives relating to House Bill 391.***

Subsequent to the City Manager's request, Commissioner Yates requested that authorization be granted to draft a letter regarding House Bill 383. Discussion ensued wherein City Manager Lewis reported that the Florida League of Cities is working actively with the Legislature on a series of amendments that provide broader protections. City Attorney Moriarty explained the history of House Bill 383, the Burt J. Harris, Jr., Private Property Rights Act, and affirmed that after much discussion and changes in the provisions, the proposed Bill is more palatable than when it was first crafted.

***There was a consensus to authorize Mayor DiFranco to sign letters directed to the Florida Senate and House of Representatives relating to House Bill 383.***

## **11. ADJOURNMENT:**

Mayor DiFranco adjourned the North Port City Commission Regular Meeting at 3:07 p.m.

City of North Port, Florida

By: \_\_\_\_\_  
Rhonda Y. DiFranco, Mayor

Attest: \_\_\_\_\_  
Helen M. Raimbeau, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2015.