



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes 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

Monday, February 23, 2015

6:00 PM

CITY COMMISSION CHAMBERS

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order in City Chambers at 6:00 p.m. 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 held follow by the Pledge of Allegiance led by the Commission.

APPROVAL OF AGENDA:

A motion was made by Commissioner Cook, seconded by Commissioner Yates to approve the Agenda as presented. 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. 14-0811 Current vacancies for Advisory Boards.

City Clerk announced the current vacancies for Advisory Boards.and Committees.

B. 14-0812 Upcoming expiration dates for Board Members.

City Clerk Raimbeau announced the upcoming expiration dates for Advisory Board Members.

2. PUBLIC COMMENT: 6:04 p.m. -- 6:17 p.m.

3. CONSENT AGENDA:

A motion was made by Commissioner Cook; seconded by Commissioner Jones to approve Consent Agenda Items 3.A.; 3.B.; 3.C.; 3.D.; and 3.E., pulling Item 3.F. for discussion. The motion carried by the following vote:

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

- A. 14-0808** Approval of Minutes for the January 29, 2015 Commission Workshop and the February 5, 2015 Commission Special Meeting.
- B. 14-0787** Disposition of surplus assets by an appropriate fashion per City Ordinance No. 06-29 Sec. 2-410 set forth in F.S. 274.02(1).
- C. 14-0717** Approve RFP 2014-36 Multifunction Printer Lease between the City of North Port and Ricoh USA.
- D. 14-0775** North Port US 41 Facade Improvement Program
- E. 14-0789** Interagency Agreement Establishing a Community Partnership between the Florida Department of Corrections and City of North Port Police Department.
- F. 14-0807** Authorize the City Attorney to sue the property located at 1668 Tropicaire Blvd to compel compliance with the city's land development code.

City Attorney Moriarty provided a a brief overview, noting that The business currently operating at 1668 Tropicaire Blvd has been operating illegally within the city without a permit for approximately one year's time and outlining the associated cost of filing the lawsuit as follows: \$400.00 filing fee. \$50.00 per summons. \$2,000.00 - \$3,000.00 court reporter fees. \$300.00 - \$500.00 investigation fees.

Discussion ensued: (1) subsequent to a question City Attorney Moriarty clarified that this does not preclude the City from concurrently proceeding on other issues that may arise; (2) it was noted that the pre-application was under an inactive LLC; but the formal application was for an active LLC.; (3) concerns were expressed that this issues involves live animals and that there is not enough oversight on the selling of these puppies. Thereafter, public comment was held.

A motion was made by Commissioner Yates, seconded by Vice-Mayor Moore, approve authorizing the City Attorney to sue the property located at 1668 Tropicaire Blvd and associated parties to compel compliance with the city's land development code and municipal codes. The motion carried by the following vote:

4. PUBLIC HEARINGS:

- A. 14-0792** Ordinance No. 2015-05, second reading, Petition No. TXT-14-173, amending the Unified Land Development Code Chapter 53, Article XIV, Neighborhood Commercial High/Low Intensity District.

City Clerk Raimbeau read Ordinance No. 201505 into the record by title only. Subsequently City Manager Lewis provided a brief overview and highlighted two

changes (1) under section 53.179 struck number 17 and under section 53.183 there was a reference to A4 and it should have been reference to A3 so they were renumbered correctly.

Discussion ensued: (1) it was noted that section 1-20 De minimus revisions and clarified that typos do not need to come before the Commission; (2) clarification was provided in 53-179 #6 regarding ATM's and Drive-Thru's for banks; special exception vs permitted for Car Wash, Convenience Stores and Auto quick-wash; (3) clarification was provided regarding the landscape buffer, fencing and berms; (4) concerns were expressed regarding the 5 a.m. - 10 p.m. hours of operation; (5) clarification was provided on the exemption of churches; (6) it was noted that the scope for hiring a consultant is being finalized and will be brought to Commission when completed. Thereafter, public comment was held.

A motion was made by Commissioner Cook; seconded by Commissioner Jones to approve Ordinance No. 2015-05; a vote was taken on the main motion as amended to read: approve Ordinance No. 2015-05 adding language to change the dimensions of the sign to 24 square feet as per the Planning and Zoning Advisory Boards recommendations; amend section 153-182, section A1A to add to the text that the wall shall be placed on the non-residential side of the landscape buffer area; amend in section 53-179 Item 6 to special exception for both high and low with a drive-thru and change the automobile quickwash to special exception in neighborhood high. The main motion as amended carried on the following vote:

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

A motion was made by Commissioner Cook, seconded by Commissioner Jones to amend the motion to add language to change the dimensions of the sign to 24 square feet as per the Planning and Zoning Advisory Board recommendations. The amendment carried by the following vote:

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

A motion was made by Commissioner Yates to amend Section 53-182, section B 5, regarding the berm to state that the City approved six foot decorative fence shall be provided along the property line adjacent to the non-residential side of the landscape buffer (change the word residential to non-residential). The motion died for lack of a second.

A motion was made by Commissioner Yates, seconded by Mayor DiFranco, to amend Ordinance to change the hours of operation to begin at 7:00 a.m. according to the Planning and Zoning Advisory Boards recommendation. The motion to amend failed by the following vote with Mayor DiFranco, Vice-Mayor Moore, and Commissioners Cook and Jones dissenting.

Yes: 1 - Commissioner Yates

No: 4 - Mayor DiFranco, Vice-Mayor Moore, Commissioner Cook and Commissioner Jones

A motion was made by Commissioner Yates to amend section 53-181 to move Item C, churches are exempt from these requirements into the category B1. The motion died for a lack of second.

A motion was made by Commissioner Yates, seconded by Mayor DiFranco, to amend in section 53-179 Item 6 to special exception for both high and low with a drive-thru and change the automobile quickwash to special exception in neighborhood high. The amendment passed on the following vote.

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

No: 1 - Commissioner Cook

A motion was made by Commissioner Yates to amend the Ordinance language relating to the berm to read that the berm shall be 3 feet at installation. The motion died for lack of second.

Recess 8:00 p.m. -- 8:15 p.m.

B. 14-0698 Ordinance No. 2015-01, first reading, CPA 14-176 Capital Improvement Element Update.

A motion was made by Commissioner Jones, seconded by Commissioner Cook, to read Ordinance No. 2015-01 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. 2015-01 into the record by title only and thereafter, as a Notary Public of the State of Florida, swore in all witnesses wishing to provide testimony on the agenda item. 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 continue Ordinance No. 2015-01 to the March 23, 2015 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. GENERAL BUSINESS:

A. 14-0791 Discussion and possible action, regarding appointment of two (2) Regular Members to the Art Advisory Board.

City Clerk Raimbeau provided a brief review regarding the current openings to the Art Advisory Board. There were no questions or comments from the Commission.

A motion was made by Commissioner Yates, seconded by Vice-Mayor Moore, Lind Darlene Boyll and Carol Dawkins as Regular Members of the Art Advisory Board. The motion carried by the following vote:

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

B. 14-0793 Discussion and possible action, regarding appointment of two (2) Regular Members to the Parks and Recreation Advisory Board.

City Clerk provided an overview of the current opening for the Parks & Recreation Advisory Board. There were no questions or comments from the Commission.

A motion was made by Vice-Mayor Moore, seconded by Commissioner Cook, to appoint Helen Marchese and James Dixon. The motion carried by the following vote:

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

C. 14-0794 Discussion, and possible action, regarding appointment of a Regular Member to the Zoning Board of Appeals.

City Clerk Raimbeau provided a review of the current openings on the Zoning Board of Appeals. There were no questions or comments from the Commission.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve Steve Barnhardt to the Zoning Board of Appeals. The motion carried by the following vote:

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

D. 14-0795 Discussion and possible action, regarding appointment of two Regular Members to the Planning and Zoning Advisory Board and if the Alternate I or Alternate II Member are appointed as the Regular Member than the Commission will need to appoint a person to the vacant alternate position.

City Clerk Raimbeau provided an overview of the possible Commission appointments.

Clarification was provided one of the openings on the Board is for former member who resigned, and whomever is appointed to fill that seat will finish the term of Mr. Whitehead, whose expiration was April 9, 2016.

A motion was made by Commissioner Cook, seconded by Commissioner Yates, to reappoint Norbert Schneider to the Regular position and to appoint Mr. Metzger to fill the Lorenzo Whitehead vacated seat. The motion carried by the following vote:

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

Discussion ensued: (1) Commissioner Cook opined that due to the importance and complexity of the Board, the two applicants are not qualified and appointing them would not enable a more qualified individual to be appointed later on, therefore the two positions should be left open; (2) Mayor DiFranco supported the appointment of Mr. Murphy, but does not support the motion due to the nomination of Mr. Maturo as the Alternate II due to the multiple negative statements he has made regarding North Port, and therefore is not a fair representative of this Commission and cannot endorse him; (3) Commissioner Yates provided support of occasions when Mr. Maturo has represented the City in a good light.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to move Mr. Martin Murphy to the Alternate I and appoint Mr. Ken Maturo to Alternate II. The motion failed by the following vote with Mayor DiFranco, Vice-Mayor Moore, and Commissioner Cook dissenting for reasons previously stated. Vice-Mayor Moore did not provide a reason for dissenting.

Yes: 2 - Commissioner Jones and Commissioner Yates

No: 3 - Mayor DiFranco, Vice-Mayor Moore and Commissioner Cook

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to move Martin Murphy to the Alternate I position. The motion carried by the following vote:

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

E. 14-0796 Discussion and possible action, regarding appointment of a Tourism Representative to the Community Economic Development Advisory Board.

City Clerk Raimbeau presented a brief review of the Tourism Representative vacancy on the Community Economic Development Advisory Board. Commissioner Cook reported that Ms. Burnham also serves on the Charlotte County Tourism Board. Vice-Mayor Moore reported that Ms. Burnham is an outstanding candidate and has a great reputation in the community. Commissioner Yates is involved in many community events and will serve the City well.

A motion was made by Commissioner Cook, seconded by Vice-Mayor Moore, to appoint Cathy Burnham to the Community Economic Development Advisory Board in the Tourism Seat. The motion carried by the following vote:

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

F. 14-0797 Discussion regarding the 2015 Federal Priorities

City Manager Lewis provided an overview of the Commission's 2015 Federal Priorities and requested a motion of approval. There were no questions or comments from the Commission.

A motion was made by Commissioner Yates, seconded by Vice-Mayor Moore, to approve the 2015 Federal Priorities as presented. The motion carried by the following vote:

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

6. PUBLIC COMMENT: 8:30 p.m. -- 8:33 p.m.

7. SCHEDULING OF WORKSHOPS:

Commissioner Yates - requested a workshop on Neighborhood Commercial Zoning District.

8. COMMISSION REPORTS:

Commissioner Yates attended several events in the City including the Retail Gap Analysis Community Meeting, the annual Employee Luncheon, the Open House for Community Conversation regarding the Sarasota County Technical Institute, and a little league kick-off event.

Vice-Mayor Moore attended: (1) the Retail Gap Analysis Community Meeting on February 11, 2015; (2) the Sister City Advisory Board; (3) the Florida League of Cities seminary on Liability on February 12, 2015; (4) the Sarasota County Technical Institute Meeting; (5) the City's annual Employee Luncheon.

Mayor DiFranco attended: (1) several of the same events that the other Commissioners mentioned; (2) the Retail Gap Analysis Community Meeting and met with the consultants; (3) the Community Health Action Team for Commissioner Jones; (4) Council of Governments was hosted by North Port at the Family Services building; (5)

toured Thomas Ranch with Marty Black; (6) met with Attorney Jeff Boone; (7) met with Debbie Osborn regarding the Orange Hammock Conservation Foundation; (8) cited a letter from Mayor Shaw of the City of Sarasota asking support for Resolution No. 15-R-2468 in support of Florida State House Bill 3717, the Helping Families in a Mental Health Crisis Act.

Commissioner Cook reported: (1) attended many of the same meetings as the rest of the Commission; (2) attended the Southwest Florida Regional Planning council for Commissioner Yates; (3) attended the Tourism Committee; (4) attended the Argus Foundation luncheon where Senator Galvano was the speaker.

There was a consensus to direct City Attorney Moriarty to craft an Ordinance to dissolve the Sister City Committee.

9. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lewis reported that the North Port High School Wildcat Basketball team will be recognized at a future Commission meeting in recognition of their advancement in the Regional and State tournaments.

10. ADJOURNMENT:

Mayor DiFranco adjourned the North Port City Commission Regular Meeting at 9:06 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.