

REGULAR MEETING HELD BY THE CITY
COMMISSION OF THE CITY OF NORTH PORT
ON 1 JUNE 1981 IN THE COUNCIL CHAMBERS
OF THE MUNICIPAL BUILDING

Present: Mayor Gentle, Commissioner Whisenant, Rothschild, Kramer,
City Clerk Pedersen, Police Chief Costello, City Attorney
Allen J. Levin

Absent: Commissioner Hall - on leave.

The Board reconvened at 9:37 a. m., immediately following adjournment
of the Workshop Meeting.

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG:

The Invocation was delivered by Commissioner Whisenant followed by
the Pledge of Allegiance to the Flag led by Mayor Gentle.

PRESENTATION BY COMMANDER KLOPFENSTEIN OF VFW:

The Mayor advised this item #3 on the agenda would be deleted since
the Officer was not available to receive the presentation.

On another subject, Mayor Gentle stated that an order was received
from the Southwest Florida Water Management District declaring a
water shortage emergency, requiring an Ordinance be passed to pro-
mulate the order. An emergency Ordinance was written which de-
clares a water ban, using the odd-even system for watering between
the hours of 8:00 p.m. and 7:00 a.m.

At the request of the Chair, Commissioner Kramer moved to place
Ordinance 81-98 on the agenda; seconded by Commissioner Whisenant.
The unanimous vote carried.

EMERGENCY ORDINANCE NO. 81-98 (WATER BAN):

Mayor Gentle read Emergency Ordinance No. 81-98, (Water Ban) in full
for the record, following which Commissioner Kramer moved to adopt
Emergency Ordinance No. 81-98 on the first and final reading; sec-
onded by Commissioner Whisenant.

Mayor Gentle advised that announcement of the watering ban will be
made in the newspapers and on radio station WENG and WMAR.

In response to a question from a member of the audience, Mayor
Gentle stated the Ordinance will go into effect immediately.

Commissioner Kramer questioned whether this Ordinance can be invoked
should the same situation occur again. Mayor Gentle responded an
amending ordinance will lift the ban but not negate this Ordinance.

Having no further questions to the issue, the Chair called for a roll
call vote; Commissioner Kramer, "Aye;" Commissioner Whisenant,
"Aye;" Commissioner Rothschild, "Aye;" Mayor Gentle, "Aye." The
unanimous vote carried.

SECOND READING ORDINANCE NO. 81-96 (AMENDMENT NO. 1 TO ORDINANCE NO. 80-82):

Mayor Gentle read Ordinance 81-96, Amendment No. 1 to Ordinance No. 80-82 by title only, following which Commissioner Whisenant moved that Ordinance No. 81-96 be adopted on the second and final reading; seconded by Commissioner Kramer.

Having no questions to the issue, the Chair called for a roll call vote: Commissioner Kramer, "Aye;" Commissioner Whisenant, "Aye;" Commissioner Rothschild, "Aye;" Mayor Gentle, "Aye." The unanimous vote carried.

NATIONAL MUNICIPAL LEGAL DEFENSE FUND:

Commissioner Rothschild questioned if approval could be made now and necessary payment of approximately \$310.00 be made from Unappropriated Funds. Mayor Gentle stated the Commission can approve participation to be effective with approval of the next budget.

Attorney Levin was of the opinion that the City should not delay in applying for membership to this organization. He then outlined the Cities already involved in civil rights lawsuits.

Commissioner Kramer inquired if it was limited to civil rights cases or if it only applies to Federal cases. Attorney Levin explained if a City is sued, NIMLO would come in as amicus curiae in a Federal case. At the State level, Florida League of Cities assists.

Commissioner Kramer questioned why it should be voted on prior to approval of the next budget. Mayor Gentle explained a motion can be made to table the item or deny.

Following the discussion, Commissioner Rothschild moved to join the National Municipal League Defense Fund as such time as the budget is made up and necessary expenses be included; seconded by Commissioner Kramer.

Mrs. Conmy inquired if NIMLO has the right to deny the assistance. Attorney Levin stated, as a member, we could insist on their help.

Mayor Gentle explained if the litigation has public interest nationwide, they will come in as amicus curiae or a research backup. If they choose not to come in as amicus curiae, the fund will at the request of the municipal attorney involved, hire expert technical witnesses and lawyers with the experience to participate in making a sound record at the trial.

Commissioner Kramer, in clarifying the discussion, stated assistance will be given as a member.

Mr. Scribner inquired if the relatively small amount would be a yearly budget item. Mayor Gentle responded it would normally be paid out of the publication and membership line item on the budget but the fund is at zero level. That is the reason it was suggested to include the item in the next budget. Having no further questions to the issue, the unanimous vote carried.

MR. ALLEN J. LEVIN, CITY ATTORNEY:

Attorney Levin was pleased to announce that two court cases with Sarasota County had been won by the City. On County's attempt to usurp the City's Planning & Zoning powers, Judge Parham adjudicated in favor of the City. On the Dual Taxation suit, Judge Hall's decision was upheld. This, he hoped, would be the end of Sarasota County's litigations.

Mayor Gentle stated hopefully, a meeting with County will be held on Dual Taxation to reduce taxes. Attorney Levin explained that County can be ordered to make provisions to equalize the tax burden between City and County residents so that they are not paying for double services.

THE MAYOR SPEAKS:

The Mayor requested citizens not to call the Commissioners or Mayor regarding routes to be used in the event of a hurricane. Mr. Meloche, Civil Defense Director, will be in the Civil Defense office at the fire station from 9:00 a.m. to 12:00 noon this week. The phone number to call is 426-1900.

Mayor Gentle reviewed the sample ballot regarding a County referendum on June 16th for a bond in the amount of 30 million dollars, which the Mayor assumed is for the purchase of the Oaks Property. This bond will mature not later than 30 years from date of issuance, payable from ad valorem taxes which will be levied on all taxable property in the County, without limits as to rate or amount for the purpose of financing the cost of acquiring land within the County for recreation and development.

A second bond issue to repair County roads in the amount of 30 million dollars is another item County is considering.

The third bond issue to be expected will be to pay court costs on proceedings filed by County on the McArthur Tract. Because water is available on this Tract an advanced water treatment plant will be needed and another 30 million dollars will be required. The Mayor cautioned citizens to be alert and to read the newspapers closely regarding the upcoming bond issues. No official announcement has been received but information was given by a newspaper reporter.

In the absence of Commissioner Hall, Mayor Gentle reported on the activities in the Police, Fire and Ambulance Departments during the month of May.

COMMISSIONERS REPORTS:

Commissioners' Whisenant and Kramer had no reports for the Regular Meeting.

Commissioner Rothschild reported that the tennis courts were used 178 times during the month of May. The courts at McKibben Park were not included in the count.

Commissioner Rothschild cautioned all boaters in the area to watch for manatees in the water as they could be seen from Biscayne Blvd. bridge. In addition to injuring the manatees, small boats could capsize.

Commissioner Rothschild urged swimmers not to swim in the canals as there are alligators in the water. The pool is expected to reopen within a couple of weeks for the public to enjoy.

MEETING OPEN TO THE PUBLIC (10:30 A.M.):

In response to a question from a member of the audience, Mayor Gentle stated that while the watering ban is on, there will be no washing of cars or boats. In response to a question on dual taxation, Mayor Gentle stated that dual taxation means County tax money is being spent on the roads in north County, where no benefits are received by the City.

Mr. Goll advised that the polls will be open on June 16th from 7:00 a.m. to 7:00 p.m. for the referendum voting.

Mr. Bishop questioned Attorney Levin and Mayor Gentle regarding the use of City Hall, referring to a paper he had given the Mayor at a previous meeting. The Mayor responded the paper was a finding of the court; not a law regarding the subject.

Mr. Bishop complained that his freedom of speech was denied at the meetings and referred to Amendment #1 of the Constitution of the United States. Mayor Gentle responded to his complaint by stating he was never denied the right to speak but due to his rude manner and how he spoke, he was removed from the Chambers.

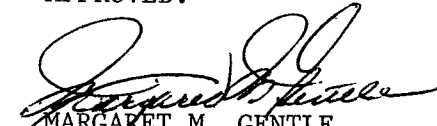
Mr. Art Moore inquired when the park area proposed for Tract E would be completed. He also requested a "dead end" sign be placed on Appomattox, suggesting "no fishing" signs be posted on the bridges. Referring to the request for signs, Commissioner Kramer stated they are removed as soon as they are posted.

Mr. Bishop stated he received a phone call from a "concerned citizen" regarding the equipment in the Fire Department that is broken down. According to the information given him, Mr. Bishop claimed that #27, #24, #23, #29, #28, and #25 fire apparatus are all in need of repairs. He requested clarification that #21 and #26 are the only two pieces of equipment in working condition. It was also rumored that two of the police cruisers have had engines burned up. Mayor Gentle responded that she had no knowledge of these problems but will check into the matter. The Mayor explained the difficulty in getting parts for these vehicles when needed. According to Commissioner Whisenant, all parts are in to repair the vehicles.

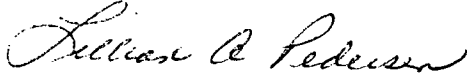
ADJOURN:

Having no further business for the Regular Meeting, Commissioner Whisenant moved to adjourn at 10:45 a.m.; seconded by Commissioner Kramer. Motion carried.

APPROVED:


MARGARET M. GENTLE
MAYOR

ATTEST:


LILLIAN A. PEDERSEN
CITY CLERK