



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final 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
Helen Raimbeau, MMC, City Clerk
Patsy Adkins, MMC, Deputy City Clerk

Tuesday, April 26, 2016

10:00 AM

CITY COMMISSION CHAMBERS

CALL TO ORDER/ROLL CALL

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

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

The invocation was provided by Father Patrick Organ of San Pedro Catholic Church.

The Pledge of Allegiance was led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

Vice-Mayor DiFranco requested to continue Agenda Public Hearing Item 5.A. to the next Commission meeting due to incomplete documentation in the public backup material.

City Attorney Moriarty stated that Agenda General Business Items 6.F. and 6.G. were included as action items, and because there is no subsequent action to be taken for 6.F., it may be preferable to combine them as one item. After a follow-up question, he stated no action will be taken on 6.F., but action will be taken on 6.G., and the contents of 6.F., may be discussed within 6.G.

City Attorney Moriarty provided further clarification that the contents of 5.A., Ordinance No. 2016-05, will be continued to the next meeting and there is no requirement to re-advertise the item.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve the Agenda, pulling Agenda Public Hearing Item 5.A. and General Business Item 6.F., and continuing 5.A., to the next Commission Regular Meeting. The motion carried by the following vote:

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

2. ANNOUNCEMENTS –CITY CLERK RAIMBEAU

- A. [16-0220](#) Current Vacancies for Boards and Committees.

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

- B. [16-0221](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Raimbeau read the Upcoming Expiration Dates for Boards and Committees into the record.

3. PUBLIC COMMENT:

Public comment was held from 10:11 a.m. -- 10:30 a.m.

4. CONSENT AGENDA:

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve the Consent Agenda as presented. The motion carried by the following vote:

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

- A. [16-0222](#) Approval of Minutes for the March 22, 2016 Regular Meeting; March 29, 2016 Special Meeting; March 31, 2016 Commission Workshop Meeting; April 7, 2016 Commission Special Recognition Meeting.
- B. [16-0177](#) Interlocal Agreement between the City of North Port and Sarasota County to allow the County to undertake community development and housing activities using Community Block Grants within the municipality.
- C. [16-0186](#) RFB No. 2016-36 Exterior Painting of City Hall Complex Buildings to D & D Painting and Restoration, LLC in the amount of \$ 111,720 with 10% contingency in the amount of \$11,172 for a total cost of \$122,892 .
- D. [16-0192](#) Agreement with the Xerox Government Systems for hosting and technology support services for the cloud-based version of Firehouse Software at a cost of \$2,650.00 in fiscal year 15/16.
- E. [16-0200](#) Contract No. 2016-44 with Boyd Irrigation, Inc. for the 2016 Water Main Looping Project, in the amount of \$377,461.35 plus a 10% contingency amount of \$37,746.
- F. [16-0215](#) Interlocal Agreements with Sarasota County for the Local Option Fuel Tax Revenue Distribution

5. PUBLIC HEARINGS:

- A. [16-0212](#) Ordinance 2016-05, second reading, Update to Chapter 17 (Flood

Damage Prevention Regulations) to the City of North Port Unified Land Development Code

THIS ITEM WAS CONTINUED TO THE NEXT COMMISSION REGULAR MEETING.

- B.** [16-0213](#) Ordinance No. 2016-08, second reading, repealing Resolution No. 94-R-6, 95-R-13, 02-R-27, 06-R-24, 08-R-06, and 08-R-75; adopting chapter 4, Boards and Committees, Article V, of the North Port City Code Establishing Beautification and Tree/Scenic Highway Committee.

Subsequent to City Clerk Raimbeau reading Ordinance No. 2016-08 into the record by title only, City Attorney Moriarty stated this Ordinance completes the codification of all the City's Advisory Boards. The duties and responsibilities of the Committee as stated in Exhibit "A" are generic in nature and he requested a decision by the Commission whether they should be delineated further or eliminated. There was no public comment and no questions or comments from the Commission.

A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve Ordinance No. 2016-08, amending Exhibit "A" to remove paragraph "A". The motion carried by the following vote with Commissioner Cook dissenting, stating it was fine the way it was written:

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

No: 1 - Commissioner Cook

- C.** [16-0214](#) Ordinance No. 2016-10, second reading, amending Ordinance No. 2010-03 Investment Policy.

After City Clerk Raimbeau read Ordinance No. 2016-10 into the record by title only, City Manager Lewis provided a brief overview. There was no public comment. There were no questions or comments from the Commission.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve Ordinance No. 2016-10. The motion carried by the following vote:

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

- D.** [16-0217](#) Ordinance 2016-11, second Reading, Campaign Contribution Limits

City Clerk Raimbeau read Ordinance No. 2016-11 into the record by title only and City Attorney Moriarty provided a brief overview and stated: (a) that from Commission direction at the last meeting, the effective date was changed to January 1, 2017; and (b) requested to consider moving the Ordinance to the Elections Chapter in the City Code. Currently it is in the Commission section of the Code. Public comment was held.

Discussion ensued: (1) Vice-Mayor DiFranco stated that other cities changed their policies regarding campaign contributions and did not support changing the Ordinance to a referendum question, but would support postponing the effective date until after the election; (2) Commissioner Cook articulated concerns that the issue is not one that should be embedded in the City's constitution and would not support the motion.

Subsequent to a brief discussion concerning additional question time for Commissioners, a recess was called from 10:45 a.m. -- 10:49 a.m. to review the Ordinance. City Attorney Moriarty quoted Ordinance No. 2016-04, Section 2-54(f)(8), "The motion is debated. The maker of the motion speaks first. After this, the Mayor

shall recognize other Commissioners in rotation and not call on any Commissioner a second time or subsequent time until such time as all Commissioners shall have had an opportunity to speak. Each Commissioner may speak twice, for no more than five (5) minutes each time."

Discussion ensued: (1) Commissioner Yates will provide a copy to the City Clerk of the August, 2015 LeRoy Collins Institute Report pertaining to campaign contribution limits and provided reasons why this should be a referendum question; (2) Vice-Mayor DiFranco voiced concern that if this issue becomes Charter-mandated and the State changes its statute, the City must change as well.

A motion was made by Commissioner Yates, seconded by Mayor Moore, to continue Ordinance No. 2016-11 in order to revise the language and bring it back as a referendum question for the 2016 General Election. The motion failed by the following vote with Mayor Moore, Vice-Mayor DiFranco, Commissioners Cook and Jones dissenting for reasons provided:

Yes: 1 - Commissioner Yates

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

Commissioner Yates advocated the citizens' ability to decide the issue of campaign contributions but would support the motion and will monitor the outcome and perhaps bring it back for future assessment.

A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to adopt Ordinance 2016-11, Campaign Contribution Limits, making the effective date after receiving official confirmation of the election results. The motion carried by the following vote:

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

E. [16-0205](#)

Petition PLF-16-029 Final Plat of Islandwalk Phase 1E

City Clerk Raimbeau, as a Notary Public for the State of Florida, swore in those wishing to provide testimony on the agenda item.

There were no ex parte communications to be disclosed by the Commission.

Mr. Timothy Roane, P.E., of Kimley-Horn and Associates, representing the Applicant, provided a brief review of the petition and requested Commission approval of the Final Plat, Phase 1.E. Thereafter, Neighborhood Development Services Director Williams introduced Planning Division Manager Norton, who reported the petition is in compliance with State Statutes, Chapter 177 and is consistent with the Village Pattern Book, the Village "C" Pattern Plan and the approved subdivision and infrastructure plan. The City is in receipt of the Surety Bond for the project and staff recommends Commission approval. There was no public comment. There were no question by the Commission.

A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve Petition No. PLF-16-029, Final Plat of Islandwalk, Phase 1E. The motion carried by the following vote:

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

6. GENERAL BUSINESS:

Recessed 12:30 Reconvened at 1:30 p.m.

A. [16-0176](#) Sarasota County 2016-2021 Consolidated Plan presented by Don Hadsell, Director, Sarasota Office of Housing and Community Development

Assistant City Manager Schult introduced the item and Mr. Don Hadsell, Director, Sarasota Office of Housing and Community Development, who provided a report on the responsibilities of that entity and the help options open to the needy.

Questions and discussion ensued: (1) the State housing initiatives incorporates volunteerism in programs such as Habitat for Humanity; (2) Federal rules mandate that when local governments get involved in the renovation or restoration of a home, it must be brought up to code, which is beyond the capabilities of most volunteer or sweat-equity-based help; (3) following a concern, City Manager Lewis reported that some cities in Florida sponsor painting programs such as "paint your heart out" and upon Commission direction, staff can research such programs; (4) the Sarasota County Office of Housing and Community Development does not get involved with institutionalized housing for the developmentally disabled but does help them (with assistance when necessary) with independent housing that is integrated into neighborhoods; (5) the Florida Housing Finance Corporation contributes a substantial amount toward the needs of individuals with disabilities and combined with the County's own funding, the two sources may be enough to leverage a ten-plex housing accommodation. Public comment was held. There was no action required by the Commission.

B. [16-0103](#) Presentation of the Price Boulevard Phase 1 Widening Project with Recommended Waivers from the North Port Florida Unified Land Development Code

City Manager Lewis provided a brief overview and introduced Public Works Director Bellia and Ryan Forrestel, Project Manager from American Consulting Engineers of Florida, who presented a PowerPoint review of the road improvements, scope of the project and staff recommendations. Public comment was held.

Questions and discussion ensued: (1) after a question, Director Bellia reported that lowering the design speed for the road to 35 miles-per-hour was based on safety reasons, including plans for shorter residential driveways, deliveries to commercial properties, mail delivery, solid waste pickups, and median cuts for U-turns. In six months, a Traffic Study will be performed to assess the success or deficiency of the traffic flow and the report with a recommendation will be provided to the Commission; (2) the cost of the total project would be approximately \$30 million, with half of that currently funded in the Capital Improvement Program; (3) following a question, City Manager Lewis stated that the outlay for relocation of utilities along Price Boulevard may be roughly \$2 million or \$3 million; (4) funds are not expected to be available from the Sarasota/Manatee Metropolitan Planning Organization's 20-Year Plan to subsidize North Port's road widening project; (5) City Manager Lewis stated that the roundabouts were not part of staff's recommendations, and Commission direction was to do the project within the City's right-of-way without having to employ eminent domain; (6) Director Bellia stated that sidewalk waivers would reduce the width from 8-feet to 5-feet and staff is requesting a waiver for bicycle "cyclists" lanes from 5-feet to 4-feet. Conversely, the Commission may decide to eliminate the bike lanes and keep the 8-foot sidewalks; (7) motorized vehicles are always subject to the State laws of Florida; (8) the use of the bike lane is open to anyone who wants to use it and an 8-foot sidewalk is too narrow to put a line in the middle to accommodate bicyclists; (9) a motor vehicle must give a 3-foot leeway to bicycles in a bike lane; (10) the 2-foot utility strip is designed for mailboxes, utilities, and street signage; (11) following a question, City Manager Lewis

said City Engineer Newman contacted the U.S. Postal Service, but the latter were not amenable to changing their current manner of mail delivery (by truck) in residential areas; (12) City right-of-way includes 100-feet to the property lines and no easements in addition to that; (13) Director Bellia reported that there was no cost comparison between the 120-foot arterial road and the proposed 100-foot arterial road; (14) trucks schedule their deliveries utilizing the shortest route through main thoroughfares such as Sumter and Toledo Blade Boulevards.

A motion was made by Commissioner Cook, seconded by Mayor Moore, to table the Price Boulevard Phase 1 Road Widening Project until another community conversation may be arranged. The motion carried by the following vote:

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

Discussion ensued: (1) concern was articulated regarding the need to coordinate all the design elements of the project with area schools, connectivity to the Legacy Trail, etc., and to provide a report on the cost difference between the 120-foot arterial road and the proposed 100-foot arterial road; (2) after a request for clarification, City Manager Lewis stated that a new contract would have to be engaged because a probable cost comparison was not covered under the scope of services and the surveying already done accommodates what is within the planned project area. An additional process would have to be done to get to that point, including an amendment to the existing consulting contract. In response to City Manager Lewis' remarks Commissioner Cook stated she would not support the motion; (3) clarification was provided by Commissioner Yates, that the comparison sought was from the preliminary estimates which included purchasing the right-of-way for the 120-foot road compared to the current 100-foot design; (4) City Manager Lewis clarified that in order to provide that report, the City would have to hire a different consultant or amend the contract with the current consultant to provide those numbers. Staff did not generate those numbers in 2008 or 2009; (5) Vice-Mayor DiFranco voiced concern regarding the added cost for performing the road widening comparisons.

A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to direct staff to provide the estimated costs of the proposed design option, compared to the standard 120-foot right-of-way. The motion failed by the following vote with Commissioner Cook and Vice-Mayor DiFranco dissenting for reasons stated. Commissioner Jones did not provide reasons for dissenting:

Yes: 2 - Mayor Moore and Commissioner Yates

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

Recess 12:24 p.m. -- 1:30 p.m.

C. [16-0162](#)

Presentation and acceptance of 2016 Utilities Master Plan

Utilities Director Newkirk introduced Mr. Ed Fountanin from Wade Trim, who provided a PowerPoint overview of the Utilities Master Plan. There was no public comment.

Questions ensued: (1) clarification was provided that the previous project identified with a U.S 41 Water Main was completed and the error in the report will be corrected; (2) the utilities development areas mentioned on page 60 will be paid by the developers; (3) the report does not address a funding source of the projects and when they come to fruition, such as Panacea and the Kelce Ranch, the developer will pay for them and dedicate them to the City; (4) previous projects that are no longer active are referenced in the report as a place holder for when a similar development occurs.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to accept the 2015 Utilities Master Plan. The motion carried by the following vote:

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

D. [16-0210](#) Parks & Recreation Master Plan Final Report and Presentation

City Manager Lewis asked Robin Carmichael to introduce Mr. David Barth of Barth Associates, sub-consultant of Toole Design Group, for the City's Parks & Recreation Master Plan. Public comment was held.

Questions and discussion ensued: (1) there was no cost in connection with the swimming pool because there has not been a detailed analysis of options available nor a consensus from the Commission regarding a definite direction; (2) City Manager Lewis added that the Commission decided not to prioritize the swimming pool in the Capital Improvement Program (CIP), and the vision of the Strategic Plan focused more on the trails and water connectivity; (3) the procedure and techniques of gathering data from surveys was explained; (4) subsequent to a request, City Manager Lewis stated Commission approval is needed for the Parks & Recreation Master Plan as a roadmap or work product which may be adjusted or changed as needed. Over the next several years, specific projects will be reviewed and approved in the CIP during the budget process; (5) Commissioner Yates: (a) was not comfortable with the final product and the incompleteness of the report; (b) hoped the report would pull things together and identify the right place for the right activities so the City could march forward with a work product with things that are ready; (c) the data, numbers and comparisons used to make the recommendations for the City were taken from cities that are significantly different from North Port and should have been taken from communities with similar assets as North Port; (d) staffing needs for parkland acreage was inaccurate because areas were included that were not relevant such as parks that are managed by Sarasota County and undeveloped parks; (e) questioned whether the Commission ever agreed to take over maintenance of the playing fields; (f) the money proposed to take over the maintenance of parks currently provided by Sarasota County, could be utilized for more parks and amenities and serving the east side of the community, not identified in the report; (6) after a request for clarification, City Manager Lewis stated that to his knowledge, there has not been a conversation with Sarasota County concerning partnering to build a community swimming pool; (7) Commissioner Yates recalled that there was a joint meeting between the City and Sarasota County in 2011 regarding working together on a swimming pool, but there were no commitments during that time; (8) staff will research a swimming pool discussion with the County.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to accept the Parks & Recreation Master Plan Final Report as a work product. The motion carried by the following vote with Commissioner Yates dissenting for reasons stated:

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

No: 1 - Commissioner Yates

E. [16-0188](#) West Villages Improvement District (WVID) Consent to Acquisition of Real Property-School Site

Neighborhood Development Services Director Williams introduced Planning Division Manager Norton who provided a brief overview of the required step for the Consent of Acquisition of real property in the West Villages. Mr. Mike Kennedy, representing Stantec Consulting, clarified that the title search revealed a slight difference in the area near the stormwater pond adjacent to West Villages Parkway. Ms. Norton reported that the Commission received an updated sketch and description along with a legal description and staff recommends approval. Thereafter, the modified documents will

be forwarded to the City Clerk for signatures. There was no public comment and no questions or comments from the Commission.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve the acquisition of real property by the West Villages Improvement District (WVID).

A brief discussion ensued wherein it was determined that the motion should reference the correct, updated documentation.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to amend the main motion to include the addition of the updated document previously submitted. The amendment 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 approve the acquisition of real property by the West Villages Improvement District (WVID), with the addition of the updated document previously submitted. The motion carried by the following vote:

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

- F. [16-0183](#)** Discussion and possible action regarding Conditional Release of Liens for property located at 4421 Mongite Rd.

Discussion was included with General Business Item 6.G.

- G. [16-0187](#)** Discussion and possible action regarding Conditional Release of Liens and Partial Release of Judgment for property located at 5997 Talbrook Rd

City Attorney Moriarty provided an overview of the Applicant's request for a Release of Liens and Partial Release of Judgment for properties located on Talbrook Road and Mongite Road. Mr. Billy Batson, representing the owner of the properties, provided additional information. Public comment was held.

Questions and discussion ensued: (1) City Attorney Moriarty stated that (a) City Code Section 2-511 grants financial relief for \$12,000 in legal fees associated with the property on Talbrook Road; (b) it was unknown whether Mr. Batson currently has a contract for sale for the Talbrook property; (2) City Manager Lewis stated when staff processes a code enforcement violation, one of the options for a pending buyer is they must bring the property into compliance within 90 days of purchasing the property and must submit proof within that time or relief cannot be approved; (3) City Attorney Moriarty said that City Code does not allow the reduction of utility liens and administrative costs; (4) following a question, City Attorney Moriarty clarified that (a) the only option for Commission consideration is whether or not to grant relief of the \$12,000 in legal fees on Talbrook Road and if the Commission takes no action, the City will, at some future time, acquire control and title through the foreclosure process; (b) Section 2-511(d)(3) states that the Administrative hard costs consist of payment of a \$150 Application Fee, all liens will be reduced to a maximum cumulative fine of \$1,000.00, plus the City's actual abatement and Property Standards administrative costs. All of which the owner has 30 days to pay that amount and come into Code compliance within 90 days; (5) it was noted that the properties are scheduled to be presented at a Code Enforcement Hearing where another fine may be imposed. Public comment was held.

A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to reject the \$5,000 offer received from Billy Batson in exchange for the

conditional release of liens and partial release of judgement on property located at 5997 Talbrook Road. The motion carried by the following vote with Commissioner Yates dissenting for the following reasons: she opposed Commission's rejection of the Applicant's request and stated that similar requests were granted in the past, and that moving forward will save the City time and money in foreclosure, demo fees etc.

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

No: 1 - Commissioner Yates

H. [16-0199](#)

Discussion regarding the purchase of real property, located within the Myakkahatchee Greenway project, described as Lots 14 &, 15, Block 1531, 31st Addition to Port Charlotte, PID # 0955-15-3104 and #0955-15-3105 in the amount of \$6,000.00.

City Manager Lewis introduced Assistant City Manager Schult who provided an overview and stated there are 49 additional vacant properties still needing to be acquired. There was no public comment and no questions or comments from the Commission.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve the purchase of real property located within the Myakkahatchee Creek Greenway Project described as lots 4 and 5, Block 1531, 31st Addition to Port Charlotte, PID #0955-15-3104 and #0955-15-3105 in the amount of \$6,000. The motion carried by the following vote:

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

I. [16-0203](#)

Discussion, and possible action regarding the appointment of a Member to the Planning & Zoning Advisory Board.

City Clerk Raimbeau provided an overview of the five applicants requesting consideration to be appointed to fill one vacancy on the Planning & Zoning Advisory Board. There was no public comment and no questions from the Commission.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve Thomas Nicholson, Jr. as a member to the Planning & Zoning Advisory Board. The motion carried by the following vote with Commissioner Jones dissenting, stating he favored appointing Ken Maturo:

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

No: 1 - Commissioner Jones

J. [16-0208](#)

Discussion, and possible action, regarding appointment of a Regular Member to the Charter Review Advisory Board.

City Clerk Raimbeau provided an overview of the applicant requesting appointment to the Charter Review Advisory Board. After it was suggested to consider another application that was submitted after the deadline for this agenda, three of the five Commissioners rejected the request. Public comment was held.

Discussion ensued: (1) Commissioner Cook supported moving forward with the current application and voiced concerns regarding previous comments pertaining to the City Charter by the public commenter; (2) City Clerk Raimbeau stated that there are

currently two openings on the Charter Review Advisory Board, that Mr. Trolli's application was received after the deadline for submitting agenda items for this agenda and that his application will be processed to be included on the next Commission agenda.

A motion was made by Commissioner Yates, seconded by Mayor Moore, to postpone the item to bring it back at the next meeting. Following a brief discussion the motion and second were withdrawn.

Vice-Mayor DiFranco articulated that two competent choices could have been addressed today.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve Eileen Murphy as a member to the Charter Review Advisory Board. The motion carried by the following vote with Vice-Mayor DiFranco dissenting for reasons stated:

Yes: 4 - Mayor Moore, Commissioner Cook, Commissioner Jones and Commissioner Yates

No: 1 - Vice-Mayor DiFranco

Recess 3:51 p.m. -- 5:08 p.m.

K. [16-0216](#)

Consider 6 Month Consulting Services Contract for the City Clerk's Office

City Attorney Moriarty provided a brief overview of the agenda item including a brief review of Florida's Sunshine Law as it pertained to Separation/Consulting Agreement deliberations for the City Clerk. Public comment was held.

Questions ensued: (1) following a question, clarification was provided that the Deputy City Clerk shall carry out the duties of the City Clerk until such time as the new City Clerk is appointed; (2) the material provided by City Clerk Raimbeau was in anticipation of the transition in the City Clerk's Office after her departure; (3) the City Charter provides that the City Clerk and Deputy City Clerk are on equal footing and a change to the chain of command, assigning the Deputy City Clerk under the jurisdiction of the City Clerk, would be a referendum issue for the voters; (4) City Attorney Moriarty reported that State Statutes prohibit anything greater than a 20-week separation agreement; (5) any benefits accrued by the City Clerk will be granted upon separation; (6) the draft retirement letter and consulting agreement was initiated by Ms. Raimbeau's attorney with the motive to meet the best interests of the City; (7) City Clerk Raimbeau presented July 5, 2016 as the date of retirement, followed by a six month consulting period; (8) Commissioner Yates supported Ms. Raimbeau's retirement and expressed appreciation for her work, but objected to the Consulting Agreement due to (a) any decision-making situations that may cause friction within the Department, (b) she would no longer be under the Commission's direction, (c) the insurance provisions as it applies to Ms. Raimbeau's consulting, do not seem applicable, (d) it is inappropriate that the taxpayers will pay for drafting of the Consulting Agreement, (e) there are no residence addressees listed for notices for Ms. Raimbeau, (e) the City would have to pay for access to the records at the City's cost with a five-day's notice, (f) the language creates difficulty in how the records will be handled, (g) there is no hours of work, or where the work is going to be done, and the City is issuing equipment and a laptop; the contract is vague and raises many concerns, and (h) this is a disservice to the community as there is no need for a Consulting Agreement.

Following a request by Mayor Moore to grant five additional minutes to each Commissioner for concluding remarks or questions, Vice-Mayor DiFranco, Commissioners Cook and Jones dissented, stating extensive time had already been used by Vice-Mayor DiFranco and Commissioner Yates.

A motion was made by Commissioner Yates to reject the Consulting Services Contract Agreement and accept Ms. Raimbeau's Notification of Retirement for July 5th, and for the City Attorney to work on the details of the Separation Agreement. The motion did not receive a second and the motion failed.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve the Consulting Agreement for four months, in the amount of \$8,606; two months \$4,303, accept City Clerk Raimbeau's Termination of July 5th, and have the City Attorney work out a Separation Agreement with the City Clerk. The motion carried by the following vote with Commissioner Yates dissenting for reasons stated:

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

No: 1 - Commissioner Yates

City Clerk Raimbeau articulated that her main objective of the proposed Consulting Services Contract was to aid the City in making the transition smooth, and is pleased to apply the knowledge she gained over the last 24 years of dedicated service. Additionally, she confirmed that the consultant role would have no control or authority over the new City Clerk.

Following a brief discussion, Commissioner Jones voiced concern that an action to appoint a new City Clerk should be taken only when the final Consulting Agreement and Separation Agreement of Ms. Raimbeau has been accomplished.

A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, regarding Item 4, to appoint Ms. Patsy Adkins as the new City Clerk. The motion and second were rescinded.

7. PUBLIC COMMENT:

There was no public comment.

SCHEDULING OF WORKSHOPS:

City Manager Lewis reported that there are no items ready for the April Commission Workshop and requested that the April and May Workshops be combined.

Mayor Moore requested a workshop: (1) to revisit the Tree Ordinance; (2) Commissioner Cook opposed a review of the Tree Ordinance at this time for the following reasons: (a) she was under the impression that the Commission agreed not to address the Unified Land Development Code (ULDC) beyond the recommended updates from staff; (b) because the ULDC study is extensive, the Commission should not cherry pick areas prior to receiving the final results of the study; (3) Vice-Mayor DiFranco agreed with Commissioner Cook regarding the frequency of discussions pertaining to the ULDC but will support the motion.

There was a consensus to combine the April and May Workshops into one, with a date scheduled by the City Clerk's Department.

After passing the gavel to Vice-Mayor DiFranco, a motion was made by Mayor Moore, seconded by Commissioner Yates, to schedule a Workshop focused on the City's Tree Ordinance and tree-related themes, including shifting, clear-cutting rules/parameters, tree canopies, and a Food Street concept and other possible issues. The motion carried by the following vote with Commissioner Cook dissenting for reasons stated. Commissioner Jones did not

provide a reason for his dissent:

Yes: 3 - Vice-Mayor DiFranco, Commissioner Yates and Mayor Moore

No: 2 - Commissioner Cook and Commissioner Jones

9. COMMISSION REPORTS:

Commissioner Yates reported attended: (1) the Sarasota/Manatee Metropolitan Planning Organization (MPO) meeting on April 25, 2016; (2) attended the Giraffe Contest at the Coco Plum Shopping Center on April 15, 2016; (3) Project Graduation for the North Port High School is approaching and inquired whether the City might have a disposable vehicle that could be provided to the event.

Vice-Mayor DiFranco attended: (1) the Argus Foundation Meeting of the Minds 2016 Florida Senate Candidate Forum event on April 21, 2016; (2) the Economic Development Corporation of Sarasota County on April 21, 2016.

Commissioner Jones reported: (1) he will be attending the Artful Bowls of Hope event on April 29, 2016 hosted by the Early Bird Kiwanis; (2) there is a Relay for Life scheduled for April 30, 2016; (3) the North Port Community Night - Charlotte Stone Crabs vs. Fort Myers Miracle is on Saturday, April 30, 2016.

Commissioner Cook reported: (1) attended the Argus Foundation Meeting of the Minds 2016 Florida Senate Candidate Forum on April 21, 2016; (2) reminded the public about an American Radio Relay League Field Day on June 25 and 26, 2016; (3) will throw the first pitch at the North Port Community Night - Charlotte Stone Crabs vs. Fort Myers Miracle which is scheduled on Saturday, April 30, 2016.

Mayor Moore reported: (1) will attend the Relay for Life event on Saturday, April 30, 2015 at the North Port High School track; (2) attended the Grand Reveal for the Babcock Ranch on April 22, 2016; (3) attended the Council of Governments meeting at Longboat Key on April 14, 2016; (4) attended a Sarasota County Transit Authority (SCAT) Workshop at the Morgan Family Community Center on April 20, 2016; (5) will travel to the National Mayor's Conference in Indianapolis, Indiana in June 24-27, 2016.

There was a consensus to direct staff to review the inventory of City vehicles on the list to be disposed, to donate to the North Port High School's Project Graduation, and bring the proposed vehicle back to the Commission for approval.

10. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lewis announced the North Port Community Night - Charlotte Stone Crabs vs. Fort Myers Miracle is on Saturday, April 30, 2016 and that tickets may still be purchased.

City Clerk Raimbeau will attend the Artful Bowls event with Commissioner Jones on April 29, 2016.

11. ADJOURNMENT:

Mayor Moore adjourned the North Port City Commission Regular Meeting at 6:30 p.m.

City of North Port, Florida

By: _____
Jacqueline Moore, Mayor

Attest: _____
Helen M. Raimbeau, MMC, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of _____, 2016.