



# 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*  
*Helen Raimbeau, MMC, City Clerk*  
*Patsy Adkins, MMC, Deputy City Clerk*

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Tuesday, June 14, 2016

10:00 AM

CITY COMMISSION CHAMBERS

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

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

**The invocation was provided by Pastor Marc Knoedler of Bethel Baptist Church.**

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

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

Vice-Mayor DiFranco requested to pull Agenda Item 7.C., Medical Marijuana Update, and schedule the discussion after the General Election in November. A brief discussion ensued.

*A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to pull General Business Item 7. C. and table it until after the General Election in November, and approve the rest of the agenda as presented. The motion failed by the following vote with Mayor Moore, Commissioner Jones and Commissioner Yates dissenting. Commissioner Yates did not support the motion because a preliminary conversation is needed to insure the City is compliant with what is currently in the State Statutes. Mayor Moore agreed with Commissioner Yates' statement of caution that the intervening State legislation compels a reassessment of the City's position. Commissioner Jones did not provide a reason for dissenting.*

**Yes:** 2 - Vice-Mayor DiFranco and Commissioner Cook

**No:** 3 - Mayor Moore, Commissioner Jones and Commissioner Yates

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

*to approve the agenda as presented. 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. [16-0326](#) Current Vacancies for Boards and Committees.**

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

**B. [16-0327](#) 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 10:14 a.m. – 10:50 a.m.

Following a question, City Manager Lewis stated that a Commission Workshop is scheduled for June 24, 2016 to discuss the plan for updating the Unified Land Development Code by the University of Florida's planning group but, at Commission direction, the discussion may include the parking issue for boats.

After Commissioner Jones requested that citations be suspended for parking boats in the driveway, Commissioner Yates stated that she will submit an agenda item for the June 28, 2016 Commission Regular Meeting, to place a moratorium on boat parking citations until after the ULDC review process is complete.

## **4. CONSENT AGENDA:**

*A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Yates, 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. [16-0325](#) Approval of Minutes for the May 10, 2016 Commission Regular Meeting.**

**B. [16-0282](#) Acceptance of one-time grant from the Community Foundation of Sarasota County in the amount of \$1,000.00.**

**C. [16-0290](#) Memorandum of Understanding between Women's Resource Center of Sarasota County and the City of North Port to collaborate and maximize services available to clients.**

**D. [16-0283](#) Memorandum of Understanding between Area Agency on Aging for Southwest Florida (AAASWFL) and the City of North Port to complete and submit applications for the Emergency Home Energy Assistance for the Elderly Program (EHEAP)**

**E. [16-0286](#) Agreement between the City of North Port and Innovative Credit**

Solutions.

Recess: 10:51 a.m. -- 11:00 a.m.

## **5. PUBLIC HEARINGS:**

- A. [16-0297](#) Ordinance No. 2016-18, second reading, amending the Fiscal Year 2015-2016 Non-District Budget.

After City Clerk Raimbeau read Ordinance No. 2016-18 into the record by title only, City Manager Lewis highlighted the items discussed at first reading. The budget amendment calls for: (1) the advance purchase of vehicles for automated recycling that will be added to the Capital Acquisition Budget of Solid Waste; (2) the ability of the Public Utilities Department to move forward with the hydraulic model for the wastewater system; (3) the re-titling of three positions that have no financial impact on the budget; (4) using \$200,000 from the Warm Mineral Springs fund to move forward with a wastewater line from the facility to a nearby lift station. Public comment was held.

Commissioner Yates articulated concern that the three Utilities positions will have a budgetary impact on the Utilities Division; a holistic review is needed of the customer service representative classifications; and this request leaves a deficiency in the administrative assistant area.

***A motion was made by Commissioner Yates, to approve Ordinance No. 2016-18, striking the re-titling of the three Utilities positions. There was no second and the motion failed.***

***A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve Ordinance No. 2016-18, amending the Fiscal Year 2015-16 Non-District Budget. The motion carried by the following vote with Commissioner Yates dissenting for reasons previously stated:***

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

**No:** 1 - Commissioner Yates

## **6. RESOLUTIONS**

- A. [16-0311](#) Resolution 2016-R-22 calling for a special election for Commission Seat 4

City Clerk Raimbeau read Resolution No. 2016-R-22 into the record by title only and City Attorney Moriarty provided an overview of the request for a special election due to the resignation of a Commissioner. The City Charter provides power to hold a special election when there is a vacancy which, in this case, will not occur until November 8, 2016. Florida Statutes designates that the resignation letter is irrevocable and it is in the Commission's prerogative to declare the seat vacant and hold a special election to run contemporaneously with the upcoming General Election and Special Election. However, that only provides nine days for an individual to qualify as a candidate. Pending a decision by the Commission that additional time is needed, the dates in the Resolution may be changed and thereafter the document shall be transmitted to the Sarasota County Supervisor of Elections. Public comment was held.

Questions ensued: (1) subsequent to a question regarding the conflict of laws provision (which law applies when) City Attorney Moriarty stated: [a] that Section 1.02 of the City Charter sets forth home rule powers enabling the conduct of municipal government; and the Commission may interpret that as it sees fit; [b] Florida Statutes Chapter

99.012(f) grants an additional tool to hold an election straightway as determined by the Commission; [c] the first objective for a special election must be to work out acceptable dates with the Sarasota County Supervisor of Elections; [d] because the resignation letter is irrevocable, Florida Statutes allows a municipality to consider a Commission seat vacant sooner rather than later, (when the seat is physically vacant); [e] confirmed a statement made by City Clerk Raimbeau that this is an unprecedented situation in the the City of North Port; [f] in conversations with the Sarasota County Supervisor of Elections, it was stated that several dates are available to resolve the vacancy of Seat 4 in a special election, and that it could coincide with a special election scheduled for the Town of Longboat Key and the City of Venice; [g] the cost for a Special Election not held in November would be approximately \$60,000 to \$70,000 and [h] the City would not experience any cost savings by holding a special election with the Town of Longboat Key; (3) Commissioner Jones: [a] expressed concern that there is insufficient time for an individual to properly qualify as a candidate (9 days) in order to be on the ballot in November, 2016; [b] that the election schedule for Commission Seats 1, 2, and 3 (in 2016) and Seats 4 and 5 (in 2018) should remain as they are scheduled; and [c] that a special election should not be held for Commission Seat 4; and [d] he does not support Resolution No. 2016-R-22; (4) Vice-Mayor DiFranco: [a] agreed with Commissioner Jones that holding a special election too quickly does not give enough time to allow potential candidates to certify with the Supervisor of Elections and thereafter have sufficient time to campaign; [b] expressed concern regarding the Commission's fiduciary responsibility and at the same time providing for a fair election process; (5) Commissioner Cook: [a] did not agree with Commissioner Yates' interpretations of the City Charter; [b] Seat 4 will not be physically vacated until November; [c] that the City is allowed to choose the second option, which is to hold a special election after November; [d] stated this is a matter of fairness of an election or fiduciary responsibility, and the fair thing to do is to schedule the special election sometime in 2017.

***A motion was made by Commissioner Yates, seconded by Mayor Moore, to approve Resolution No. 2016-R-22 calling for a Special Election for Commission Seat 4. The motion failed by the following vote with Vice-Mayor DiFranco, Commissioner Cook and Commissioner Jones dissenting for reasons previously stated:***

**Yes:** 2 - Mayor Moore and Commissioner Yates

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

***A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to approve Resolution No. 2016-R-22, calling for a Special Election for Commission Seat 4, removing the words "November 8, 2016," "August 30, 2016," and replacing them with "at the earliest convenience of the Supervisor of Elections after the November 8, 2016 General Election."***

City Attorney Moriarty requested that the motion include specific instructions for the City Attorney and the Supervisor of Elections, working together, to determine the next available date or dates for a special election.

***Subsequently Commissioner Cook's motion and Vice-Mayor DiFranco's second were withdrawn.***

Discussion ensued: (1) clarification was provided that Commission Seats 4 and 5 do not become "districts" until 2018 when it becomes official; (2) Commissioner Yates opined that the Commission is compelled to act quickly and she opposed having a special election after November, 2016; (3) following a question of whether Mayor Moore should vote on this issue, City Attorney Moriarty stated he represents the Commission as a body, not individual Commissioners, and that the ethics provisions usually apply to pecuniary gains and there does not appear to be any pecuniary interest in this vote; (4) Commissioner Jones voiced concern that if a special election for Seat 4 were held in

November, 2016, the winner could hold that seat for six years; (5) clarification was provided that the winner in the special election for Commission Seat 4 would serve for two years, because until 2018, Commission Seat 4 is an "at large" campaign. In order to run again for in 2018, that individual must reside in District 4 and upon winning would only be allowed to serve one four-year term; (6) further clarification was provided that, in 2018, if the person elected to fulfill the two-year term of Commissioner Moore does not live in District 4, he/she cannot run again; (7) City Attorney Moriarty confirmed that the following motion will put Resolution No. 2016-R-22 aside and he could draft a new Resolution with the language as stated in the motion and possible dates as provided by the Supervisor of Election.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook to call for a Special Election for Commission Seat 4 after the November, 2016 Election. The motion failed by the following vote with Mayor Moore, Commissioner Jones and Commissioner Yates dissenting. Commissioner Jones and Yates provided reasons for dissenting but Mayor Moore did not:***

**Yes:** 2 - Vice-Mayor DiFranco and Commissioner Cook

**No:** 3 - Mayor Moore, Commissioner Jones and Commissioner Yates

***A motion was made by Commissioner Jones, to move for a Special Election for Seats 1, 2, and 3 in 2018. The motion failed for lack of a second.***

City Attorney Moriarty explained that the Resolution that was on the floor failed and is settled. The Commission may continue with the next agenda item, and using the discretion of the City Attorney's office, he could bring another Resolution back for discussion, or the Commission may provide additional direction.

Discussion ensued: (1) following a point of information, City Attorney Moriarty confirmed that until the Commission determines a special election date, no one can file to run for Seat 4; (2) Vice-Mayor DiFranco offered to rescind her vote on the opening motion for the Resolution in order to insure there is an election in November for Seat 4; (3) Commissioner Jones restated his concern that a special election will mix up the election schedule for the implementation of Commission District Seat 4 in 2018; (4) clarification was provided that elections for Districts 1, 2, and 3 must be held this year but Commission District Seats 4 and 5 are not officially implemented until 2018. The issue under consideration is for a special election for Seat 4 which will expire in 2018 when District 4 is established.

***A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to direct the City Attorney to bring back additional options to fill Commission Seat number 4. The motion failed by the following vote with Mayor Moore, Commissioners Jones and Yates dissenting. Mayor Moore did not provide a reason for dissenting. Commissioners Jones dissented for reasons stated and Yates reasons for dissenting were provided in the previous motion that failed:***

**Yes:** 2 - Vice-Mayor DiFranco and Commissioner Cook

**No:** 3 - Mayor Moore, Commissioner Jones and Commissioner Yates

Subsequent to a concern, City Attorney Moriarty stated that the Mayor has control of the agenda and this item failed. The Mayor is now calling for another motion regarding the issue.

***A motion was made by Commissioner Jones, that a Special Election will be held for Seats 1, 2, 3, and 4, and direct the City Attorney to bring back options. The motion failed for lack of a second.***

Discussion ensued: (1) following a question, City Attorney Moriarty confirmed that for a

motion to be reconsidered in the same meeting, someone from the prevailing side must make the new motion. Additionally, the new motion may set a date certain for reconsideration of the issue; (2) Vice-Mayor DiFranco supports fair elections that are not rushed; stated a concern that the public does not understand all that is at stake and subsequently reversed her offer to rescind seconding the opening motion for the Resolution; (3) following a concern, City Attorney Moriarty stated that the Commission is not in violation of the City Charter if there is a decision not to move forward today, and the Commission may bring up the item at a future date and schedule a special election at a future time.

***A motion was made by Commissioner Yates, seconded by Mayor Moore, that the Resolution be tabled until after Agenda Item 7.F. The motion failed by the following vote with Vice-Mayor DiFranco and Commissioners Cook and Jones dissenting for the following reasons. Vice-Mayor DiFranco opposed postponing a decision on the Special Election for Seat 4. Commissioner Cook summarized that the Commission is now at a stalemate, but that there is an opportunity to address the issue at a future date and schedule a special election at a future time, but that doesn't mean the Commission is abdicating its responsibility or is in conflict with the City Charter. Commissioner Jones did not provide a reason for dissenting:***

**Yes:** 2 - Mayor Moore and Commissioner Yates

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

Recess 12:37 p.m. -- 2:00 p.m.

## **7. GENERAL BUSINESS:**

**A. [16-0312](#)** Discussion regarding keeping of chickens (hens) as pets in residential zoning areas.

Commissioner Yates provided an overview of the history of keeping chickens in residential areas of the City. After a point of order and a brief discussion, Mayor Moore ruled that Mr. Miller, one of the founders of CLUCK organization, may provide additional information. Public comment was held.

Questions and discussion ensued: (1) it was reported that some North Port residents have already volunteered to help the City's Code Enforcement team when "chicken" complaints are received and after several unsuccessful attempts by these residents, the City's Property Standards would visit the residence; (2) the process of a volunteer helper to Code Enforcement was explained; (3) chickens continue to lay eggs but at a decreasing rate and after while becomes less desirable as a pet; (4) clarification was provided that City Code does not allow chickens on quarter-acre properties, even in the Estates. Chickens are only allowed in the Estates on properties with acreage. Additionally, deed restricted areas in the community have their own regulations; (5) Vice-Mayor DiFranco concluded, after speaking with hundreds of people who are opposed to chickens, that the majority of people in North Port are opposed to allowing chickens in residential areas. Due to her own experiences, she opposes legislation to allow them in North Port. If residents, as a result of further education regarding the issue, change their stance, she would also change her position on the issue; (6) Commissioner Cook opposed the first time this issue came to the Commission and questioned the reason this was brought up again after being previously denied; recommended that each Commissioner disclose whether or not the Ordinance will affect them; discounts the presentation due to its lack of simple answers by the presenter; and that this is not a philosophical question but one of property values, property rights, and decisions should not be mandated regarding people's property and

lives.

***A motion was made by Commissioner Yates, seconded by Mayor Moore, to direct staff to draft an Ordinance to mirror the City of Sarasota regulations for keeping of hens in a single family residential area of North Port with the ability of deed restricted communities to adopt their own regulations prohibiting chickens; and include a provision that requires staff to make a presentation to the Commission no later than three years, providing a report that includes an assessment, data and evaluation of how the Ordinance has worked in practice. Also to include providing for buffering from other dwellings and maximum size of coop. The motion failed by the following vote with Vice-Mayor DiFranco, and Commissioners Cook and Jones dissenting. Mayor DiFranco and Commissioner Jones provided reasons for dissenting. Commissioner Jones did not:***

**Yes:** 2 - Mayor Moore and Commissioner Yates

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

Recess 3:05 p.m. -- 3:07 p.m.

**B. [16-0287](#)** Discussion regarding designation of a Voting Delegate at the 90th Annual Florida League of Cities Conference.

City Manager Lewis provided an overview and requested direction from the Commission pertaining to the appointed voting delegate to attend the Florida League of Cities Conference. There was no public comment.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to designate Mayor Moore as the voting delegate to vote at the 90th Annual Florida League of Cities Conference at the annual business meeting. The motion carried by the following vote:***

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

**C. [16-0284](#)** Medical Marijuana Update

Assistant City Attorney Slayton provided an update concerning recent changes in Florida laws respecting medical marijuana and derivatives thereof. Public comment was held.

Questions ensued: (1) following a concern, City Attorney Moriarty explained that if the amendment passes, and from experience from other jurisdictions, the investment money involved will be from venture capitalists in the State of Florida. Any plaintiffs will consist of sick people, therefore, options for Commission consideration include: [a] scheduling a future workshop for further discussion; [b] to instruct staff to prepare a draft Ordinance and forward the draft Ordinance to the Planning & Zoning Advisory Board for review prior to Commission review; or [c] to forward the draft Ordinance to the Commission for review and determination prior to the Planning Board's review and recommendations to the Commission; (2) Assistant City Attorney Slayton stated that: [a] the City has the right to regulate Compassionate Use Act dispensaries but currently does not; [b] pending a request to act as a dispensary, the application would fall under the current retail use, which does not designate where a business must be located or limit the number of distribution outlets; [c] the State does not have zoning parameters regarding spacing and distance requirements near a school zone, etc., but other regulated criteria were mentioned; (3) City Attorney Moriarty stated that: [a] the Department of Health has granted licenses to six dispensing organizations in the State of Florida with provisions for up to eight; [b] pending the passing of State legislation, the courts recognize that it takes time for a municipality to pass its own zoning law, thus

Neighborhood Development Services could postpone approval of an application while the City reviews its Code requirements; (4) Assistant City Attorney Slayton stated that with respect to medical marijuana, the City can draft an Ordinance with an effective date or clause that is dependent upon the results of the Amendment slated for the November election; (5) the proposed Constitutional Amendment broadens the classifications eligible for the product but does not include the security parameters previously mentioned in the Compassionate Use Act; (6) the proposed Amendment does not have an effect on the zoning of dispensaries.

***A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to table the item until after the election. The motion failed by the following vote with Vice-Mayor DiFranco, and Commissioners Cook, Jones and Yates dissenting. Commissioner Cook and Commissioner Jones did not provide reasons. Commissioner Yates suggested not to postpone the conversation until after the election and to direct staff to work on the draft Ordinance, forward it to the Planning & Zoning Advisory Board for review. Vice-Mayor DiFranco agreed with Commissioner Yates and did not support the motion.***

**Yes:** 1 - Mayor Moore

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

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to instruct staff to prepare a draft Ordinance and forward the draft Ordinance to the Planning & Zoning Advisory Board for review and comment prior to the City Commission review and approval. The motion carried by the following vote:***

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

Following a request pertaining to the draft Ordinance, Vice-Mayor DiFranco clarified that no further direction is needed at this juncture and that the Planning & Zoning Advisory Board will make appropriate recommendations/changes.

**D. [16-0300](#)**

Discussion regarding Independent Contractor Consulting Services Agreement with To Provide Consultation, Inc.

Assistant City Manager Schult replaced City Manager Lewis.

City Attorney Moriarty provided an overview of the proposed Contract for City Clerk Raimbeau; the City's recourse for any potential litigation; and introduced her legal counsel, Attorney Senenig who provided a brief presentation. There was no public comment.

Questions ensued: (1) following a concern, City Attorney Moriarty clarified that: [a] with notification that Ms. Raimbeau has an attorney on retainer, the City Attorney's Office must anticipate a defensive posture; [b] a severance agreement has been drafted; [c] the Commission may opt for a Separation Agreement without the additional Consulting Agreement; [d] to preclude scrutiny by the IRS, City staff added language to the agreement to clarify that this is an independent contact with Ms. Raimbeau's corporation; (2) the process began during the Commission Regular Meeting, April 12, 2016 when Mayor Moore wanted to discuss the direction of the City Clerk's Office and was not initiated by Ms. Raimbeau; (3) Commissioner Cook expressed concern that potential litigation could expose the City of a six-figure settlement. Additionally, Ms. Raimbeau is a member of two protected classes under the discrimination laws.

***A motion was made by Commissioner Yates, to deny the Consulting Agreement: To Provide Consulting, Inc. The motion failed for lack of a second.***

Following a point of information, confirmation was provided that Mr. Pedersen's public comment card was received after Public Comment was already closed on this item and was moved to Item 7.E., and Ms. McDowell's public comment card is in reference to Agenda Item 7.F., not 7.D.

Commissioner Yates did not support Commission approval of this Agreement for the following reasons: (1) the Agreement could be extended beyond the six months; (2) it is inappropriate that Ms. Raimbeau presented a business relationship that would become effective after her termination and which was presented while she was still the City Clerk; (3) the "consulting" services don't make sense when the City Clerk and Deputy City Clerk are in possession of the same level of historical knowledge; (4) the \$43,000 for someone to be on hand for advice is needless when information can be obtained at no cost from the Municipal Clerk's Association and other resources; (5) Provision 4.7 of the Agreement is contradictory regarding access to Public Records information; (6) the Deputy City Clerk, not the City Clerk, attested to the contract; (7) there are pages in the document that are disconcerting and harmful to the public's interest.

Mayor Moore expressed concern regarding the dollar amount of the Consulting Agreement and favored amending the Separation Agreement with a different amount, in lieu of approving the Consulting Agreement.

***A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to approve the Independent Contractor Consulting Services Agreement with To Provide Consultation, Inc. The motion carried by the following vote with Mayor Moore and Commissioner Yates dissenting for reasons previously stated:***

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

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

**E. [16-0301](#)** Discussion regarding Employment Separation and Release Agreement - Helen Raimbeau

City Attorney Moriarty provided an overview and update of the employment Separation and Release Agreement. Ms. Raimbeau's legal counsel, Attorney Senenig, clarified that the Florida Statute 215.425(4)(b) that governs people who don't have a contract, limits severance to six weeks and the Agreement is requesting four weeks. Additionally, every past claim that could come up is released, thus there is no liability to the City going backwards. Public comment was held.

Questions ensued: (1) the calculation for Sick Leave was corrected to be \$3,861.87 and was included in a separate Financial Impact Statement; (2) there is no contractual right to the amount listed on the Financial Impact Statement; (3) the Severance Agreement was revised to replace the blanks with the correct City Policy amounts and when the Severance Agreement is signed, the financial impact will be recalculated to reflect the correct amount.

Recess for technical difficulties 4:47 p.m. -- 4:55 p.m.

Questions continued: (1) Attorney Senenig clarified: [a] that legally and realistically, unknown future claims against the City cannot be released; [b] under Ms. Raimbeau's corporation umbrella, a \$1 million general liability policy is provided that protects the City and her corporation; (2) City Attorney Moriarty agreed with a statement that, the Commission's "moving in a different direction" regarding the City Clerk's Office could be perceived as a hostile move aimed at a previous duty or action by the City Clerk, but Ms. Raimbeau is actually helping matters by her attorney working with the City to move through the process in a cooperative manner; (3) Commissioner Yates opposed the Agreement and voiced concern regarding the construction of the entire issue; that the

City Charter should be considered as her current contract; and the 20 weeks of salary in the Agreement is excessive.

**A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Cook, to authorize Employment Separation and Release Agreement for Helen Raimbeau. 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

**F. [16-0317](#)**

Discussion regarding the City Clerk and Deputy City Clerk positions.

Commissioner Yates provided an overview of the process needed to fill a vacancy in the City Clerk's Office after the retirement of Ms. Raimbeau; stating that the backup material provided a summary of information for the Commission' review. Public Comment was held.

Questions ensued: (1) Deputy City Clerk Adkins stated she would be amenable to negotiate a contract with the City Attorney; (3) City Attorney Moriarty reported that the Charter Review Advisory Board recommended moving the Deputy City Clerk position out of the City Charter; (4) following a question, City Attorney Moriarty stated there is insufficient time to submit the new City Clerk contract for the next Commission Regular Meeting.

**A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to appoint Deputy City Clerk Patsy Adkins to the position of City Clerk, effective July 5th, at a compensation rate equivalent to minimum pay grade of the City Clerk position; and to have the City Attorney and the Deputy City Clerk negotiate a contract.**

Concern was expressed that if there is no Contract in place for Ms. Adkins by July 5, 2016, there would be a period of time where there is no City Clerk and Ms. Adkins must remain as a Deputy City Clerk.

Following a question, Assistant City Manager Schult clarified that the terms of the City's Personnel Policy determine the appropriate interim compensation until a Contract is ratified.

**A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to amend the motion to remove "effective July 5th" and add "to bring the Commission a Contract as soon as possible." The motion carried by the following vote:**

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

A discussion regarding a new Deputy City Clerk should be postponed until the negotiated Contract for the City Clerk comes back to the Commission.

**A vote was taken on the main motion, as amended, to read to appoint Deputy City Clerk Patsy Adkins to the position of City Clerk, at a compensation rate equivalent to minimum pay grade of the City Clerk position; to have the City Attorney and the Deputy City Clerk negotiate a contract; and to bring the Commission a Contract as soon as possible. The motion carried by the following vote:**

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

**8. PUBLIC COMMENT:**

Public comment was held 5:34 p.m. -- 5:41 p.m.

**9. SCHEDULING OF WORKSHOPS:**

Mayor Moore requested to schedule a Workshop regarding a moratorium on street lights.

Commissioner Cook provided information that approximately two years ago, the Commission held an extensive discussion wherein it was suggested to have special assessments for districts if a neighborhood requested street lighting. Rather than a Workshop, the City Clerk could provide minutes from Workshop discussions regarding the issue.

***A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to approve scheduling a Commission Workshop item for discussion concerning the street light moratorium. The motion carried by the following vote with Commissioner Cook and Commissioner Jones dissenting. Commissioner Cook provided reasons for dissenting and Commissioner Jones did not:***

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

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

**10. COMMISSION REPORTS:**

Vice-Mayor DiFranco: (1) will be placing an item on the next Commission agenda regarding the Certificate of Need for the hospital; (2) attended the Southwest Florida Regional Planning Council on May 19, 2016.

Commissioner Cook attended: (1) the Peace River Water Alliance Board on June 1, 2016; (2) the Tourism Development Council meeting; (3) the Southwest Florida Rural Promised Zone meeting.

Mayor Moore: (1) requested a consensus to invite the Habitat for Humanity at the next Commission Special Recognition Meeting, to present an update presentation of the activities in North Port and the surrounding area; (2) attended a meeting with Venice Mayor Holic, Maryann Terry of the United Way of South Sarasota County, and the Human Resources Leaders of PGT and TERVIS Tumbler, regarding workforce housing; (3) announced that on June 16, 2016 there will be a Sarasota Tiger Bay Panel with players in the region that focus on workforce housing; (4) attended the Council of Governments meeting on July 9, 2016.

***There was a consensus to invite the Habitat for Humanity at the next Commission Special Recognition Meeting, to present an update presentation of the activities in North Port and the surrounding area.***

**11. ADMINISTRATIVE AND LEGAL REPORTS:**

Assistant City Manager Schult reported that the City Manager placed an agenda item in Legistar consisting of three memos referencing public comments that were made in previous meetings.

City Attorney Moriarty: (1) the "green wall" is down on Sumter Boulevard and U.S. 41; (2) the West Villages and Matamay Homes are re-writing the General Principles of Agreement and the Utility Agreement. Due to the significance of those two documents

to the future of West Villages, the City Attorney's Office retained an outside legal land-use firm, Nancy Stroud, of Lewis, Stroud & Deutsch from Boca Raton, Florida to assist the City. The initial document review by Ms. Stroud will be charged to the City, but if unexpected, extra expenses are incurred as a result of the re-write, a meeting will be scheduled with West Villages to discuss payment responsibilities for her services.

Subsequent to a question, City Attorney Moriarty stated that an outside firm is being used because of time constraints and the pace of development in West Villages; and to engage someone who is beyond potential influence of any outside source that could be perceived as directing these important documents.

Commissioner Yates raised objection to hiring the outside law firm, when the City's in-house legal counsel can accommodate the needs.

City Clerk Raimbeau reported that she will meet with individuals at the Sun Herald and the Herald Tribune newspapers to discuss how the Commission agendas might be advertised prior to a meeting. Thanked those who supported her through the years.

A. [16-0304](#) City Manager's Report

**12. ADJOURNMENT:**

Mayor Moore adjourned the North Port City Commission Regular Meeting at 6:04 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.