



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Meeting Minutes - Final City Commission Workshop

### *CITY COMMISSIONERS*

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

### *APPOINTED OFFICIALS*

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

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Friday, February 27, 2015

9:00 AM

CITY HALL ROOM 244

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### CALL TO ORDER/ROLL CALL

The North Port City Commission Workshop Meeting was called to order at 9:00 a.m. in Meeting/Training Rom 244 by Mayor DiFranco.

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

Public comment was held from 9:02 a.m. -- 9:05 a.m.

#### A. [14-0824](#)

#### Human Rights Ordinance

Mayor DiFranco introduced the agenda item for discussion along with similar Ordinances from the City of Venice and the City of Sarasota who established human rights legislation in their jurisdictions. Thereafter, Mr. Ken Shelin provided a PowerPoint presentation explaining the significance of positive demographic diversity and eliminating discrimination. It was requested that the City Manager and City Attorney draft a Human Rights Ordinance for the City of North Port, prohibiting discrimination against protected classes in housing, employment and public accommodations to be set for public hearing and adoption.

Questions ensued: (1) the end result of such legislation is that the municipal or county governing agency would issue a Certificate for the Right to Sue and it seems to add a layer to the ability of an individual to expedite the process to the appropriate government agency because they would be required to pursue the City process first; (2) clarification was provided that the business and religious sectors of the community were not contacted to receive their input; (3) it was reported that several large corporations adopted their own initiatives in support of this kind of human rights legislation; (4) in drafting the legislation, legal counsel is needed to insure against reverse discrimination; (5) citing the exemptions suggested by Mr. Shelin, clarification was provided that simply exempting an organization without justification is imprudent; therefore, exemptions should have a narrow parameter. Public comment was held.

Discussion ensued: (1) Commissioner Yates supports the concept of fair treatment for all, but was concerned regarding a local level of bureauracy but was hesitant to support

a local ordinance at this time because it is counterproductive in creating an additional level of bureaucracy, other agencies are better suited to pursue appropriate remedies, and the language could be interpreted as subjective regarding what is discriminatory and what is not. Additionally, a municipal government should not get involved in civil matters; (2) Commissioner Cook was not supportive of legislation at this time because the business community has not been engaged in discussions and yet the issue was presented as a positive economic driver; (3) it was suggested that the business community can input ideas at First Reading of the Ordinance.

***There was a consensus to move forward with a Human Rights Ordinance; with Commissioners Cook and Yates dissenting for reasons previously stated.***

Discussion ensued: (1) Staff was requested to provide examples of cities that were sued due to this type of legislation, including the outcome; (2) City Attorney Moriarty was requested to provide examples of how cities that do not have this type of legislation protect themselves; (5) clarification was provided that there may be an alternative means to achieve the same protections. A draft ordinance will be provided at the next Workshop.

***There was a consensus to schedule a second level Workshop and invite the business community, with Mayor DiFranco and Commissioner Jones dissenting. Neither gave reasons for dissenting.***

***Recess 10:05 a.m. -- 10:20 a.m.***

**B. [14-0817](#)**

Review of designated Capital Improvement Program projects for FY 2015 and funding allocations.

City Manager Lewis presented a brief update of some of the Capital Improvement Projects (CIP) that require adjustments from their original funding allocations, and requested Commission direction.

General Services Director Carmichael provided a review of the following CIP projects: (1) Pine Park bids were in excess of the budgeted amounts and it was recommended to move the project to Fiscal Year 2015-16 and re-budget the project; (2) the George Mullen Activity Center (GMAC) bids also came in higher and additional funds are needed for construction of site improvements including lighting, sidewalks and connectivity of dark fiber between City Hall and the GMAC. It was recommended to move the FY 2014-15 funds from Pine Park to the GMAC; (3) Butler Park's probable cost is \$1.8 million and it was reported that the concession stand is in poor shape and needs to be demolished; (4) Park Land Acquisition has no current properties in the cue or acquisition and it was recommended to transfer the funds to purchase properties along the Myakkahatchee Creek

Questions and concerns ensued: (1) dark fiber was defined as a fiber optic cable for T1 lines owned by the City and the "dark" part means that it is installed but not connected; (2) LED was favored over solar panels; (3) Pine Park will be revisited during the budget process; (4) plans can be re-designed to reduce costs but how the bid comes in is unknown; (5) the biggest cost for Butler Park is for drainage improvements which was estimated at \$700,000; (6) Butler Park has sufficient funding to remove the concession building, fences, lighting, and dugouts in preparation to move forward with the drainage improvements next fiscal year and the following fiscal year install the four playing fields; (6) the scope of work for the City's Parks Master Plan is anticipated to be ready for Commission discussion and consideration in April; (7) clarification was provided that Sarasota County will take all fencing down and remove it, leaving the outer fencing.

***There was a consensus to authorize the City Manager do what is necessary to effectuate the demolition of Building A at Butler Park and relocate the electrical service. UNANIMOUS.***

***There was a consensus to authorize the City Manager to make the appropriate re-allocations, with funds that are already budgeted, from the Pine Park project to complete the work at the GMAC, including steps to provide a Budget Amendment. UNANIMOUS.***

**C. [14-0799](#) Parking and storage of certain vehicles**

Commissioner Yates provided sections of the Unified Land Development Code (ULDC) regarding parking and loading regulations that seem to contradict each other and require clarification.

Discussion ensued: (1) without the direction of the Commission to pursue, staff cannot spend a significant portion of work on any one Commissioner's item; (2) after Commission authorization of such a "committee of one topic" the City Manager and the Assistant City Manager would designate the appropriate staff people; (3) City Attorney Moriarty explained the process for a committee of one; (4) Commissioner Cook questioned contradictions that are based on someone else's assessment and did not agree with authorizing a committee of one; (5) a suggestion was proffered to outsource the project; (6) Commissioner Yates disagreed regarding hiring a consultant for the project and opined that staff's duty is to administer what the Commission determines as policy; (7) Commissioner Yates read the concerns regarding to the ULDC inconsistencies into the record; (8) City Attorney Moriarty clarified that any citation must be based on competent, substantial evidence and part of due process is that the Codes are clearly defined; (9) Neighborhood Development Services Director Williams is responsible to interpret Code and thus far, boats are required to be in the side or rear setback; (10) for the record, Commissioner Yates disagreed with the current interpretation of the Code. Public comment was held.

***There was a consensus to hire a consultant to work with staff to clean up the ULDC conflicts/contradictions in the Parking & Loading Regulations section, and schedule a Level 2 Workshop for Commission further discussion pertaining to policy issues. UNANIMOUS.***

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

**D. [14-0822](#) Public Forum Policy**

City Attorney Moriarty presented a PowerPoint review of entities that regularly rent space on City property. Direction was requested regarding a clearly defined rental policy for City property. The rules have to be fair across the board. The City has rental agreements and fee structures, but no policy governing the use of facilities. Options for consideration included: (1) continue with the current manner of renting facilities; (2) to prohibit everyone from renting the facilities; and (3) set reasonable restrictions that are viewpoint and content neutral.

Policy guidelines were determined by the Commission for use of City Property: (1) CHAMBERS to be used by the City Commission, City Advisory Boards, City staff, and government entities; (2) CITY HALL MEETING ROOMS to be used by the City, County, State, or Federal agencies; (3) CITY HALL GROUNDS to be used for activities sponsored by city departments, celebrations, community events, cultural, educational, and historical activities, displays, demonstrations, exhibits, marches, rallies, press conferences, speeches, and vigils related to government or public issues, memorial services, performances, wedding ceremonies, and other expressive activities; (4) GEORGE MULLEN CENTER AND OTHER FACILITIES will be given priority in the use of meeting rooms to City-sponsored events and programs and when not required for City use, meeting rooms may be available for City, County, State, or Federal Government agencies or private business groups for commercial and non-commercial

purposes.

Questions and concerns ensued: (1) a map will be included with the draft policy; (2) following a concern regarding charging a fee for speeches made on City grounds, clarification was provided that spontaneous rallies are an exception to the rule and may not be charged a fee for using City grounds; (3) a user who rents City grounds cannot obstruct the on-going business of government and must observe the proper decorum and respect for City property and verbiage can be crafted to emphasize that point; (4) the City Attorney will research the BayFlite contract being exclusive to other similar services by helicopter companies; (5) clarification was provided that as long as the City can identify a public purpose for leasing to BayFlite, the court will support the City; (6) in writing the policy, it was suggested to allow the City Manager approval status with the Commission.

***There was a consensus to identify the designated area for Policy 1.C.8.2, for picketing and demonstrations as the Mall in front of City Hall and to give the City Manager flexibility to assign an appropriate location.***

**ADJOURNMENT:**

Mayor DiFranco adjourned the North Port City Commission Workshop at 2:41 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.