



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
Patsy Adkins, City Clerk

Tuesday, November 8, 2016

10:00 AM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 12-13-2016 MEETING.

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 Vice-Mayor DiFranco.

Present: Vice-Mayor DiFranco; Commissioners Cook and Jones; City Manager Lewis; City Attorney Moriarty; City Clerk Adkins; Recording Secretary Hale; and Police Chief Vespia.

Absent: Mayor Moore; and Commissioner Yates.

A moment of silence was observed, followed by the Pledge of Allegiance led by the Commission.

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Commissioner Jones, seconded by Commissioner Cook, to approve the agenda. The motion carried by the following vote:

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

2. ANNOUNCEMENTS

A. [16-0637](#) Current Vacancies for Boards and Committees.

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

B. [16-0638](#) Upcoming Expiration Dates for Boards and Committees.

City Clerk Adkins read the Upcoming Expiration Dates for Board Members into the record.

3. PUBLIC COMMENT:

Public comment was held 10:04 a.m. - 10:08 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: 3 - Vice-Mayor DiFranco, Commissioner Cook and Commissioner Jones

- A. [16-0636](#) Approval of Minutes for the September 13, 2016 Commission Regular Meeting.
- B. [16-0622](#) Cash Receipts Summary - September 2016
- C. [16-0628](#) Disposition of surplus assets by an appropriate fashion per City Ordinance No. 06-29 Sec. 2-410 set forth in F.S. 274.02(1).
- D. [16-0588](#) Letter of Agreement and Contract between the City of North Port and the University of South Florida Board of Trustees to utilize law enforcement support to educate and enforce safe pedestrian, bicyclist, and driver behaviors in priority counties in Florida.
- E. [16-0608](#) Use of the Florida Sheriff's Association cooperative purchase agreement to enter into a three-year contact with REV RTC, Inc. for the purchase of replacement ambulances for a first-year cost of \$475,140 and authorize a project contingency in the amount not to exceed \$10,000 for a total amount of \$485,140.
- F. [16-0609](#) Community Development Block Grant Sub-recipient Agreement between Sarasota County and the City of North Port to fund staff salaries at the Family Service Center in the amount of \$54,000.
- G. [16-0626](#) Voluntary Cooperation Mutual Aid Agreement Between the Participating Agencies and the Florida Department of Law Enforcement to Form a Fort Myers Regional Operations Center Child Abduction Response Team.
- H. [16-0627](#) Contract No. 2016-57 with Odyssey Manufacturing Co. for MCWTP Chemical Feed and Piping Improvements for a total amount of \$331,342.00.

5. PUBLIC HEARINGS:

- A. [16-0599](#) Ordinance No. 2016-33, First Reading, Petition No. TXT-16-164, Amending the Code of the City of North Port and the City of North Port Unified Land Development Code to include regulations related to Low-THC Cannabis and Medical Cannabis Dispensing Facilities.

A motion was made by Commissioner Cook, seconded by Commissioner Jones,

to read Ordinance No. 2016-33 by title only. The motion carried by the following vote:

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

City Clerk Adkins read Ordinance No. 2016-33 into the record by title only and thereafter Neighborhood Development Services Director Williams provided a brief summary of the issue. City Planner Galehouse provided a PowerPoint presentation of the legislation adopted by the State of Florida and the laws governing the dispensing and use of cannabis. The ULDC regulations and restrictions were cited. The Planning & Zoning Advisory Board conclusions were cited. Staff recommended approval. Public comment was held.

Subsequent to a concern regarding home rule and what is right for the City, Ms. Galehouse stated that the proposed City Ordinance correlates with current enacted Florida Statutes.

Following a concern, City Attorney Moriarty stated: [a] there is an argument that if one of the facilities under the existing law were to come to North Port with an application today, they could access any area under a retail license; [b] the proposed Ordinance grants the City the ability to limit the location of such businesses; [c] the proposed legislation was modeled after the Ordinance pertaining to Pain Management Clinics.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to continue Ordinance No. 2016-33 to the next Commission Regular Meeting for second reading. The motion carried by the following vote:

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

B. [16-0597](#) Ordinance No. 2016-37, first reading, amending the Fiscal Year 2016-2017 Non-District Budget and Capital Improvement Program and Budget.

A motion was made by Commissioner Jones, seconded by Commissioner Cook, to read Ordinance No. 2016-37 by title only. The motion carried by the following vote:

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

City Clerk Adkins read Ordinance No. 2016-37 into the record by title only and City Manager Lewis stated that the proposed budget amendment from the Tree Mitigation Fund would: (1) add 41 trees to Butler Park at a cost of approximately \$4,000; (2) add 91 trees and irrigation at Fire Station 85 for an amount totaling \$55,570; and (3) will provide funding for a non-anticipated expenditure for a new vehicle for the City Arborist at a cost of \$26,250. There was no public comment.

Questions ensued: (1) the year of the vehicle being replaced was unknown at this time and will be provided at second reading; (2) Finance Director Lear stated the vehicle was scheduled to be replaced next year; (3) the trees at Butler Park will be planted near the multi-purpose field.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to continue Ordinance No. 2016-37 to the next Commission Regular Meeting for second reading. The motion carried by the following vote:

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

C. [16-0634](#) Ordinance No. 2016-38, First Reading, An Ordinance of the City of

North Port, Florida, Amending the City of North Port Administrative Code, Chapter 42, Nuisances; Amending Section 42-21 Excessive Growth; Dead Trees.

A motion was made by Commissioner Jones, seconded by Commissioner Cook, to read Ordinance No. 2016-38 by title only. The motion carried by the following vote:

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

City Clerk Adkins read Ordinance No. 2016-38 into the record by title only and City Manager Lewis introduced Director Williams reported: [a] in 2012 the Commission eliminated this portion of the City Code; [b] Section 42-21 is identical language that was in the 2012 legislation; [c] the only recommended changes are found in subsections (d) and (e) which addresses undeveloped lots. Public comment was held.

Discussion ensued: (1) Commissioner Cook opposed the Ordinance, but articulated concern that just one "no" vote will defeat the Ordinance. Not wanting to cut off debate, she favored labeling the issue, to allow the next sitting Commission to make a final determination; (2) it was stated that an undue burden is placed on residents who cut vegetation growing onto their property from adjacent undeveloped lots due to overgrowth.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to table Ordinance No. 2016-38 to the next Commission Regular Meeting. The motion carried by the following vote:

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

6. RESOLUTIONS

A. [16-0530](#) Resolution No. 2016-R-33, American Cancer Society Annual Relay for Life Event

City Clerk Adkins read Resolution No. 2016-R-33 into the record by title only and City Manager Lewis provided an overview, stating the Resolution grants permission to City Employees who wish to participate in the Relay of Life event, without being in violation of City Policy. There was no public comment.

Following a question, City Manager Lewis stated this is not the same item regarding the \$1,000 request from the American Cancer Society for the event, and there is no money involved, it just provides sanction that City Departments may participate.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve Resolution No. 2016-R-33. The motion carried by the following vote:

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

7. GENERAL BUSINESS:

A. [16-0587](#) Contract No. 2016-47 with XGD Systems, LLC dba TDI USA for the Butler Park Multi-use Sport Field Renovation project in the amount of \$1,536,390.35 plus 8% project contingency of \$122,911.23 for a total amount of \$1,659,301.58.

City Manager Lewis introduced General Services Director Carmichael and requested to combine the presentations of agenda items 7.A. and 7.B. with separate motions at the

end. Director Carmichael provided a PowerPoint overview of the project and reported that the contract came in under budget and it was decided to include field lighting in the project. Public comment was held.

Discussion ensued: (1) Commissioner Cook opposed the budget item since 2013, but because one negative vote will cut off conversation regarding important aspects of the Butler Park projects, and due to the absence of two Commissioners who supported the project, other Commission comments were requested before she would make a final determination of her vote; (2) to prevent injuries to the youth participants, the need for well-formed playing fields and general repairs is crucial; (3) it was reported that the field improvements were requested years ago by former Parks & Recreation Manager Calhoun.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve Contract No. 2016-47 with XGD Systems, LLC dba TDI USA for the Butler Park Multi-use Sport Field Renovation project in the amount of \$1,536,390.35 plus 8% project contingency of \$122,911.23 for a total amount of \$1,659,301.58. The motion carried by the following vote:

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

- B. [16-0291](#)** Amendment No. 2 to Agreement 2014-13 between the City of North Port and Florida Transportation Engineering, Inc. in the amount of \$18,965 for the electrical engineering to light the new Multi-use fields at Butler Park.

General Services Director Carmichael stated that the request (which is included in the project) will fund the engineering for future lighting at the park. There was no public comment and brief Commission comments centered on the need for lighting during practices and games at night.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve Amendment No. 2 to Agreement 2014-13 between the City of North Port and Florida Transportation Engineering, Inc. in the amount of \$18,965 for the electrical engineering to light the new Multi-use fields at Butler Park. The motion carried by the following vote:

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

- C. [16-0633](#)** Discussion and possible action regarding the City of North Port 2017 State Legislative Priorities

City Manager Lewis provided a draft of the proposed Legislative Priorities. There was no public comment. Commissioner Cook was not totally supportive of the language pertaining to the environment.

A motion was made by Commissioner Cook, seconded by Commissioner Jones, to approve the 2017 City of North Port State Legislative Priorities. The motion carried by the following vote:

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

Recess 11:15 a.m. - 11:26 a.m.

- D. [16-0606](#)** 2016 Low Income Housing Tax Credit Program (LIHTCP) Contribution Process

City Manager Lewis introduced Neighborhood Development Services Director Williams

who presented a brief overview and Planner McNish provided a PowerPoint review of the process to receive City funding for low income housing. Thereafter, the following applicants provided background information for each proposed development: (1) Mr. Ken Bowron, Beneficial Communities and Collier International, for Creighton Creek Senior Apartments; (2) Mr. Jason Larson, Housing Trust Group, LLC, for Spring Cove; (3) Mr. Ike Cottle, Picerne Affordable Development LLC, for Toledo Place, Price Crossing, and Toledo Village. Planning & Zoning Intern Pelfrey provided a PowerPoint overview of staff's report, including an overview of each of the proposed locations. Public comment was held.

Questions ensued: (1) answering a public comment, Vice-Mayor DiFranco stated that pets are allowed in all of the facilities; (2) the City will commit \$50,000 to a project and the State will only choose one project per county; (3) the City Staff was unaware of the Federal program being implemented by Hendry, Collier and Glades Counties for low income housing; (4) clarification was provided that after receiving tax credit allocations from the State, the investors partner with a bank or other financial institution and sell the tax credits to them. In return, the equity received from the tax breaks goes back into the development, allowing the "landlord" to charge a lower rent rate; (5) all of occupants of Creighton Creek units have to be 6% below the median income in order to qualify for the discounted rent.

A motion was made by Commissioner Cook, to deny the contribution allocations of \$50,000 either monetary or in-kind, to support applications for the 2016-2017 City of North Port Contribution Reservation Process for applicants participating in the State of Florida Low Income Housing Tax Credit Program. The motion died for lack of a second.

Subsequent to a concern that one dissenting vote will cause the request to fail, City Attorney Moriarty clarified that due to the non-contractual nature of the item, and that it is not a Resolution or Ordinance, a unanimous vote by the Commission is not required for the item to be approved. He also stated that a motion is generally required to nominate a vice-mayor pro-tem, but for a small assembly it may be done informally if there is no objection to this one item.

Vice-Mayor DiFranco passed the gavel to Commissioner Cook.

A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Jones, to approve contribution allocations of \$50,000, either monetary or in-kind, to support the five applicants, for the 2016-2017 City of North Port Contribution Reservation process for the five applicants participating in the State of Florida Low Income Housing Tax Credit Program. The motion carried by the following vote with Commissioner Cook dissenting; reasoning that the onus of development needs to be on the developers to keep them honest.

Yes: 2 - Vice-Mayor DiFranco and Commissioner Jones

No: 1 - Commissioner Cook

Commissioner Cook passed the gavel back to Vice-Mayor DiFranco.

E. [16-0635](#)

Discussion and possible direction relating to SMH application for a hospital in Venice.

Agenda Item 7.E., will be presented by Vice-Mayor DiFranco and the gavel was passed back to Commissioner Cook.

Vice-Mayor DiFranco reported that Sarasota Memorial Hospital (SMH) and Venice Regional Hospital are using the City of North Port's population data and zip codes to advocate for hospitals outside the City of North Port. A letter was requested from the

Commission to the Agency for Health Care Administration (AHCA) opposing the use of the City of North Port's data by those two hospitals, and stating their actions are unacceptable and conflict with our own position in seeking a hospital within the City of North Port. Venice Regional Hospital is privately owned, is not a full-service facility, and by using our population information they are advocating a hospital that will not provide services for the City of North Port. Public comment was held.

Discussion ensued: (1) it was recommended to direct the City Manager to compose the letter of opposition; (2) SMH is proposing a hospital further in distance than the hospital located in Port Charlotte; (3) a public records request was requested for the applications to AHCA, but has not been received as of today; (4) the signature line should be that of the Vice-Mayor.

A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Jones, to direct the City Manager to design a Letter of Opposition for the City of North Port to the Agency for Health Care Administration (AHCA) opposing the utilization of the City data by Sarasota Memorial Hospital and Venice Regional Hospital. The motion carried by the following vote:

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

Commissioner Cook passed the gavel back to Vice-Mayor DiFranco.

8. PUBLIC COMMENT:

Public comment was held 12:27 p.m. - 12:30 p.m.

9. SCHEDULING OF WORKSHOPS:

There were no workshops requested.

10 COMMISSION REPORTS:

Commissioner Cook attended: (1) the Florida League of Cities, Urban Forestry Council; (2) an Everglades Foundation event called "Forever Everglades."

Commissioner Jones invited all in attendance to the Veterans' Day event on November 11, 2016 at the North Port Veterans' Park. Reminded residents to vote today, General Election Day.

City Manager Lewis reminded the Commission that the City holds an annual internal event recognizing City Employees that are Veterans or active duty service men and women.

Vice-Mayor DiFranco attended: (1) the Florida League of Cities, Urban Safety Committee; (2) expressed appreciation for serving the City of North Port as a Commissioner for the last four years.

11. ADMINISTRATIVE AND LEGAL REPORTS:

City Manager Lewis, City Attorney Moriarty, and City Clerk Adkins articulated gratitude for the service rendered by Commissioner Cook, Commissioner Jones, and Commissioner DiFranco.

12. ADJOURNMENT:

Vice-Mayor DiFranco adjourned the North Port City Commission Regular Meeting at 12:39 p.m.

City of North Port, Florida

By: _____
Linda M. Yates, Mayor

Attest: _____
Patsy C. Adkins, MMC, City Clerk

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