



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, September 27, 2016

10:00 AM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 11-22-2016 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 Mayor Moore.

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

PLEDGE OF ALLEGIANCE – LED BY THE COMMISSION

1. APPROVAL OF AGENDA – COMMISSION

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the agenda as presented.

Commissioner Cook stated that agenda item 7.P., Discussion and Action on Resolution 2015-R-28 was previously discussed in workshops at length; was approved by a super majority at the last meeting to be pulled; and is inappropriate to bring it back again.

Commissioner Yates supported keeping the item on the agenda for discussion. Mayor Moore placed the item on the agenda, and agreed that a conversation regarding the issue is important.

A motion was made by Commissioner Cook, seconded by Vice-Mayor DiFranco, to amend the motion removing agenda item 7.P. The motion failed by the following vote with Mayor Moore, Commissioner Jones, and Commissioner Yates dissenting. Mayor Moore and Commissioner Yates provided reasons and Commissioner Jones did not:

Yes: 2 - Vice-Mayor DiFranco and Commissioner Cook

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

A vote was taken on the motion to approve the agenda as presented. The motion carried by the following vote with Commissioner Cook dissenting for reasons previously stated:

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

No: 1 - Commissioner Cook

2. ANNOUNCEMENTS

A. [16-0550](#) Current Vacancies for Boards and Committees.

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

B. [16-0551](#) Upcoming Expiration Dates for Boards and Committees.

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

Commissioner Cook left the meeting at 10:06 a.m.

3. PUBLIC COMMENT:

Public comment was held from 10:06 a.m. -- 10:16 a.m.

Present: 4 - Mayor Jacqueline Moore, Vice-Mayor Rhonda DiFranco, Commissioner Tom Jones and Mayor Linda Yates

Absent: 1 - Commissioner Cheryl Cook

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

Not Present: 1 - Commissioner Cook

A. [16-0547](#) Approval of Minutes for the June 14, 2016 Commission Regular Meeting; June 21, 2016 Commission Budget Workshop Meeting; June 21, 2016 Commission Special Meeting; June 23, 2016 Commission Budget Workshop Meeting; June 28, 2016 Commission Regular Meeting Minutes; July 12, 2016 Commission Regular Meeting Minutes; July 26, 2016 Commission Regular Meeting Minutes; July 28, 2016 Commission Budget Workshop Meeting; July 28, 2016 Commission Special Meeting to Set Maximum Millage Rate; July 29, 2016 Commission Workshop Meeting; August 16, 2016 Commission Special Meeting and Executive

Session.

- B. [16-0468](#) Technology Service Agreement amendment with Sarasota County for a recurring annual fee of \$11,398.92.
- C. [16-0470](#) Three (3) Year Contract Renewal with ESRI, Inc. for comprehensive GIS products, services and training in the amount of \$156,795.00
- D. [16-0474](#) Combined Mutual Aid Agreement and Voluntary Assistance Agreement for Law Enforcement Services During Special Events.
- E. [16-0494](#) Agreement 2016-48 with DeLoach Engineering Science, PLLC, for Professional Engineering Services for the Big Slough Flood Reduction Study in the amount of \$300,000.00.
- F. [16-0502](#) Federal Emergency Management Agency Phase 33 Emergency Food and Shelter Program in the amount of \$12,252.
- G. [16-0533](#) 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).
- H. [16-0535](#) Renewal of Property and Casualty Insurance and Risk Management Services with Public Risk Insurance Agency (PRIA) for 2016/2017 in the amount of \$724,677.
- I. [16-0539](#) Cash Receipts Summary - August 2016

5. PUBLIC HEARINGS:

- A. [16-0511](#) Ordinance No. 2016-22, Second Reading, Petition No. CPAL 15-157, Costamar at West Villages Comprehensive Plan Future Land Use Map Amendment and Amendment to Figure 13.1.n of the Land Use Element of the City of North Port Comprehensive Plan.

City Clerk Adkins, a Notary Public, as a quasi-judicial hearing, swore in all those who wishing to provide testimony for this item.

All Commissioners disclosed ex parte communications with staff.

City Clerk Adkins read Ordinance No. 2016-22 into the record by title only. Ms. LaBarr, from Stantec, and Attorney Bailey, representing Main Street Ranchlands, LLP., provided a brief overview of the proposed Comprehensive Plan Amendment for West Villages and reported the petition was approved at the July 26, 2016 Commission meeting for transmittal to the Florida Department of Economic Opportunity for review and was returned with no comments. Attorney Bailey requested that the Commission formally adopt the legislation Amendment. Thereafter, Assistant City Manager Schult stated that staff presented recommendations at first reading and they are present to answer questions. There was no public comment.

Subsequent to a question, it was reported that Attachment 3, the email correspondence from the Environmental Protection Agency was omitted from the backup material, but was submitted to the City Clerk this morning to be included in the record.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve Ordinance No. 2016-22, Petition No. CPAL-15-157. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Cook

B. [16-0532](#) Ordinance No. 2016-32, second reading, amending the Fiscal Year 2015-2016 Non-District Budget.

City Clerk Adkins read Ordinance No. 2016-32 into the record by title only and Assistant City Manager Schult provided a brief overview. There was no public comment. Commission comments consisted of appreciation to the Police Department initiative to employ the latest training methods to help keep citizens safe. Confirmation was provided that no live ammunition will be used in the training simulations.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve Ordinance 2016-32, amending the Fiscal Year 2015-2016 Non-District Budget. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Cook

C. [16-0517](#) Ordinance No. 2016-23, First Reading, Petition No. CPA-16-100 Adopting a Revision to the Capital Improvement Element of the City of North Port Comprehensive Plan, Ordinance No. 89-3, as Amended, to Add in a Fifth Year with Projects to Address Levels of Service.

A motion was made by Commissioner Jones, seconded by Commissioner Yates, to read Ordinance No. 2016-23 by title only. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Cook

City Clerk Adkins read Ordinance No. 2016-23 into the record by title only. Thereafter, Assistant City Manager Schult provided a brief overview and Neighborhood Development Services Director Williams presented a review of the Capital Improvement Projects (CIP) that address the Levels of Service. Planner Galehouse was present to answer questions. There was no public comment.

Questions ensued: (1) verification was provided that the Scrivener's errors found on page 3 of Attachment 1 in the Ordinance were corrected; (2) an updated CIP sheet for the proposed swimming pool at Butler Park has also been inserted and copies were provided to the Commission this morning; (3) for the record, the corrections were stated to be: the 10 acres per 100 based on classification was corrected to be 10 acres per 1000 population, and the classifications were listed as 1.5 acres of community park, 1.5 acres of open space, and 7 acres of conservation; (4) the pool information will be updated to state construction of a 50-meter pool at the Morgan Center/Butler Park.

A motion was made by Commissioner Yates, seconded by Mayor Moore, to continue Ordinance No. 2016-23, Petition No. CPA-16-100 to the October 11, 2016 Commission Regular Meeting for second reading with the amendments regarding the two pages of the Parks & Recreation updating the Classification and the North Port Pool. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Cook

- D.** [16-0520](#) Petition No. PLF-16-119, platting Islandwalk Phase 4 consisting of 228 lots for single family detached homes and 32 lots for single family attached homes. Quasi-Judicial.

City Clerk Adkins, a Notary Public, as a quasi-judicial hearing, swore in all those wishing provide testimony for this item.

Mayor Moore and Commissioners Jones and Yates disclosed ex parte communications with staff.

Mr. Smith, representing Heidt Design, LLC provided an overview of the final plat for Islandwalk subdivision. Director Williams introduced Planner McAllister, who presented an overhead area for viewing purposes and a brief review. There was no public comment.

Questions ensued: (1) it was reported that there was an existing borrow pit, portions of which are being filled, with prior approval from the Southwest Florida Water Management District (SWFWMD) to develop the subdivision. The remaining portions will be used as stormwater retention ponds; (2) the area is not a natural wetland and so does not require mitigation.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve Petition No. PLF-16-119. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Cook

- E.** [16-0534](#) PLF 16-061, Heron Creek Town Center North (F/K/A Phase 2 Plat) Quasi-Judicial

City Clerk Adkins, a Notary Public, as a quasi-judicial hearing, swore in all those wishing to provide testimony for this item.

Mayor Moore and Commissioners Jones and Yates disclosed ex parte communications with staff.

Mr. Morris of Morris Engineering Consulting, provided a brief overview of the plat for the northeast corner of the Heron Creek Town Center and clarified that mitigation area on the east of the property is a floodplain. The wetland mitigation was handled offsite at the wetland mitigation bank and was permitted thorough the SWFWMD. Thereafter, Director Williams introduced Planner Whittaker, who provided a staff report of the project. There was no public comment.

Questions ensued: (1) because Heron Creek Development Plan requires cross-connection between parcels, lots 6 and 7 will be assigned a Main Street address (Suite A and Suite B, for example), with a separate "drive aisle" branching off to provide a paved access to the properties; (2) confirmation was provided that there will not be an ingress/egress access point on Price Boulevard to those areas; (3) the City Fire Marshall and City Planner both concurred that the internal circulation is not boxed-in and provides sufficient access; (4) the access point on Sumter Boulevard is a right-in, right-out only, and the same holds true for the Price Boulevard access points; (5) there is insufficient right-of-way to provide a dedicated right-turn into the property.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve PLF-16-061. The motion carried by the following vote:

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

Not Present: 1 - Commissioner Cook

6. RESOLUTIONS

A. 16-0506

Resolution No. 2016-R-26 authorizing and directing the acquisition of sixteen (16) parcels for stormwater retention ponds as part of the Price Boulevard widening project from Sumter Boulevard to Toledo Blade Boulevard

City Clerk Adkins read Resolution No. 2016-R-26 into the record by title only. Thereafter, City Attorney Moriarty provided an overview, stating that the Resolution: (1) authorizes the acquisition of 16 lots for stormwater retention for the widening of Price Boulevard; (2) it authorizes the City Manager as the negotiator and to acquire the parcels; and (3) it authorizes the City Attorney to use Eminent Domain in the event that the parcels cannot be acquired through good faith negotiation. Clarification was provided that the owner of the parcels is City Commission as the governing body, not the Road & Drainage District, and he requested to verbalize that change in the motion. Public comment was held.

Questions ensued: (1) the backup material did not include the Sarasota County Property Appraiser's assessed value of the 16 lots; (2) approximately 30-35 vacant lots are in the City's possession to be used for swapping; (3) in exercising Eminent Domain, Florida Statutes must be followed; (4) at the present time, all of the 16 privately-owned lots are vacant and have been designated by the Engineering firm as suitable for stormwater retention; (5) the Commission may eliminate the option of Eminent Domain and use a similar land acquisition process that the City uses to acquire land along the Myakkahatchee Creek Greenway; (6) Assistant City Manager Schult stated that regardless of what is included in the preliminary right-of-way design, the areas needed for water retention is still required; (7) if the option of Eminent Domain is eliminated and the City is unable to acquire the lots for retention through the voluntary sale of properties, the whole process of evaluating the properties a second time would have to be revisited in order to proceed with Eminent Domain; (8) staff will continue the process of seeking willing sellers and the Resolution allows the City to pursue Eminent Domain if that option is required; (9) City Attorney Moriarty cited Florida Statutes 73.015(1) "the condemning authority must attempt to negotiate in good faith" and expressed concern that if a different course is followed than what is proposed in the Resolution, and one of the first sellers who sold his property for the assessed tax value finds that now the City is using Eminent Domain, offering market value, plus attorney's fees, plus closing costs, they may accuse the City of not negotiating in good faith; (10) addressing a public comment, City Attorney Moriarty stated that Florida Statutes 166.045 gives the appraisals exempt status. The City is obligated to share the appraisal with the land owner; and the purpose of the exemption is to prevent subsequent property owners from making a public records request of the previous offers with the intent of getting the benefit of the bargain; (11) authorizing the City Manager to be the central negotiating figure, follows the statutory framework, and allows the City to take advantage of the exemption rule to save taxpayers' money; (12) the transactions would be made public record 30-days after the acquisition of the parcels; (12) Project Engineer Newman stated that the retention pond locations and sizes were based on a conservative design taking into account sub-fill changes and impervious components of the roadway cross-section; (13) Vice-Mayor DiFranco opined that removing the Eminent Domain ability will slow the process immensely for the Price Boulevard improvements; (14)

Assistant City Manager Schult stated that an acquisition process is needed prior to the City approaching homeowners to acquire land for retention ponds and Eminent Domain will be used as a last resort; (15) City Attorney Moriarty clarified that an alternative to granting the City Manager negotiating privileges, is to formulate an option contract where the City Manager will negotiate the best obtainable price, with the Commission granting the final approval. The problem is, the Commission will review the appraisals and as a result, the exemption status is lost; (16) City Attorney Moriarty stated that if the Commission establishes a time parameter to acquire the land, it was suggested to allow staff to offer the appraised market value as opposed to the assessed value; (17) it was pointed out that the City might encounter the same exposure to a law suit with properties along the Myakkahatchee Creek, if the time comes that Eminent Domain is used to secure those remaining lots, however, City Attorney Moriarty stated that the distinguishing characteristic between the two land acquisitions, is that the Myakkahatchee Creek is a voluntary process, not a public works project. Through a site report of Price Boulevard, 16 lots were identified as the specific areas needed for the storm retention ponds locations.

A motion was made by Commissioner Yates, seconded by Vice-Mayor DiFranco, to direct the City Attorney to bring back the Resolution, revised to reflect the City Commission, not the Road & Drainage District, and provide for the City to acquire the 16 properties using the same process as the Myakkahatchee Creek Project. The motion failed by the following vote, with Mayor Moore and Commissioner Jones dissenting. Neither Mayor Moore nor Commissioner Jones provided reasons for dissent:

Yes: 2 - Vice-Mayor DiFranco and Mayor Yates

No: 2 - Mayor Moore and Commissioner Jones

Not Present: 1 - Commissioner Cook

A motion was made by Vice-Mayor DiFranco, seconded by Commissioner Jones, to approve Resolution No. 2016-R-26 authorizing and directing the acquisition of sixteen (16) parcels for stormwater retention ponds as part of the Price Boulevard widening project from Sumter Boulevard to Toledo Blade Boulevard.

Discussion ensued: (1) the portion of the legislation pertaining to eminent domain (Section 2.02 of the proposed Resolution) was displayed in consideration of removing the verbiage; (2) City Attorney Moriarty stated that if Section 2.02 was removed and in the event negotiations failed, staff would be compelled to bring them to the Commission piece meal, to request the use of eminent domain.

A motion was made by Commissioner Yates, seconded by Mayor Moore, to amend the motion, authorizing the City Attorney to revise the Resolution, replacing the North Port Road & Drainage District with the City Commission, and to remove section 2.02. The motion carried by the following vote, with Commissioner Jones dissenting, and providing no reason:

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

No: 1 - Commissioner Jones

A vote was taken on the main motion as amended to approve Resolution No. 2016-R-26 authorizing and directing the acquisition of sixteen (16) parcels for stormwater retention ponds as part of the Price Boulevard widening project from Sumter Boulevard to Toledo Blade Boulevard; authorizing the City Attorney to revise the Resolution, replacing the North Port Road & Drainage District with the City Commission, and to remove section 2.02. The motion carried unanimously:

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

Not Present: 1 - Commissioner Cook

Recess from 11:40 a.m. -- 12:00 p.m.

Vice-Mayor DiFranco left the meeting.

7. GENERAL BUSINESS:

Present: 3 - Mayor Jacqueline Moore, Commissioner Tom Jones and Mayor Linda Yates

Absent: 2 - Vice-Mayor Rhonda DiFranco and Commissioner Cheryl Cook

- A. [16-0338](#)** Interlocal Agreement Between the City of North Port, Florida and the School Board of Sarasota County, Florida for the Suncoast Community Technical College South Campus.

Assistant City Manager Schult provided a brief overview of the Interlocal Agreement. Customer Service Coordinator Duffy was present to answer questions. There was no public comment.

Questions ensued: (1) the Developer's Agreement is to approve the utilities infrastructure which, upon completion, will be dedicated to the City; (2) Assistant City Manager Schult stated that the area outlined in purple indicates the infrastructure for the property owned by the Suncoast Community Technical College South Campus. The Sarasota County School Board will pay for and build the main water and sewer lines; (3) citing page 10 and 11 of the Agreement, Ms. Duffy reported that the City is requiring the School Board to pay for the charges for the Equivalent Residential Connections (ERC's) that are not exempted by State Statutes; (4) like the other school customers within the City, the school will be billed on a monthly basis for their water consumption and base facility charges; (5) the allotment of ERC's is specific to the back parcel for the campus only; (6) as the outparcels are developed, each individual will add his infrastructure and dedicate it to the City; (7) Assistant City Manager Schult stated that staff patterned the Interlocal Agreement after the standard City Developer's Agreement and it only pertains to the campus portion of the area; (8) a copy of the Florida Statutes exempting governmental agencies from paying infrastructure charges relating to utilities, will be emailed to the Commission; (9) subsequent to a question, the correct name is the Suncoast Technical College South Campus.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the Interlocal Agreement between the City of North Port, Florida and the School Board of Sarasota County, Florida for the Suncoast Community Technical College South Campus. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- B. [16-0429](#)** Family Service Center Tenant Lease Agreement with Big Brothers Big Sisters of the Sun Coast, Inc. in the amount of \$1,680.

Mayor Moore requested and received agreement to combine discussions on 7.B. through 7.L. with separate motions for each.

General Services Director Carmichael provided a PowerPoint overview of all the Agreements. There was no public comment.

Questions ensued: (1) because the agreements are for 10 years, a change in square-footage would require a new agreement, and an increase in the charge for square-footage would be made effective by a Letter of Notification attached to the Lease Agreement, sent by the City, and would not require a new agreement; (2) concern was expressed that because the amount charged per square-foot in previous Agreements is now stated as one monthly amount, how the amount is captured is lost; (3) General Services Director Carmichael stated that adding the amount back in at this juncture would be problematic because the Agreements have been approved by each renter and it would have to be re-reviewed by each lessee and their Board of Directors; (4) Mayor Moore was reluctant to compel each organization to go back through a review process and opposed making any changes to the Agreement; (5) detailed information is easily acquired in staff's reports available on the City's website and it is anticipated that the \$14 rate will continue in the future.

A motion was made by Commissioner Yates, seconded by Mayor Moore, to approve the Family Service Center Tenant Lease Agreement with Big Brothers Big Sisters of the Sun Coast, Inc. in the amount of \$1,680, with the revision to include language regarding the fee per square-foot and to require any increases to the rent to be executed as an attachment to the Agreement. The motion failed by the following vote with Mayor Moore dissenting for reasons provided. Commissioner Jones did not provide reasons for dissenting:

Yes: 1 - Mayor Yates

No: 2 - Mayor Moore and Commissioner Jones

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

Discussion ensued: (1) because these are 10-year Agreements, it is important to document any change in terms within the Agreement; (2) Commissioner Yates voiced concern that due to the September 30th expiration date for the current Agreements, the Commission should not be compelled to make a last minute decision and should have been included in earlier discussions regarding changes in the Agreements, therefore cannot support the Agreements as they are written; (3) a motion to amend the Agreements revising the fee for square feet and increases to the rent as an additional attachment to the Agreement would require each entity to process it again.

A motion was made by Commissioner Yates, seconded by Mayor Moore, to approve the Family Service Center Tenant Lease Agreement with Big Brothers Big Sisters of the Sun Coast, Inc. in the amount of \$1,680. and direct staff to bring back an amendment to the Agreement with the revisions including fee for square feet and require any increase to the rent to be executed as an attachment to the Agreement. The motion failed by the following vote with Mayor Moore dissenting for reasons stated. Commissioner Jones did not provide reasons for dissenting:

Yes: 1 - Mayor Yates

No: 2 - Mayor Moore and Commissioner Jones

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

Discussion ensued: (1) it was stated that the intent of the previous motion was to approve the Agreement so it will not expire on September 30th, but it will have to be reviewed and approved again by their Boards; (2) Director Carmichael suggested that if the time arises that the Commission determines to raise the rent, the lease could be revised in time to include the price per-square foot; (3) following a question, City Attorney Moriarty stated that the Commission may modify the Agreement and propose

the new language to the tenant, who can accept or reject the offer.

A motion was made by Commissioner Yates, to approve Family Service Center Tenant Lease Agreement with Big Brothers Big Sisters of the Sun Coast, Inc. in the amount of \$1,680, and direct staff to bring back any rate changes in a form of a new agreement. The motion failed for lack of a second.

Subsequent to a question, City Attorney Moriarty stated that the Commission may appoint a Mayor pro-tem because the current Vice-Mayor is absent.

A motion was made by Commissioner Jones, seconded by Mayor Moore, to pass the gavel to Commissioner Yates. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

Commissioner Yates voiced the following concerns based on the duration of the 10-year Agreements: [a] she tried different ways to compromise; [b] that any change should be in form of Agreement not a written Notice; [c] the Commission should have reviewed the Agreement language in a timelier manner; [d] is uncomfortable with the language of the Agreement; [e] the rate per square-foot should be specified in the Agreement and be based on some type of methodology.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to approve Family Service Center Tenant Lease Agreement with Big Brothers Big Sisters of the Sun Coast, Inc. in the amount of \$1,680. The motion failed by the following vote with Commissioner Yates dissenting for reasons stated:

Yes: 2 - Mayor Moore and Commissioner Jones

No: 1 - Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

Quoting the City Charter, Section 6.04, Majority Vote Requirements, City Attorney Moriarty stated "It shall require a majority vote of the entire City Commission for the enactment of ordinances, resolutions and contractual commitments." Thus, a motion for these Agreements requires a three-to-zero unanimous vote. He verified that the last motion was null and void. He stated that in Florida Statutes, there are hold-over provisions that once a contract expires, the tenant does not have to vacate the property immediately. Additionally, the current Agreement also has a hold-over provision for a month-to-month term.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to approve the Family Service Center Tenant Lease Agreement with Big Brothers Big Sisters of the Sun Coast, Inc. in the amount of \$1,680, and direct staff to notify every tenant in writing within 45 days, that they will be required, whether they extend their lease or not, to resubmit to their boards for review and approval.

After City Attorney Moriarty stated that the contractual terms are that they don't have to come back, and that the motion would cause further confusion, the motion and second were withdrawn.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the Family Service Center Tenant Lease Agreement with Big Brothers Big Sisters of the Sun Coast, Inc. in the amount of \$1,680, and direct staff that six months prior to the first renewal to bring the Agreement back to Commission for amending, to include the rate per square-foot and any changes to the rent and revise Section 4.3 of the Agreement; for any changes in the rent to be done in the

Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

Recess 1:19 p.m. -- 1:23 p.m.

C. [16-0430](#) Family Service Center Tenant Lease Agreement with Catholic Charities Housing, Diocese of Venice, Inc. in the amount of \$13,468

Other than what was presented during the last agenda item, Assistant City Manager Schult provided no additional information. Clarification was provided that the time constraints for renewal did not afford the Commission opportunity to make and present changes prior to forward the Agreements to each tenant. Public comment was held.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the Family Service Center Tenant Lease Agreement with Catholic Charities Housing, Diocese of Venice, Inc. in the amount of \$13,468 and direct staff six months prior to the first renewal to bring back to Commission to amend to include the rate per-square feet and any changes that would be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

D. [16-0431](#) Family Service Center Tenant Lease Agreement with School Readiness Coalition of Sarasota County, Inc. dba Early Learning Coalition of Sarasota County in the amount of \$1,862.

The presentation previously provided for Item 7.B., applies to 7.D. There was no public comment.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the Family Service Center Tenant Lease Agreement with School Readiness Coalition of Sarasota County, Inc. DBA/Early Learning Coalition of Sarasota County in the amount of \$1,862, and direct staff that six months prior to the first renewal to bring the Agreement back to Commission for amending, to include the rate per square-foot and that any changes to the rent would be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

E. [16-0432](#) Family Service Center Tenant Lease Agreement with Jewish Family and Children's Service of the Suncoast, Inc. in the amount of \$7,826

The presentation previously provided for Item 7.B., applies to 7.E. There was no public comment.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the Family Service Center Tenant Lease Agreement with Jewish Family and Children's Service of the Suncoast, Inc. in the amount of \$7,826 and direct staff that six months prior to the first renewal to bring the Agreement back to Commission for amending, to include the rate per square-foot and that any changes to the rent to be included in the Agreement. The motion carried by the

following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- F.** [16-0433](#) Family Service Center Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc. in the amount of \$2,016.

The presentation previously provided for Item 7.B., applies to 7.F. There was no public comment.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the Family Service Center Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc., in the amount of \$2,016, and direct staff that six months prior to the first renewal to bring the Agreement back to Commission for amending, to include the rate per square-foot and that any changes to the rent to be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- G.** [16-0434](#) Family Service Center Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc. in the amount of \$1,708.

The presentation previously provided for Item 7.B., applies to 7.G. Clarification was provided that this agenda item is for the same tenant as item 7.F., but for a separate space. There was no public comment.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, Family Service Center Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc., in the amount of \$7,108. The motion and second were subsequently withdrawn.

The motion and second were withdrawn because the additional information was not included.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, Family Service Center Tenant Lease Agreement with Safe Place and Rape Crisis Center (SPARCC), Inc., in the amount of \$1,708, and direct staff that six months prior to the first renewal to bring the Agreement back to Commission for amending, to include the rate per square-foot and that any changes to the rent to be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- H.** [16-0435](#) Family Service Center Tenant Lease Agreement with School Board of Sarasota - Suncoast Technical College in the amount of \$7,196.

The presentation previously provided for Item 7.B., applies to 7.H. There was no public comment.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, Family Service Center Tenant Lease Agreement with School Board of Sarasota - Suncoast Technical College in the amount of \$7,196, and direct staff that six

months prior to the first renewal to bring the Agreement back to Commission for amending, to include the rate per square-foot and that any changes to the rent to be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- I. [16-0436](#) Family Service Center Tenant Lease Agreement with Sarasota County Health Department in the amount of \$60,620.

The presentation previously provided for Item 7.B., applies to 7.I. There was no public comment.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, Family Service Center Tenant Lease Agreement with Sarasota County Health Department in the amount of \$60,620, and direct staff that six months prior to the first renewal to bring the Agreement back to Commission for amending, to include the rate per square-foot and that any changes to the rent to be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- J. [16-0508](#) North Port Educational Center Tenant Lease Agreement with the Senior Friendship Center, Inc. in the amount of \$2,400.

The presentation previously provided for Item 7.B., applies to 7.J. Mayor Moore passed the gavel to Commissioner Yates. There was no public comment.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve the North Port Educational Center Tenant Lease Agreement with the Senior Friendship Center, Inc. in the amount of \$2,400, and direct staff that six months prior to the first renewal to bring the Agreement back to Commission for amending, to include the rate per square-foot and that any changes to the rent to be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- K. [16-0509](#) North Port Educational Center Tenant Lease with North Port Senior Center, Inc. in the amount of \$2,400.

The presentation previously provided for Item 7.B., applies to 7.K.

Assistant City Manager Schult stated that items 7.J., 7.K., and 7.L., are in a different building and the leases were modified as noted in Director Carmichael's presentation. There was no public comment.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to approve the North Port Educational Center Tenant Lease with the North Port Senior Center, Inc., in the amount of \$2,400, and direct staff six months prior to the first renewal to bring to Commission to amend to include the rate per square-foot and any changes to the rent to be included in the Agreement.

Assistant City Manager Schult reported that these three leases are not based on square-footage, but on flat rates for the annual Agreement, and may move forward as

presented by staff.

Following a request for clarification, Assistant City Manager Schult stated that in this case, with rent based on a flat fee, any amendment to the Agreement would not include a Letter of Notice. Therefore, the motion and second were withdrawn.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to approve the North Port Educational Center Tenant Lease with the North Port Senior Center, Inc., in the amount of \$2,400.

Commissioner Yates requested verbiage for an amendment to the motion.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to amend the motion, to include direction to staff that six months prior to the first renewal, to bring back the Agreement back to the Commission for amending, to include that any changes to the rent be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

A vote was taken on the main motion, as amended, to approve the North Port Educational Center Tenant Lease with the North Port Senior Center, Inc., in the amount of \$2,400, and direct staff that six months prior to the first renewal, to bring back the Agreement back to the Commission for amending, to include that any changes to the rent be included in the Agreement. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

J. [16-0508](#) North Port Educational Center Tenant Lease Agreement with the Senior Friendship Center, Inc. in the amount of \$2,400.

Subsequent to a vote on agenda item 7.J., clarification was provided that all three Agreements pertaining to the North Port Educational Center are based on a flat rental rate and do not require the provision for staff to bring the Agreement back based on a \$14 per square-foot rate. City Attorney Moriarty stated that the proper procedure is a motion to reconsider item 7.J. There was no public comment.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to reconsider agenda item 7.J. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

A clarifying motion is now in order.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to approve the North Port Educational Center Tenant Lease Agreement with the Senior Friendship Center, Inc., in the amount of \$2,400, and direct staff to bring to Commission six months prior to renewal to include any rate changes. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- L. [16-0510](#) North Port Educational Center Tenant Lease Agreement with Salvation Army in the amount of \$2,400.

The presentation previously provided for Item 7.B., applies to 7.L. There was no public comment.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to approve the North Port Educational Center Tenant Lease Agreement with the Salvation Army in the amount of \$2,400, and direct staff to bring to Commission six months prior to renewal to include any rate changes. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- M. [16-0537](#) Discussion and possible action regarding appointment of 1 Youth Member and Board and 1 Adult Member to the Parks and Recreation Advisory Board.

Commissioner Yates passed the gavel back to Mayor Moore.

City Clerk Adkins provided a brief overview of the Advisory Board Vacancies for the Parks & Recreation Advisory Board. There was no public comment and no questions from the Commission.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve Francesco Pucci as the Youth Member, on the Parks & Recreation Advisory Board, and Joan Morgan as a Regular Member on the Parks & Recreation Advisory Board. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- N. [16-0538](#) Discussion and possible action regarding appointment of a member to the Art Advisory Board.

City Clerk Adkins provided a brief overview of the vacancy on the Art Advisory Board. There was no public comment and no questions from the Commission.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to approve Laura Pucci as a Regular Member of the Art Advisory Board. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

- O. [16-0540](#) Discussion and possible action regarding a request from the Charter Review Advisory Board to schedule a Joint Meeting with the Commission.

City Clerk Adkins presented a request from the Charter Review Advisory Board for a Joint Meeting with the Commission in November after the General Election to review the Board's work over the past year. There was no public comment and no questions from the Commission.

A motion was made by Commissioner Yates, seconded by Mayor Moore, to approve scheduling a Joint Meeting with the Charter Review Advisory Board in November after the election. The motion carried by the following vote:

Yes: 3 - Mayor Moore, Commissioner Jones and Mayor Yates

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

P. [16-0543](#)

Discussion and Action on Resolution 2015-R-28.

Mayor Moore presented information regarding proposed sign legislation with the following goals: (1) to restore what was allowed at the City Hall complex in 2014; (2) to insure that the City's rules about signs are in compliance with the Supreme Court Ruling in Reed v. Gilbert; (3) that Code Enforcement staff can effectively do their jobs regarding sign regulations; (4) continue to improve and update the Candidate Filing Package to include sign requirements. Options include rescinding the Resolution entirely; temporarily suspending it and allow the incoming Commissioners to review it and perhaps schedule a Workshop in January, 2017; or place a moratorium on signs in public property until the legislation can be reviewed in a Workshop. Public comment was held.

Discussion ensued: (1) concern was voiced that there is a lot of ambiguity in the Resolution that goes beyond the sign issue; (2) if rescinded, enforcement would revert to the policy which was in place prior to October 13, 2015 when the Resolution was approved; (3) City Attorney Moriarty stated: [a] signs are allowed but everyone needs to be treated identically; [b] there is a City Ordinance prohibiting any signage on City Property; [c] an ordinance ignored does not lose its efficacy; [d] in conjunction with the Agreement with the Supervisor of Elections to use City Hall as a polling place, the City could legislate a provision that allows for campaign signage during the time the public facilities are utilized for the election, however the City must provide any other group access as well; [e] expressed caution that limiting signage on election day may not pass the reasonable time, place and manner analysis because it appears to be a content condition (election day); [f] additional time is needed to review how Reed v. Gilbert will affect current City sign prohibitions.

Mayor Moore passed the gavel to Commissioner Yates.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to place a moratorium on signs on public property until Resolution 2015-R-28 can be workshopped, reworked, or scrapped.

After Mayor Moore clarified the intention of the motion was to go back to what was done in the 2014 election, Assistant City Manager Schult stated that in light of Reed v. Gilbert, the City would have to abide by the Code that is in place right now: no signs in public property or rights-of-way unless permitted by the Commission.

The motion and second were withdrawn.

Following a question, City Attorney Moriarty stated that it will require a Resolution to rescind Resolution No. 2015-R-28.

A motion was made by Mayor Moore, seconded by Commissioner Jones, to direct the City Attorney to bring back a Resolution at the next meeting, rescinding Resolution No. 2015-R-28.

Assistant City Manager Schult stated that, in light of Reed v. Gilbert, and approval of the preceding motion, the City will revert to enforcement of City Code which states that unpermitted signs shall be removed by Property Standards.

The motion and second were withdrawn and Commissioner Yates passed the gavel back to Mayor Moore.

Assistant City Manager Schult reported that after such a Resolution is approved, anyone may place a sign in the City's rights-of-way in public polling locations, 365 days year with no limitation on number, content or duration. Public comment was held.

Discussion ensued: (1) staff was requested to brainstorm, come up with different options and come back with a draft document at the next meeting, and City Attorney Moriarty requested a motion directing staff to brainstorm all options. He also stated that the person who may be aggrieved by this action, is someone who requests to put up a sign on a different day and is denied by the City; (2) after a question, City Attorney Moriarty stated that a motion to suspend the Chapter 29 of the ULDC would be invalid because a motions do not trump Ordinances; (3) City Clerk Adkins stated that a new Ordinance to suspend the ULDC takes two readings and must be advertised ten days prior to the meeting.

A motion was made by Commissioner Yates, seconded by Commissioner Jones, to direct staff to bring back (1) a Resolution to rescind Resolution No. 2015-R-28, and (2) bring a draft Resolution that permits signs at public polling locations. The motion carried by the following vote with Mayor Moore dissenting because she was not convinced that this is going to accomplish what needs to be accomplished:

Yes: 2 - Commissioner Jones and Mayor Yates

No: 1 - Mayor Moore

Not Present: 2 - Vice-Mayor DiFranco and Commissioner Cook

8. PUBLIC COMMENT:

Public comment was held from 3:00 p.m. -- 3:03 p.m.

Recess 3:03 p.m. -- 3:06 p.m.

Public comment resumed 3:06 p.m. -- 3:08 p.m.

9. SCHEDULING OF WORKSHOPS:

No Workshops were requested.

Assistant City Manager Schult reported that the Legislative Priorities were scheduled for the September 29, 2016 Workshop but Commission can schedule the meeting for another time.

10. COMMISSION REPORTS:

Commissioner Yates attended: (1) the AM Vets September 11, 2016 Remembrance Ceremony; (2) the Sarasota County Commission meeting on homelessness; (3) the Florida League of Cities Board Meeting; (4) the Sarasota/Manatee Metropolitan Planning Organization Transit Taskforce Meeting on September 26, 2016.

Commissioner Jones attended the Myakkahatchee Creek Connector Bridge Ceremony.

Mayor Moore attended: (1) the Myakkahatchee Creek Connector Bridge Ceremony; (2) the dedication of the Rue Berryman Road; (3) the Florida 16th District Congressional Fire and EMS Awards Presentation; (4) the Sarasota County Commission meeting on

homelessness and backyard chickens; (5) met with Sarasota County Openly Plans for Excellence (SCOPE) regarding access to healthy nutrition; (6) ethics training in Venice on September 23, 2016; (7) the Sarasota/Manatee Metropolitan Planning Organization on September 26, 2016; (8) will meet with Deputy Scott Lempky and some parents to discuss the issue of school bus stop lighting in North Port.

11. ADMINISTRATIVE AND LEGAL REPORTS:

Nothing to report.

Following a request, Assistant City Manager Schult reported that the lobbyist will not attend the Workshop on September 29, 2016 and the Commission will be discussing preliminary legislative priorities.

There was a consensus to leave the discussion on Legislative Priorities on the Workshop agenda for September 29, 2016.

12. ADJOURNMENT:

Mayor Moore adjourned the North Port City Commission Regular Meeting at 3.25 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.