



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Regular Meeting

CITY COMMISSIONERS

Linda M. Yates, Mayor
Vanessa Carusone, Vice-Mayor
Christopher B. Hanks, Commissioner
Jill Luke, Commissioner
Debbie McDowell, Commissioner

APPOINTED OFFICIALS

Peter Lear, Interim City Manager
Mark Moriarty, City Attorney
Patsy Adkins, City Clerk
Kathryn Peto, Deputy City Clerk

Tuesday, May 23, 2017

6:00 PM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 10-10-2017 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Regular Meeting was called to order at 6:00 p.m. in City Chambers by Mayor Yates.

Present: Mayor Yates, Vice-Mayor Carusone; Commissioners Hanks, Luke and McDowell; Interim City Manager Lear; City Attorney Moriarty; City Clerk Adkins, Deputy City Clerk Peto and Police Chief Vespia.

A moment of silence was observed and afterward, the Pledge of Allegiance was led by Commissioner Luke.

1. APPROVAL OF AGENDA – COMMISSION

Vice-Mayor Carusone requested to move Agenda Item 5.G., Cancellation of the Employment Agreement with City Attorney Mark Moriarty after the Consent Agenda; and to move Agenda Item 5.D. after Public Comment.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve the Agenda, moving Agenda Item 5.G., after the Consent Agenda; and to move Agenda Item 5.D., after the first Public Comment. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

2. ANNOUNCEMENTS

A. [17-1077](#) Current Vacancies for Boards and Committees.

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

B. [17-1078](#) Upcoming Expiration Dates for Boards and Committees.

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

3. PUBLIC COMMENT:

Public comment was held from 6:09 p.m. - 6:18 p.m.

Rochelle Munroe; Justin Willis: North Port Senior Center project and petitions.

Lourdes Ramirez: the Human Rights Ordinance.

5. GENERAL BUSINESS:**D. [16-0688](#)** Discussion and possible action regarding amending Chapter 16, Human Rights Act of the North Port Administrative Code

Commissioner McDowell provided an overview of the item and her reasons for placing it on the agenda.

Discussion ensued: (1) it was reported that the list of Federal classes came from the Civil Rights' Act and the list for Florida State came from the State Constitution and the State Civil Rights' Act; (2) following a question, it was stated that the genetic information was listed in the Federal classes and all definitions were included in the proposed Ordinance; (3) it was noted that "disability status" and "handicap" seem to be redundant terms; (4) the original Ordinance did not include veterans and they were included in both the Federal and State legislation; (5) sexual orientation, gender identity or expression and physical characteristics were included because they were important to the former Commissioner when the legislation was originally enacted; (6) "creed" and "ancestry" were included in a 2015 PowerPoint but were not incorporated into North Port's Ordinance; (7) clarification was provided that the new Ordinance is an amendment to Ordinance No. 2015-47 and the next version can reflect that information as discussed by the Commission; (8) it was suggested to leave the original Ordinance but include the definitions and classes; (9) it was noted that Sections 8, 9 and 10 were removed because they are only three of the many forms of discrimination and Section 5 of the amendment addresses the remedies to private causes of action; (10) clarification was provided that the proposed Ordinance is applicable within the jurisdiction of North Port and has no effect on Federal or State laws; (11) it was suggested to simplify the existing Ordinance by adding the Veterans' status and change the first Whereas clause.

PUBLIC COMMENT WAS HELD:

Susie Brenner; Carrie James; Michael Barfield; Peter Imhoff; Larry Patton; Karen Dill; and Connie Brunni: Human Rights Ordinance.

A motion was made by Commissioner McDowell, to approve the draft form, changing the word of "citizen" back to "individuals" and adding back in Sections 16.08, 16.09, 16.10 and for the City Attorney to clean up the other language. The motion failed for lack of a second.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to bring back an Ordinance amending Chapter 16 of the City Code, to using Ordinance No. 2015-47 as a template; adding, in the first Whereas, "including, but not limited to discrimination based on age, race, color, religion, national origin, disability, marital status, familial status, sex, sexual orientation, gender identity or expression, or physical characteristic; and" In Section 16.01 a) and b) adding

Veterans status. In Section 3, under Discriminate, discrimination or discriminatory, adding Veterans status to that list. Page 3, under the definition of Employer, to remove "five or more". Under the definition Physical Characteristics, list Pregnancy. Adding the definition within Section 3, of Veterans Status, means a person who served in the active military, naval or air service and who was discharged or released under honorable conditions only, or who, later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans' Affairs on individuals discharged or released with other than honorable discharges.

Discussion ensued: (1) it was stated that the "whereas" clause does not get codified and should not be changed in the original Ordinance. A new Ordinance with a new "whereas" clause is needed that doesn't change anything about the first one; (2) it was noted that under the six classes that were left out, citizenship, familial status and gender equality are already listed; genetic information is obsolete; handicapped is the same as disabled; and if pregnancy is added within the definition of physical characteristics, that is sufficient.

A motion was made by Commissioner McDowell, seconded by Mayor Yates, to amend the motion add the definitions as proposed in the draft Ordinance and adding the other four classes to those sections where veterans are being added in 16.01 and 16.02; and also in the Whereas paragraph.

Discussion continued: (1) it was stated that an all-inclusive Ordinance should include all Federal and State classifications; (2) it was opined that all four classes are already included in the Code; (3) Commissioner Hanks voiced concern that things should remain simple and that the main motion as stated, covers everything; (4) following a question, City Attorney Moriarty stated that staff needs clear direction for the Ordinance to capture the intent of the Commission; (5) the importance of ensuring that the legislation is legally sound was emphasized; (6) it was noted that the Federal classes and State classes are defined the same but are stated differently.

A vote was taken on the amendment. The motion carried on the following vote with Commissioner Hanks dissenting for reasons previously stated:

- Yes:** 4 - Mayor Yates, Vice-Mayor Carusone, Commissioner Luke and Commissioner McDowell
- No:** 1 - Commissioner Hanks

A vote was taken on the main motion as amended, to bring back on Ordinance amending Chapter 16 of the City Code, to using Ordinance No. 2015-47 as a template; adding, in the first Whereas, "including, but not limited to discrimination based on age, race, color, religion, national origin, disability, marital status, familial status, sex, sexual orientation, gender identity or expression, or physical characteristic; and" In Section 16.01 a) and b) adding Veterans status. In Section 3, under Discriminate, discrimination or discriminatory, adding Veterans status to that list. Page 3, under the definition of Employer, to remove "five or more". Under the definition Physical Characteristics, list Pregnancy. Adding the definition within Section 3, of Veterans Status, means a person who served in the active military, naval or air service and who was discharged or released under honorable conditions only, or who, later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans' Affairs on individuals discharged or released with other than honorable discharges; and to add the definitions as proposed in the draft Ordinance and adding the other four classes to those sections where veterans are being added in 16.01 and 16.02; and also in the Whereas paragraph. The motion carried by the

following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

4. PUBLIC HEARINGS:

- A. [17-1059](#)** Ordinance No. 2017-08, second reading, Petition No. REZ-17-027, New Hope Community Church rezone. Robert J. Doerrfeld, Vice-President of New Hope Community Church of North Port, an Affiliated Church of the Christian and Missionary Alliance, Inc. requests to rezone (change the permitted use of) ± 3.7 acres from City of North Port Residential Single-Family zoning district (RSF-2) designation to City of North Port Office, Professional, Institutional zoning district (OPI) designation. The subject property is located north of Tamiami Trail, US-41, east of and adjacent to S. Biscayne Drive (Section 31, Township 39S, Range 21E) (Quasi-Judicial)

City Clerk Adkins read Ordinance No. 2017-08 into the record by title only and swore in all those wishing to provide testimony on the item.

Ex parte communication was disclosed by Commissioner McDowell with staff, a citizen, and at her agenda briefing. Mayor Yates, Vice-Mayor Carusone, Commissioners Hanks and Luke stated they had no ex parte communications to disclose

Interim City Manager Lear provided a brief overview. There was no public comment and there were no questions or comments from the Commissioners.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Ordinance No. 2017-08, Petition No. REZ-17-027, New Hope Community Church. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

- B. [17-1063](#)** Ordinance No. 2017-12, second reading, amending the Fiscal Year 2016-2017 Non-District Budget and Capital Improvement Program and Budget.

City Clerk Adkins read Ordinance No. 2017-12 into the record by title only and Interim City Manager Lear listed the items to be amended. There was no public comment and there were no questions or comments from the Commissioners.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Luke, to approve Ordinance No. 2017-12, amending the Fiscal Year 2016-2017 Non-District Budget and Capital Improvement Program and Budget. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

- C. [17-1035](#)** Resolution 2017-R-13, Notice of Intent to Adopt Regulations Relating to the Use of the City's Rights-of-Way for Above-Ground Communications Facilities

City Clerk Adkins read Resolution No. 2017-R-13 into the record by title only and Interim City Manager Lear provided a brief overview of the Resolution.

Planning Division Planner Galehouse provided an overview of the changes on the State and Federal level.

Discussion ensued and the following clarifications were provided: (1) there were applications submitted prior to the adoption of the first Resolution and staff is currently waiting for additional information from the submitter; (2) the Resolution grants the City the ability to establish local guidelines and does not prohibit cell phone service, but rather is a data capacity issue; (3) Sarasota County currently has a moratorium for three months on these types of facilities; (4) following a question, clarification was provided that Land Development Code (ULDC) 37-21(c), addresses the release of easement in a subdivision, and the proposed Resolution grants the use of the City's right-of-way to a utility; (5) the phrase "aforementioned Resolution" refers to Resolution 2016-R-19 and the dissolution date of refers to that Resolution; (6) the words "as follows" needs to be removed from Section 4.02; (7) the publication of the Notice of Intention in Section 5.01 refers to the legal ad when the Ordinance is reviewed by the Planning Board and the Commission; (8) the memo referencing an authority, refers to a county or municipality having jurisdiction and control of the rights-of-way of any public road, excluding the Florida Department of Transportation (FDOT); (9) the memo's reference to the "collocation of small wireless facilities on authority utility poles" excludes Florida Power & Light (FPL) poles and the primary "authority" utility poles being used are the City's; (10) the height of a utility pole will fall under the final restrictions of the State legislation; (11) the tallest pole is typically 180 feet with smaller poles surrounding it like a hub and wheel; (12) the rates and fees will be established by an Ordinance; (13) clarifying a previous comment, City Attorney Moriarty stated that this Resolution allows the City to pause until the new State law can be accommodated; (14) the "data" in question refers to voice and cell data, not Wi-Fi; (15) additional evaluation is needed regarding who replaces defective poles and the funding to increase the number of poles that may be needed; (16) referencing letter J of the House Bill on page 18, explains pole collocations; (17) there is no harm is the overlapping expiration date of Resolution 2016-R-19 to the effective date of Resolution 2017-R-13; (18) it was noted that the final lines in the Resolution on page 5 refer to an Ordinance and need to be changed; (19) after a discrepancy was noted between the Resolution title, and Section 4, concerning what kind of permits will be deferred, staff will review the language for consistency; (20) the phrase "providing for conflicts" is missing from the title; (21) referring to page 9, under #6, the House Bill is referring to collocation poles and not the placement of new poles; (22) it was stated that other than page 9, subparagraph (c), there is no preemptive language regarding placing new poles in the House Bill; (23) the difference was explained between a regular cell tower and these which will be placed in public rights-of-way and use a different method to distribute communications; (24) two cities have filed to the State for an exemption to the House Bill; (25) the City issues permits for use of rights-of-way which defines the criteria for its use and denial; (26) the small devices attach to a utility pole and cannot be taller than 10-feet above the pole.

A motion was made by Commissioner Luke, seconded by Commissioner Hanks, to approve Resolution No. 2017-R-13, the Notice of Intent to Adopt Regulations Relating to the Use of the City's Rights-of-Way for Above-Ground Communication facilities.

Mayor Yates passed the gavel to Vice-Mayor Carusone.

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to amend the motion, to have the Resolution language cleaned up for scrivener's errors and revise the intent to apply to all permits. The motion carried by the

following vote:

- Yes:** 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

Vice-Mayor Carusone passed the gavel back to Mayor Yates and discussion continued: (1) Mayor Yates voiced opposition to the main motion because North Port residents need more avenues of communication, there are many solutions from which to choose, this Resolution prohibits that and also prohibits free enterprise competition; (2) Vice-Mayor Carusone agreed with Mayor Yates and expressed concern that cell and internet service is lacking throughout North Port; (3) Commissioner Hanks favored home rule and this seems to limit the City's leeway in its own governance.

A vote was taken on the main motion as amended, to approve Resolution No. 2017-R-13, the Notice of Intent to Adopt Regulations Relating to the Use of the City's Rights-of-Way for Above-Ground Communication facilities; and to have the Resolution language cleaned up for scrivener's errors and revise the intent to apply to all permits. The motion failed by the following vote with Mayor Yates, Vice-Mayor Carusone and Commissioner Hanks dissenting for reasons previously stated. Commissioners Luke and McDowell did not provide reasons for their dissent:

- No:** 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

Recess 8:36 p.m. - 8:52 p.m.

There was a consensus to hear Public Comment on the Medical Hospital Task Force.

PUBLIC COMMENT

Liz Miotoso; Lori King; Erin Bogie; Lee-En Chung; Nick Trolli; Jean Trapani; Gerald Nicastro: the Medical Hospital Task Force.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to move Agenda Item 5.B., prior to 4.D. The motion carried by the following vote:

- Yes:** 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

5. GENERAL BUSINESS:

- B. [17-0938](#)** Endorsement of proposed project fund applications to the Sarasota-Manatee Metropolitan Planning Organization in a prioritized order.

Interim City Manager Lear and Public Works Director Bellia, provided a brief overview. Thereafter, Sarasota Manatee Metropolitan Planning Organization Planning Manager Holt presented a PowerPoint presentation.

Discussion ensued: (1) following a concern, it was stated that widening the pavement to accommodate the bike lanes will affect the drainage on both sides of the roadway but will be reconfigured to blend with the widening of the pavement and will include the regrading of the swales; (2) it was noted that the sidewalks on Ponce deLeon from Skyway Avenue to Tropicaire Boulevard is in a five-year plan; (3) the Florida Department of Transportation (FDOT) tentative Five-year Work Plan includes two projects for an extension of bike lanes from Elyton Drive north to Glenallen Boulevard and then from Glenallen Boulevard to

Ponce deLeon; (4) it was stated that the seven-foot bike lane incorporates a two-foot striped buffer between the travel lane and the bike lane for improved safety and are taken from the revised guidelines by FDOT for bike lanes and is the preferred width; (5) following a question, it was stated that the funding for the three MPO projects cannot be removed and applied to River Road, and Ms. Holt stated that the River Road widening project is being actively pursued by Sarasota County with funding options available through the State; (6) it was stated that design changes are still possible at this stage of the Price Boulevard project because the project is still four to five years out in the planning stages and there is plenty of time for those conversations; (7) confirmation was provided that the Capital Improvement Project (CIP) does include the bike lane extension from Glenallen Boulevard to Ponce DeLeon and that information will be updated in the MPO documents; (8) clarification was provided that the overpass across I-75 only has room for a six-foot wide bike lane with a one-foot wide buffer.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to endorse the proposed project funding applications to the Sarasota-Manatee Metropolitan Planning Organization in a prioritized order and with the applications updated accordingly. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

Following a request to direct staff to support Sarasota County's three applications for widening River Road to the MPO and all necessary entities, Interim City Manager Lear stated that direction was previously given to staff and confirmation will be provided to the Commissioners.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to postpone Agenda Item 5.C., Update on the Price Boulevard Phase Widening Project to a date organized by the City Manager for a Special Meeting held at 4:00 p.m. or later as soon as possible. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

PUBLIC COMMENT:

Nick Trolli: Price Boulevard Widening Project.

4. PUBLIC HEARINGS:

D. [17-1056](#) Resolution 2017-R-19 Medical Hospital Task Force

City Clerk Adkins read Resolution No. 2017-R-19 into the record by title only and Economic Development Program Manager Buchanan provided an overview.

Discussion ensued: (1) it was suggested to amend the Resolution to open the membership to all applicants as suggested in a previous public comment; (2) following a concern, it was stated that information was received today pertaining to the Memorandum of Understanding (MOU) with Universal Health Services, Inc. (UHS) but has not been reviewed and it was recommended to move forward with the Task Force; (3) after clarification was provided that Resolution No. 2016-R-21 will remain in force and the new Resolution restates details plus additional amendments, a recommendation was proffered to repeal the previous legislation and move forward with clarifying language regarding the sun-setting of the Task Force; (4) following a concern, City Attorney Moriarty stated that, as a matter of law, the Resolution will not require reposting if an addition is made within

the text to repeal Resolution No. 2016-R-21; (5) it was stated that Section 2.02 #4, the term "emergent care facility" widens the spectrum of the kind of facility that could locate here but "full service facility" may be more in line with what is needed; (6) it was suggested to assign a maximum number of members.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to approve Resolution No. 2017-R-19 with the following amendments: change the title to read a Resolution of the City of North Port, Florida, creating the requirements for the Medical Hospital Task Force and repealing Resolution No. 2016-R-21; amending Section 1.02 to read: shall consist of a minimum of nine regular members; amending Section 2.02, changing (1), (4) and (5) to replace the "emergent care facility" with "full service medical facility."

The motion was restated and seconded as follows: to approve Resolution No. 2017-R-19 with the following amendments: change the title to read a Resolution of the City of North Port, Florida, creating the requirements for the Medical Hospital Task Force and repealing Resolution No. 2016-R-21; amending Section 1.02 to read: shall consist of a minimum of nine regular members; amending Section 2.02, changing (1), (4) and (5) to replace the emergent care facility with full service medical facility; to change language in Section 3.01 to reflect that a quorum will be counted by those members appointed. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

5. GENERAL BUSINESS:

- A.** [17-1004](#) Discussion and possible action regarding appointment of Members to the Medical Hospital Task Force.

Mayor Yates stated that one person rescinded his application from consideration.

Discussion ensued: (1) following a concern, it was stated that Advisory Board members may serve on a Task Force at the same time according to Ordinance No. 2014-07; (2) concern was expressed at the number of at-large applicants; (3) Commissioner McDowell expressed concern that one of the applicants serves as the Chief Executive Officer of Venice Regional Bayfront Hospital and is directly competing for a Certificate of Need and cannot support his appointment because it is a direct conflict of interest.

PUBLIC COMMENT

Buddy Hughes: Medical Hospital Task Force applications.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to appoint all valid applicants to the Medical Hospital Task Force as members.

Following a brief discussion, staff will provide a chart showing each Task Force Member and his/her areas of expertise.

A vote was taken and the motion carried by the following vote with Commissioner McDowell dissenting for reasons previously stated:

Yes: 4 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks and Commissioner Luke

No: 1 - Commissioner McDowell

Recess 10:28 p.m. -10:39 p.m.

Mayor Yates passed the gavel to Vice-Mayor Carusone.

A motion was made by Mayor Yates, seconded by Commissioner Hanks, to amend the Agenda to move Item 5.G. prior to 5.E. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

C. [17-0749](#) Update on the Price Boulevard Phase Widening Project

THIS ITEM WAS CONTINUED TO A FUTURE SPECIAL MEETING TO BE SCHEDULED AS SOON AS POSSIBLE.

G. [17-1070](#) Cancellation of the Employment Agreement with City Attorney Mark Moriarty

City Attorney Moriarty excused himself from discussion on this item, will return at its conclusion, and stated he is amenable to extending the exit time on his contract, if needed, to ease the transition.

Mayor Yates introduced the Agenda item.

PUBLIC COMMENT

Doug McNamee; Connie Brunni; Nick Trolli; Justin Willis: the City Attorney

Discussion ensued: (1) it was stated that concerns have been documented and expressed to City Attorney Moriarty; (2) it was noted that this action is exercising a provision in the City Attorney's Contract; (3) clarification was provided that a Letter of Notice will be sent, dated May 24, 2017 and signed by the Mayor that will include the 10-day notice.

A motion was made by Commissioner Luke, seconded by Mayor Yates, to cancel the Contract per Section 6C and to have a letter dated May 24, 2017. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

Thereafter, words of appreciation for Mr. Moriarty's work and ethics were expressed.

Discussion ensued regarding future legal representation and it was suggested to appoint Assistant City Attorney Slayton as the Interim City Attorney.

A motion was made by Mayor Yates, seconded by Commissioner Luke to appoint Amber Slayton as the Interim City Attorney upon the effective date of the cancellation of the Agreement, if she is accepting. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

Discussion ensued: (1) it was recommended to consider a salary range for Ms. Slayton and direct staff to move forward with an agenda item for discussion and possible action.

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to amend the motion to direct the City Manager to bring back the starting range of pay from the City Attorney when he was hired, to be placed on the June 1, 2017 Special Meeting. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to reconsider the amendment. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to set the salary rate offered to Ms. Slayton at \$125,000. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

A vote was taken on the main motion, as amended, to appoint Amber Slayton as the Interim City Attorney upon the effective date of the cancellation of the Agreement, if she is accepting; and to set the salary rate offered to Ms. Slayton at \$125,000. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

It was suggested that the search for a City Attorney be accomplished through the City's Human Resources Department.

A motion was made by Mayor Yates, seconded by Commissioner McDowell, to direct the City Manager prepare the documents necessary to post the position of the City Attorney, to be handled within the Human Resources Department and bring to the Commission as early as possible in June. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

Vice-Mayor Carusone passed the gavel back to Mayor Yates.

E. [17-1074](#)

Discussion and possible action regarding the schedule, length, and time of Commission Regular Meetings.

Commissioner Luke provided a brief overview of the item.

Discussion ensued regarding: (1) shortening the meeting time; (2) set a definite time to stop and return the next day during long sessions; (3) concern was expressed regarding the requirement for advertising when a meeting is continued to the next day and getting an announcement to the public regarding the change; (4) the intent of suggesting a change in meetings was to reduce stress on staff; (5) making the change in November; (6) some pitfalls of switching meeting days; (7) changing the recognition meeting to earlier in the day or changing them to Wednesday; (8) it was recognized that some items that have presenters may not be able to come back the next day to accommodate the extended Commission meeting; (9) moving the first meeting of the month back to 10:00 a.m. was suggested.

PUBLIC COMMENT:

Justin Willis; Buddy Hughes; Karen Dill; Pete Pederson: length of meetings.

Discussion continued: (1) a summary of options included [a] to add a Wednesday

meeting after the fourth Tuesday and starting those at 10:00 a.m. and ending at 4:00 p.m.; [b] move the Thursday meetings to 1:00 p.m. with the Special Recognition Meeting starting at 4:00 p.m.; [c] meet every Tuesday; [d] that Thursday becomes the general meeting and special recognitions spread throughout all those meetings; [e] to change day meetings from 1:00 p.m. to 10:00 a.m.; (2) the need to set agendas (no roll-overs to the next day) and stick to an end time; (3) it was suggested to implement the Thursday meeting starting at 1:00 p.m. with the Special Recognition Meeting starting at 4:00 p.m., starting immediately, and then beginning in September, schedule a Wednesday meeting after the fourth Tuesday meeting, starting at 10:00 a.m. and ending at 4:00 p.m.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Carusone, to continue this item to the next Commission Regular Meeting. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

F. [17-1073](#)

Discussion and possible action regarding options for Commissioner pay periods.

Commissioner Luke provided a brief overview regarding the frequency of pay for Commissioners.

Discussion ensued: (1) clarification was provided that the suggested change does not affect the amount of pay and therefore, is not required to become effective in the next election; (2) it was stated that the intent was to provide the option to be in the bi-weekly cycle; (3) clarification was provided that an Ordinance is needed to make the change because it was enacted by Ordinance 2014-32; (4) it was noted that staff will forward a schedule to the Commissioners that shows a pay schedule from now to the next general election how much each person would get paid, based on both options (monthly and bi-weekly); (5) it was stated that a salary increase will be an extensive conversation.

PUBLIC COMMENT:

Justin Willis: correction to a previous public comment.

Pete Pederson: Commission pay.

A motion was made by Commissioner Luke, seconded by Vice-Mayor Carusone, that the staff bring back an Ordinance at the first Regular Meeting in June allowing the Commissioners the option to choose bi-weekly pay period (every two weeks), as well as the monthly. The motion carried by the following vote:

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

6. CONSENT AGENDA:

Following a request for clarification on Consent Agenda Item 4.C., it was stated that the item does not handle the streaming issues, but only communications between City facilities. Additional information was provided that next fiscal year there are plans to upgrade the City's internet and resolve the streaming problem, but a budget amendment this year is being considered to achieve that sooner.

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

Yes: 5 - Mayor Yates, Vice-Mayor Carusone, Commissioner Hanks, Commissioner Luke and Commissioner McDowell

- A. [17-1079](#) Approval of Minutes for the March 2, 2017 Special Recognition Meeting, and May 12, 2017 Commission Special Meeting Canvass of Elections and Assumption of Office for Seat 4.
- B. [17-1071](#) Appointment of Valerie LaBoy and Alice White as Members to the Citizens Tax Oversight Committee.
- C. [16-0643](#) Contract with Frontier Communications (fka Verizon) for Data Communication Services in the amount of \$255,540.60, and 3-Year Term.
- D. [17-0931](#) Contract with Fibernet Direct Florida LLC for Internet Data Communication Services in the amount of \$14,772.00 annually plus a \$300.00 one-time implementation charge, and 3-Year Contract Term.

7. COMMISSION COMMUNICATIONS

Commissioner Luke reported she attended the following: (1) the Pay Orientation Meeting at the Chamber of Commerce; (2) the EDW Summit at the Hive; (3) Leadership North Port Media Day; (4) Night at the Races; (5) two ribbon cuttings; (6) a Pet Rescue meeting at a title company; (7) Community Health Action Team meeting; (8) the Holly Fisher 5-K Memorial Run; (9) the Key Lime Festival; (10) Gulf Coast Foundation Scholarship meeting; (11) Boundless Playground opening; (12) the Police Department Memorial Breakfast; (12) Art Center Reception; (13) Peace River/Manasota Regional Water Supply Authority Barbecue; (14) the North Port Night at Stone Crabs Baseball Game; (15) a Coastguard Safe Boating event; (15) reported that her granddaughter will have surgery on May 31, 2017 and she will be leaving to be with her after the City event on May 29, 2017 she will be returning.

After it was requested to recognize the North Port Fire Department in gratitude for their work in controlling the Raintree fire, Mayor Yates recommended placing that as an agenda item.

Vice-Mayor Carusone had nothing to report.

Commissioner McDowell reported that she attended the following: (1) the Charlotte Harbor National Estuary Program meeting; (2) the Sarasota County Trails Master Plan meeting; (3) the North Port Night at Stone Crabs Baseball Game; (4) the Pease River/Manasota Regional Water Supply Authority Barbecue.

Commissioner Hanks: (1) attended most of what Commissioner McDowell attended; (2) expressed thanks again to Mr. Moriarty.

Mayor Yates reported that she attended: (1) many of the same meetings as Commissioner McDowell; (2) the Manasota League of Cities meeting; (3) the Florida League of Cities meetings; (4) a letter was distributed to the Commissioners from the Florida League of Cities requesting that the Governor veto House Bill 687, the Utilities Bill; (5) stated that a letter is prepared on behalf of the City's legislative issues to send to the Governor tomorrow, under the signature of Mayor Yates; (6) the Transportation and Intergovernmental Relations Committee at the Florida League of Cities.

After it was confirmed that direction was given to staff to bring back the documents necessary to construct an Agreement for the City Manager position, using the

template of the previous City Manager, there was a consensus to allow the Mayor to draft a working document from which to begin discussions and include that as a backup agenda item.

8. ADMINISTRATIVE AND LEGAL REPORTS:

City Attorney Moriarty had nothing to report.

Interim City Manager Lear: (1) will work with the City Clerk to schedule a meeting date concerning the City Attorney Contract in June; (2) reported that from research, the last lead negotiator for the Police Benevolent Association Union was an outside contractor hired through a Memorandum of Understanding (MOU) and there is no City Charter violation. There is funding in the Human Resource budget to hire a lead negotiator. There is a shade meeting on June 13, 2017 and staff requests direction regarding the other two unions that the Commission chose to reopen.

City Clerk Adkins had nothing to report.

Deputy City Clerk Peto had nothing to report.

There was a consensus that the Interim City Manager Lear work with City Clerk Adkins to schedule a meeting to discuss the City Manager's Contract.

9. PUBLIC COMMENT:

PUBLIC COMMENT: 1:01 a.m. - 1:02 a.m.

Buddy Hughes: Commission pay schedule.

Justin Willis: Bayfront was John McLain's former employer.

Nick Trolli: a bigger TV in Chambers; video about brush fire; the Legacy Trail.

10. ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Regular Meeting at 1:06 a.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 _____, 2017.