



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Joint Meeting

Tuesday, January 31, 2017

6:00 PM

CITY COMMISSION CHAMBERS

WITH CHARTER REVIEW ADVISORY BOARD

NOTE: This is a draft copy of the minutes of the 01-31-2017 Commission Joint Special Meeting with Charter Review Advisory Board, has not been approved by the Commission and is subject to change.

CALL TO ORDER/ROLL CALL

The North Port City Commission Joint Meeting with Charter Review Advisory Board was called to order at 6:00 p.m. in City Chambers by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks and McDowell; City Manager Lewis; City Attorney Moriarty; City Clerk Adkins; Recording Secretary Hale and Police Chief Vespia.

Charter Review Advisory Board Members: Chair David Samuel; Vice-Chair Pete Pedersen; Louis Macri; Eileen Murphy-Bartolotta and Cory Hutchinson.

Absent: Valerie LaBoy and Robert Smith.

INTRODUCTION OF CHARTER REVIEW ADVISORY BOARD MEMBERS

Chair Samuel introduced Members of the Charter Review Advisory Board.

The Pledge of Allegiance was led by the Commission.

- A. [17-0804](#) Receive the Charter Review Advisory Board's Executive Summary, Report, Redlined City Charter with Proposed Charter Amendments in Underline and Strikethrough Format as of January 17, 2017 and accompanying PowerPoint presentation.

Mayor Yates introduced the topic for the evening, which was to receive the Board's Annual Report to the Commission and to review the recommendations from the Charter Review Advisory Board, and prefaced the meeting with a historical background and what led to Commission direction to update the City Charter. At that time, the Commission did not identify any issues that they wanted the Board to address.

Public comment was held.

Connie Bruni: Past Commission meetings where no direction given. The Model City Charter. Certain Sections of the Charter were removed.

Jill Luke: The Board's recommended changes. Will email her list of concerns to the Commissioners.

Preliminary comments ensued: (1) it was stated that a subject with this much material would be better suited for a Workshop; (2) from a PowerPoint, Chair Samuel presented

the Executive Summary, and the Board's Annual Report, into the record; (3) a copy of Mayor Yates' notes were distributed regarding City Charter changes.

Questions and discussion ensued concerning the Board's reasoning for the following changes:

SECTION 5.01 FROM THE PROPOSED CITY CHARTER

(1) p. 18, 5.01(b) Prohibitions. Mr. Pedersen stated the word "not" was added because the previous wording seemed to contradict the second sentence in the paragraph; and the Board was concerned that this section takes away the citizens' right to vote. (2) Mayor Yates clarified that the second section confirms a citizen's right to vote. The first sentence grants the City ability to borrow money, etc., and the second sentence states how it gets done. It was suggested to clarify the phrasing. (3) after a concern, City Manager Lewis stated: [a] that State law restricts cities from making a general obligation bond without the vote of residents [b] any general obligation bond currently requires a vote of the public anyway; [c] from an administrative perspective, a form of debt includes photocopier leases, or any lease-purchases on a fire engine; therefore those items could not be accomplished without a voter referendum approval; (4) the following language was suggested: "The City may borrow money, contract loans and issue bonds (general obligation or revenue) to finance the undertaking of any capital or other project for the purposes permitted by the State Constitution and may pledge the funds, credit, property and taxing power of the municipality for the payment of such debts and bonds, providing approved by a majority of the qualified electors in a general or special election." The last sentence should be deleted; (5) Mr. Pedersen stated the Board's recommendation to change "qualified electors" to "voters" was suggested by the City Attorney and City Attorney Moriarty clarified that one of the Board Members asked to use the word "voters" to provide more clarity. Florida Statutes defines that an elector is someone who is eligible to vote and a voter is someone who has voted. The Board decided to use "voters."

THE MODEL CITY CHARTER

(1) after a request, Chair Samuel reported that the Board used the Model City Charter, provided by the National Civic League; (2) following a question, City Attorney Moriarty provided a brief review of why the Model City Charter was used and that the Board chose to use approximately seven references from that handbook to facilitate corrections in the Charter.

Public comment was held.

Connie Brunni: Electors vs. voters. Opposed putting the word "not" in Section 5.01.

Jill Luke: The City's procurement card is a debt. Electors vs. voters. Gender specific references.

Peter Bartolotta: The Charter is a constitution for the City. Should not be so detailed that it gets in the way of governance.

SECTION 12.04

(1) page 33, 12.04 Removal. (of the City Manager) Chair Samuel confirmed that the reason the Board recommended taking away good cause, was to match the contract; (2) it was opined that leaving "shall be removed from office for good cause. . ." in the section makes it a non-political action. Additionally, if taken out, Charter officers could be removed every two years with the changing of elected Commissioners subjecting the City and its Charter officers to turmoil.

SECTION 14.05

(1) page 41, 14.05(b) Duties. (of the City Attorney) After a question, City Attorney Moriarty stated that the reason the Board recommended removing "The City Attorney shall act as prosecuting attorney before the Code Enforcement Board" because the language creates an exposure to the City if he is acting in a dual role as the Code

Enforcement Attorney and as the City Attorney. The City Attorney attends the Code Enforcement meetings because of paragraph (c) to clarify the City Code; (2) it was stated that paragraph (c) allows the City to contract a third party as its representative in controversial cases.

Public comment was held.

Connie Brunni: Cited Charter Review Advisory Board regarding Article IVX, City Attorney.

INTRODUCTION TO THE CITY CHARTER

(1) Chair Samuel reported that the Board voted to delete the Introduction to the Charter; (2) concern was expressed that history is important and the Introduction should remain in the Charter; (3) following a request for clarification, City Attorney Moriarty will research when the primary election date was changed from 12 weeks back to 10 weeks prior to the general election and will forward the information to the Commission; (4) it was recommended: [a] to keep all of the Introductory paragraphs to the City Charter; [b] Section 1.01 should be retained and at the end of that paragraph it should state: "Name of the City was changed from the "City of North Port Charlotte" to "City of North Port"; (5) following a question, City Attorney Moriarty stated that a thorough review was made of past City Charters including referenced changes.

There was a consensus to keep the Introduction of the prior Charter; keeping Section 1.01, Creation; and adding the sentence: Name of the City was changed from the City of North Port Charlotte, to City of North Port. See Ordinance No. 74-5.

There was a consensus to direct the City Attorney to review the Introduction and to make sure all the references are included, correct and updated.

Public comment was held.

Jill Luke: References in a document's Introduction.

Connie Brunni: Suggested to provide the Charter Review Board the Commission's suggested changes to review.

Recess 8:13 p.m. - 8:30 p.m.

The following suggestions were proffered: (1) due to the complexity of the issue, it was recommended to adjourn tonight's meeting and set up one or two Joint Workshops with the Charter Review Advisory Board where the document can be reviewed line by line; (2) to invite as many of the Board Members as can attend; (3) Commissioners will review the Charter, make suggestions, and provide a copy within a week to the Board Members to review; (4) the Charter Review Board's compilation will then be reviewed at a Commission Workshop or Special Meeting; (6) to meet again in April.

Clarification was provided that the Charter Review Advisory Board will: (1) discuss the suggested revisions and find things for which the Commissioners are in agreement; (2) create a draft document that incorporates all those ideas; (3) add additional issues that may be pertinent for discussion.

There was a consensus to schedule the next Commission Special Meeting in City Chambers on Monday, April 3, 2017 at 9:00 a.m.

Following a brief discussion, it was decided that the Commissioners will submit their changes to the City Clerk, who will distribute them.

There was a consensus to direct the City Clerk to distribute the Commissioners'

comments and notes regarding the City Charter to the Commissioners, City Manager, City Attorney and the Charter Review Advisory Board.

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Joint Meeting with Charter Review Advisory Board at 9:10 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 _____, 2017.