



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes City Commission Special Meeting

CITY COMMISSIONERS

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

APPOINTED OFFICIALS

Jonathan R. Lewis, City Manager
Mark Moriarty, City Attorney
Patsy Adkins, City Clerk

Thursday, February 2, 2017

12:00 PM

CITY COMMISSION CHAMBERS

NOTE: This is a draft copy of the minutes of the 2-2-17 City Commission Special Meeting, has not been approved by the Commission and is subject to change.

CALL TO ORDER/ROLL CALL

The North Port City Commission Special Meeting was called to order at 12:00 p.m. in City Chambers by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioner Hanks; Commissioner McDowell; Assistant City Manager Schult; City Attorney Moriarty; City Clerk Adkins; Recording Secretary Hale; and Assistant Chief Pelfrey.

The Pledge of Allegiance was led by the Commission.

APPROVAL OF AGENDA – COMMISSION

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

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

A. [17-0785](#)

Draft Ordinance 2016-40 Amending Commission Procedures (Continued from December 13, 2016 and January 10, 2017)

Mayor Yates provided an overview regarding the draft Ordinance to amend Commission procedures. Public comment held.

Discussion ensued and the following changes were made:

SECTION 2.04 No changes.

SECTION 2.05

There was a consensus to strike SECTION 2.05 in its entirety, as recommended.

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

SECTION 2.06(a) Rules of Procedures.

There was a consensus to change the sentence in SECTION 2.06(a) Rules of Procedures to read, "Consistent with section 6.02 of the City Charter, the Commission shall be guided by parliamentary rules as outlined in Robert's Rules of Order as revised."

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

SECTION 2.06(a)

There was a consensus to add "The City Clerk shall be recognized as the parliamentarian" to SECTION 2.06(a).

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

SECTION 2.06(1)(b) Duties and responsibilities of the Mayor.

There was a consensus to strike SECTION 2.06(1)(b) Duties and responsibilities of the Mayor in its entirety.

SECTION 2.06(1)(c) Mayors Ability to Vote.

There was a consensus to reword SECTION 2.06(1)(c) Mayors Ability to Vote to reflect: "In accordance with City Charter Section 5.03, the Mayor shall have a voice and vote on all questions and items and is called last. The Mayor may move to make motions upon passing the gavel to the Vice-Mayor or in the absence of the Vice-Mayor, to any Commissioner."

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

SECTION 2.03(2)(a) MOTIONS, DEBATE and VOTING.

There was a consensus to remove SECTION 2.03(2)(a) MOTIONS, DEBATE and VOTING in its entirety.

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

SECTION 2.07(a) Non-Agenda and Consent Agenda Items.

It was recommended to review Ordinance 2015-30 regarding Quasi-judicial proceedings and combine that with the final draft of this Ordinance.

SECTION 2.07(b) Agenda Items. It was stated that the public comment card needs to be reviewed.

SECTION 2.02(b)(5) and (12) It was suggested to revise to read: "Public Comment: Any matters other than quasi-judicial."

City Attorney Moriarty will research what the law states regarding what the public can and cannot talk about during the public comment section; and to determine if the Commission can change #5 and #12 in this section.

There was a consensus to change #5 and #12 to add the language "Public comment: Any matter other than quasi-judicial" in SECTION 2.02 (b)

SECTION 2.07(b) Agenda Items. Strike "may state whether he or she is a resident of the City." And replace it with "residence location."

SECTION 2.02(i) Add the three minute limit.

SECTION 2.07(b) "Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-59."

After discussion and changes (i) should read:

(i) (1) General Public Comment. Individuals wishing to speak on matters that appear on the agenda will be recognized by the Mayor when the item is considered by the Commission. Anyone seeking to speak before the City Commission is requested to submit to the City Clerk a speaker's card which may contain all information requested on said card. Speaker's cards shall be accepted up to the closing of the public comment period. If a speaker's intent to provide comments, which in the opinion of the Mayor are not germane to City business, the Mayor may rule the speaker out of order. The speaker shall be permitted to speak for a maximum of three minutes. All questions from the public to the Commission shall be addressed through the Mayor, and shall be handled in the manner that the Mayor sees fit. Each person who addresses the Commission shall approach the speaker's podium, shall give his or her name and may state whether he or she is a resident or taxpayer of the City. A speaker's time may not be transferred to another speaker.

(2) Quasi-judicial Public Comment.

There was a consensus for all that was read on page 6, letter (i)(1) and (i)(2).

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

SECTION 2.07(b) Agenda Items. After discussion and changes, the following will be incorporated into 2.02(i):

Each person who addresses the Commission shall approach the speaker's podium, shall give his or her name and may state whether he or she is a resident of the City. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-59.

It was requested that the City Attorney review the Florida Statute regarding the rules or policies of a board or commission governing the information requirements for public comment; specifically: the name and residency of the individual.

City Attorney Moriarty shall highlight in blue the section regarding general public comment for the Commission to revisit.

SECTION 2.07(a) the sentence "A speaker's time may not be transferred to another speaker" shall be moved to 2.02(i) put in blue and will be addressed again.

There was a consensus starting on page 10, Section 2.07 to strike that section in its entirety.

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

There was a consensus that everything done so far will be brought back as a final draft, adding the quasi-judicial Ordinance, at a special meeting for review on February 22, 2017 at 2 p.m.

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

AFTER A BREAK: THINGS TO CONSIDER

The Order of the Agenda:

1. Call to order/ Invocation/ Pledge of Allegiance.
2. Roll call.
3. Approval of the agenda.
4. Announcements by the City Clerk.
5. Public Comment: any matter other than quasi-judicial.
6. Public hearings for agenda items requiring public hearings.
7. Public hearings for resolutions.
8. General business items.
9. Consent Agenda
10. Commission communication.
11. Administrative and legal reports.
12. Public Comment: any matter other than quasi-judicial.
13. Adjournment.

There was a consensus to approve the agenda order.

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

B. [17-0805](#)

Discussion and possible action regarding City Attorney Moriarty's Constitution Revision Commission Application.

It was noted and an overview was given regarding City Attorney Moriarty's application for the Constitution Revision Committee. Public comment was held.

Discussion ensued: (1) following a concern, it was stated that City Attorney Moriarty's application was a personal endeavor and not city business and no permission was given, it was asked for his application to be withdrawn; (2) explanation was given regarding the type of position that was being sought and the time constraints that will be involved; (3) following a statement, it was noted that this committee is considered civic involvement but on a larger scale and because it is an ad hoc board, they would likely only meet once a month; (4) following a question, it was confirmed that there is not a schedule yet in place for these meetings but they may be conducted electronically; (5) it was stated that the 1997 meeting schedule consisted of 42 days from June 1997 - December 1998 but they were usually two day sessions; (6) further clarification was needed from City Attorney Moriarty's contract to determine if there was any contractual obligation that barred him from joining this committee; (7) paragraph 13 of City Attorney Moriarty's employment contract was referenced about his involvement with civic clubs or local organizations; (8) an interpretation was offered about the language regarding what the city is willing to pay for in regards to admittance into civic clubs or local organizations; (9) a concern was raised because City Attorney Moriarty did not seek Commission approval before submitting his application to this committee to address any time that will be missed from city business; (10) the position on this committee is a duty that requires a great deal of work and time to adequately serve the people and page 9 of City Attorney Moriarty's contract addresses that he is asked to maintain regular business hours at City Hall; (11) following a request, City Attorney Moriarty gave a brief overview of his position and offered an explanation for applying for the

Constitution Revision Commission;

Recess 3:50 p.m.

Reconvene 5:13 p.m.

(12) it was noted that the majority of the meetings for this committee in 1997 were held during the week and that being part of this committee is an honor, the application process seemed secretive and leads to suspicion; (13) the residency commitment part of City Attorney Moriarty's contract was read and City Attorney Moriarty confirmed that he has obtained residency in North Port; (14) City Attorney Moriarty confirmed that he voted locally in the last election and is not sure why his application indicates Lee County; (15) following a question, City Attorney Moriarty advised that he is not certain that the Governor's office needs to be updated that he is a resident of Sarasota, he is not sure where the Lee County designation initiated from; (16) City Attorney Moriarty confirmed that he applied for the Constitution Revision Commission Board and there is only one application for this committee through the Governor's office; (17) it was stated that City Attorney Moriarty went about the process for applying backwards and it taints his intentions; (18) following a question, City Attorney Moriarty stated that he brought up his interest to apply to someone but can not recall whom it was and he intended to formally inform the City, if chosen; (19) following a question, City Attorney Moriarty explained his time commitment to the Florida Bar as the chair-elect in 2015 and explained his time commitment to teaching during a semester; (20) City Attorney Moriarty explained that he reviewed the staffing of the last committee and those previous members mostly had full-time jobs and he was unaware of the time and attendance requirements but there are alternates available in his absence; (21) City Attorney Moriarty confirmed that if chosen for the committee and it took too much away from his City business then he would withdraw; (22) it was discussed that if City Attorney Moriarty was elected, the City would be put in a negative light because he may be asked to withdraw from his position for failing to seek approval because of the time requirements; (23) following a concern, it was clarified that no prior approval was given to City Attorney Moriarty nor was there any indication of his intentions prior to submitting his application; (24) it was also clarified that after his application was submitted the time constraints were addressed and no response was offered by City Attorney Moriarty; (25) City Attorney Moriarty confirmed that it was not intentional that no response was given; (26) following a question, City Attorney Moriarty confirmed that he did complete the application in its entirety; (27) following a question, City Attorney Moriarty explained that the seat he applied for was to be appointed by the Governor, Senate, or the Judiciary; (28) City Attorney Moriarty announced he will withdraw his application, he thought this would a great honor to the City; (29) City Attorney Moriarty explained why there was an additional last name indicated on his application; (30) there is no provision in City Attorney Moriarty's contract that allows for questions or approval for any independent or personal commitments; (31) it was mentioned that all charter officers need to be treated equally; (32) it was noted that there are several advancements in protocols for meeting and personal appearance is not always needed; (33) it was noted that this issue should have only been brought up after a violation of City Attorney Moriarty's contract had occurred not prior to; (34) It was stated no references on the application were North Port residents; (35) it was stated that harsh and unnecessary words were used toward City Attorney Moriarty, it is important to treat people like they are valued and not just numbers; (36) it was noted, that dealing with technology creates glitches and it not a sign of a conspiracy; (37) it is important for employees to know that their work is valued and they should not be talked to with a tone of aggression; (38) there was a lack of communication from City Attorney Moriarty about his intentions and he should have sought prior approval; (39) appointment to the Constitution Review Committee is a serious commitment; (40) it was stated that City Attorney Moriarty's application could have been a good thing and coupled with letters of support or endorsement had he asked for prior approval; (41) the focus of this item was to address the concerns about the time commitment needed for the applied position, any performance or contractual

issues can be addressed at a later time; (42) clarification was offered about the role of the Mayor; (43) an amendment to the ordinance for the Community Economic Development Advisory Board was discussed to include a Sarasota County Commissioner as an ex officio member; (44) a special meeting was requested to clarify a designated plan for staff regarding the buildings at Warm Mineral Springs; (45) Assistant City Manager Schult confirmed that staff is preparing information about the status of a historical designation and about moving forward with task 3 to identify the cost.

There was a consensus for a first reading of an amendment to an ordinance to include a Sarasota County Commissioner as an ex officio member to the Community Economic Development Advisory Board

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

There was a consensus to direct staff to prepare an update on the historical designation for Warm Mineral Springs with code compliance and information regarding the buildings to a special meeting.

Yes: 4 - Mayor Yates, Commissioner Carusone, Commissioner Hanks and Commissioner McDowell

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

Mayor Yates adjourned the City Commission Special Meeting at 6:23 p.m.

City of North Port, Florida

As the Governing Body of the North Port City Commission

By: _____
Linda Yates, Mayor

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

Minutes approved at the City Commission Special Meeting this ____ day of _____, 2017.