



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
Kathryn Peto, Deputy City Clerk

Wednesday, February 22, 2017

2:00 PM

CITY COMMISSION CHAMBERS

NOTE: This is a draft copy of the minutes of the 02-22-2017 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 2:00 p.m. in City Chambers by Mayor Yates.

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

The Pledge of Allegiance was led by the Commission.

APPROVAL OF AGENDA – COMMISSION

A motion was made by Commissioner Carusone, seconded by Commissioner Hanks, to approve the Agenda as presented. The motion carried by the following vote with Commissioner McDowell absent:

Yes: 3 - Mayor Yates, Commissioner Carusone and Commissioner Hanks

Not Present: 1 - Commissioner McDowell

A motion was made by Vice-Mayor Carusone, seconded by Commissioner Hanks, to suspend the Commission Meeting procedures and rules for this meeting. The motion carried by the following vote with Commissioner McDowell absent:

Yes: 3 - Mayor Yates, Commissioner Carusone and Commissioner Hanks

Not Present: 1 - Commissioner McDowell

A. [17-0858](#) Consider final draft revisions to the Commission Procedures Ordinance.

THE DRAFT ORDINANCE PERTAINING TO MEETING PROCEDURES:

City Attorney Moriarty clarified that the "comments" feature showing up when the document is printed is a default feature of the Microsoft Word program.

Discussion ensued: (1) following a question, City Attorney Moriarty stated that any changes made to the legislation today will be implemented and the Ordinance can move forward to first reading; (2) the first Whereas paragraph shall include "except as provided by law" at the end of the paragraph.

Commissioner McDowell arrived at 2:14 p.m.

Discussion continued: (3) 2.01 (f) Agenda Items requiring public hearings (other than quasi-judicial). The reference at the end of the first paragraph needs to be corrected from 2.83 to 2.79-2.84; (4) it was suggested to move all of paragraph (f) to Section 2.02 where other meetings are addressed and to end the paragraph, exchanging the last sentence with "Quasi-judicial matters shall be conducted in accordance with Chapter 2, Article III."

There was a consensus to add "except as provided by law" at the end of the first Whereas paragraph.

There was a consensus to move 2.01 paragraph (f) in its entirety to Section 2.02; deleting the last sentence of the paragraph, and adding "Quasi-judicial matters shall be conducted in accordance with Chapter 2, Article III."

City Manager Lewis arrived at 2:31 p.m.

Discussion continued: (4) clarification was provided by City Attorney Moriarty that the Commission cannot take official action on an Ordinance, Resolution or other official document, unless it is at a publicly noticed meeting for that purpose. Robert's Rules are not suspended at workshops and final decisions made at workshops are not legally binding; (5) a brief discussion ensued concerning workshop meetings: [a] they are for larger issues that require discussion; [b] they are required to include public comment; [c] as an extra level of protection, it was suggested to add "or vote" to the list of things that cannot be done at a workshop meeting; [d] the narration in paragraph (e) Workshop meetings, was determined to be a sufficient description for the item; (6) Section 2.02 (b) the sentence should start out "A regular meeting agenda may include. . ." instead of "The regular agenda may include...; (7) Section 2.02 (b)(5) under the suggested sequence for agenda items, and after a discussion pertaining to general Public Comment and Public Comments within specific agenda items, it was clarified that the Commission may set reasonable parameters to limit public comment, but they must adhere to the orderly decorum of the meeting; (8) different public comment scenarios were discussed; (9) the section regarding public comment is currently incorporated into the section pertaining to public comment cards and it was suggested to separate the public comment portion and change the title to read: 1. Public comment 2. Agenda item public comment and 3. Quasi-judicial public comment.

There was a consensus in Section 2.02 (b), to replace "The" with "A" in the beginning of the first sentence.

Discussion continued: (1) it was suggested to change (i) to read: #1. "Public Comment. Any person may speak on any matter, excluding quasi-judicial matters." Then go to #2. "Public comment on agenda items. 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." (2) "Anyone seeking to speak before the Commission" could be a separate paragraph and the sentence pertaining to "germane comments" could be

moved into #2 after the word "by the Commission." (3) Section 2.02 (b)(5) under the suggested sequence for agenda items, the word "General" must be added and remove "any matter" and will read: "General Public Comment and/or any agenda item other than quasi-judicial."

There was a consensus in Section 2.02 (b)(5) under the suggested sequence for agenda items, to read: "General Public Comment and/or any agenda item other than quasi-judicial."

There was a consensus on page 6, under (i), to now read as "(1) General Public comment. Any person may speak on any matter, excluding quasi-judicial matters. (2) Public comment on agenda items. 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. If a speaker reflects intent to provide comments, which, in the opinion of the Mayor, are not germane to the agenda item, the mayor may rule the speaker out of order."

There was a consensus to make the part "Anyone seeking to speak before the City Commission" its own paragraph.

Discussion continued: (1) paragraph (2) Quasi-judicial public comment should be moved to the quasi-judicial Ordinance.

There was a consensus to remove (2) regarding quasi-judicial public comment.

Discussion continued: (1) Section 2.02 (c) the last sentence should be deleted because it is covered in line item 2. Any commissioner may request discussion of a consent item.

There was a consensus to remove the last sentence on page 5 Section 2.02 (c) Consent agenda "Any commissioner may request discussion of a consent item" because it is redundant with item 2.

Discussion continued: (1) page 5, paragraph (f) Departments through the City Manager shall submit a request for inclusion on the agenda. This should be changed to "Any Department Director"; (2) it was suggested to move paragraphs (e), (f), and (h) into a different section, and a statement is needed regarding Commission's agenda submissions; (3) change paragraph (f) and (g) to 1. 2. and 3.; (4) to incorporate paragraph (h) into paragraph (e) and to add the phrase "and/or time sensitivity" in the last sentence; (5) following a concern, City Attorney Moriarty reviewed the procedure of how a citizen-initiated Ordinance is placed on the agenda by following Section 15.01 in the City Charter, after which it was recommended to further define the process by adding (a) and (b) under the initial statement.

There was a consensus to change the verbiage on Section 2.02 (f) to read: "Any Department Director through the City Manager shall submit a request for inclusion on the agenda."

There was a consensus to change paragraphs (f) and (g) to 1. Any Department Director through the City Manager shall submit a request for inclusion on the agenda. and 2. The Commission or individual commissioners may submit an agenda item for inclusion to the City Manager. and 3. Per section 15.01 of the City Charter, citizens proposing Ordinances and or requesting reconsideration of adopted Ordinances may submit a request for inclusion on the agenda to the City Clerk.

There was a consensus to incorporate paragraph (h) into paragraph (e) to read: All requests for inclusion on any agenda, with the exception of bona fide emergency items and time sensitive items, shall be received by the City Clerk no later than the close of business on Monday of the week prior to the week of the

targeted commission meeting. Absent a showing of a bona fide emergency and or time sensitivity, no item requiring a commission vote shall be considered by the City Commission unless it has been included on the agenda pursuant to the procedure adopted herein.

There was a consensus that subsection 2 becomes (a) and subsection 3 becomes (b) under the paragraph explaining City Charter Section 15.01 to read as follows: (a) A copy of the proposed Ordinance or the Ordinance for reconsideration and the petition with at least ten percent (10%) of the qualified voters of the city, as certified by the Supervisor of Electors, shall be filed with the City Clerk; and (b) When a properly filed petition is received, the Commission shall consider the agenda item.

Discussion continued: (1) in Section 2.02 (e), pertaining to agenda item submittals, it was suggested to change the sentence regarding background information.

There was a consensus to include additional requirements with backup information in paragraph (e) to read as follows: "Background documentation, including but not limited to PowerPoint presentations, and applicable maps, shall be submitted along with the request. Any additional items or corrections submitted after the agenda has been posted must be submitted to the Commission and City Clerk for publication. Any additional backup information must be provided no less than 24 hours prior to the meeting to be considered. All items requiring a commission vote shall include suggested forms of appropriate motions."

Discussion continued: (1) page 6, paragraph (i) public comment, should simply state "Public Comment." General public comment remains as 1. and Public Comment on agenda items. as 2.

Recess 4:06 p.m. - 4:18 p.m.

Discussion continued: (1) a clarification of the paragraph order was provided for Section 2.02:

- a. stays the same
- b. is new and is the request for inclusion of agenda items with subparagraphs 1, 2, and 3. This was the old (e), (f), (g), and (h).
- d. is the public comment section. This was the old (i).
- e. consent agenda section.
- f. general business section.
- g. commission communication. This was the old (j) and should read "This section of the agenda shall be utilized by the Mayor and Commission to provide informational reports and communications."

Discussion ensued concerning Rules of Decorum that included a conversation about receiving and sending text messages during a Commission Meeting. In conclusion, there were no changes made to this Section.

Discussion ensued concerning Enforcement of Decorum: (1) following a concern, City Attorney Moriarty stated: [a] that when a Commissioner is perceived to be disruptive, he/she can be put on notice and if the behavior persists, the City Clerk will be instructed to identify the behavior in the minutes, giving the individual opportunity to self-correct; [b] it was decided that further research is needed to determine the provisions afforded by Robert's Rules of Order to resolve the situation; [c] if the behavior persists in the meeting, preventing the body from conducting business, there is a mechanism to have that person removed.

Discussion ensued concerning Rules of Procedure: (1) Section 2.06(a)(1)a. Mayor to serve as the presiding officer. It was suggested to include the duties of the Mayor in the

New Commissioner's Orientation Packet.

The following corrections are needed at the end of the Ordinance: (1) change the year to 2017; (2) the Mayor's signature line should be Linda M. Yates; (3) the City Clerk's signature line should be Patsy C. Adkins.

Discussion ensued regarding: (1) the ability to capture the signed, approved minutes on the web; (2) because the purpose of minutes is to preserve what happens in a meeting, it was recommended to add the name of public commenters and their topic in the official minutes; (3) following a question, City Clerk Adkins stated: (4) the meeting minutes do not include a general description of the content of public comment or the individual who speaks but Public Comment Cards are made a part of the permanent record and are available upon request; (5) it was noted that the minutes capture the actions taken by the Commission, and signed minutes cannot be placed in Legistar for public viewing online; (6) there is not a way to add an attachment to the minutes with the current software; (7) when signed minutes are requested, they are scanned and sent electronically; (8) there may be a way to post the signed minutes elsewhere on the City's website; (9) videos of meetings are stored electronically on the City's website and copies are also stored in a separate hard drive; (10) clarification was provided that adding names persons and subjects of public comment can be added to the minutes; (11) it was suggested to direct the City Clerk to add names of public commenters in the minutes.

There was a consensus to direct the City Clerk to capture in the minutes, the names individuals who speak during public comment and the subject matter, starting with the next Commission Regular Meeting.

Discussion ensued for Section 2.01 regarding: (1) regular meetings and defining the parameters of special meetings; (2) direction that the special meetings held on the first Thursday, can contain other agenda items along with the recognition issues; (3) it was suggested to add items 1, 2, 3, 4, and 5 of paragraph (b) under paragraph (c) special meetings; (4) subsequent to a question, City Clerk Adkins stated that scheduling the recognition meetings as a separate meeting has worked well for all parties involved; (6) adding a paragraph under (b) to explain proclamation procedures; (7) after a request for clarification, City Attorney Moriarty stated that the Commission's adopted meeting schedule does not have to be amended, and for notice purposes, the agenda items need to be posted 48-hours prior to the meeting; (8) from the consensus, it is now understood that the "Special Recognition Meeting" every first Thursday is replaced with a "Special Meeting" in the Ordinance.

There was a consensus to incorporate Section 2.01(b). subsection items 1, recognitions; 2, proclamations; 3, welcoming new employees; 4, ceremonial items; and 5, presentations, at the end of paragraph (c) special meetings, to read: Special meetings may include recognitions, proclamations, welcoming new employees, ceremonial items, and presentations. Then, add an item 1, as a subsection of (c) titled Proclamation procedures, that explains the procedures.

ARTICLE III, QUASI-JUDICIAL PROCEEDINGS

Discussion and questions ensued: (1) after it was noted that public comment and a time frame needs to be added to 2-83; (2) paragraph (5) should be corrected to state that arguments of the attorney are considered evidence and he/she must be sworn in; (3) Section 2-82(a) following a concern, City Attorney Moriarty stated that the defining paragraph is sufficiently flexible to cover issues other than land use matters; (4) time limits for presentations and rebuttals were considered; (5) following a question, City Attorney Moriarty clarified that to be considered an aggrieved party, a person providing public comment in a quasi-judicial hearing must provide competent, substantial evidence based on facts, and have registered previously as an aggrieved party; (6) it was noted that Section 2.02(i)(2) in the Commission Meeting Procedures was to be relocated in Article III, Quasi-judicial Proceedings; (7) after a concern, City Manager

Lewis explained the difference between testimony and a general public comment; (8) subsequent to a question, City Attorney Moriarty stated: [a] that if citizens did not understand the process to be an aggrieved party, a recess could be called to confer with the aggrieved person; [b] if one of the attorneys is submitting facts, that is testimony and is considered evidence.

There was a consensus in Section 2-83(a)(5) to remove "The statements or arguments of the attorney are not considered evidence. The attorney need not be sworn."

There was a consensus, to add time frame verbiage in Section 2-83(a)(4)(a) to read: The applicant, having the burden of persuasion and the burden of proof, shall proceed to present its case first, with a time frame of 15-minutes for a presentation and 5-minutes for rebuttal for the applicant and staff.

There was a consensus to direct the City Attorney to research how other counties and municipalities handle their quasi-judicial processes and procedures. The Commission will do research as well and forward their research to the City Clerk for distribution to the Commissioners.

Discussion continued with Section 2-82(b): (1) after a request, City Attorney Moriarty stated: [a] that the first quasi-judicial hearing is evidentiary and the statute may require two hearings but doesn't mean that all evidence must be presented a second time; [b] if additional evidence comes to light at the second hearing, it will be re-opened, scheduled for a date and time certain, and notice will be provided to all parties; (2) the following changes were suggested: [a] first and second hearings shall be quasi-judicial; [b] no decision shall be rendered until the second meeting; [c] if new evidence is given, the hearing shall be re-opened as a quasi-judicial hearing; [d] remove the sentence "Once a decision is rendered..."; (3) paragraph 4(d) shall add a three-minutes time limit at the end of the sentence.

There was a consensus to direct the City Attorney to research Section 2-82 Quasi-judicial matters, paragraph (b) further and forward the information to the Commissioners.

There was a consensus to have the City Attorney bring back the Commission Procedures Ordinance at first reading with those changes noted.

Discussion ensued regarding: (1) a decision to keep the Commission Procedures and the Quasi-judicial Procedures as two separate Ordinances; (2) the Public Comment Card changes and updating Ordinance 98-21 on the first page; (3) the Oath on the back of the Speaker's Card is the same that is pronounced in meetings.

There was a consensus to direct the City Attorney to make all revisions on the final draft Ordinance for Commission Procedures and bring it back for first reading.

There was a consensus to remove the reference to Ordinance 98-21 on the front of the Speaker's Form.

There was a consensus to direct the City Clerk to research why the oath is on the back of the Speaker's Form and return at a later date with suggested changes.

ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Special Meeting at 7:32 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.