

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physical characteristics were included because they were important to the former Commissioner when the legislation was originally enacted; (6) "creed" and "ancestry" were included in a 2015 PowerPoint but were not incorporated into North Port's Ordinance; (7) clarification was provided that the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