



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

Tuesday, January 10, 2017

9:00 AM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 02-14-2017 MEETING.

CALL TO ORDER/ROLL CALL

The North Port Commission Special Meeting was called to order in the City Chambers at 9:00 a.m. by Mayor Yates.

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks and McDowell; Assistant City Manager Schult; Attorney Moriarty; City Clerk Adkins; Recording Secretary Goodman and Assistant Police 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. [17-0765](#)

Discussion and possible action regarding the Employment Agreement for the Deputy City Clerk.

Subsequent to providing an overview, Mayor Yates addressed a concern noting that the draft Deputy City Clerk Employment Agreement is public record. City Attorney Moriarty provided a review of the draft Agreement noting the changes as provided by the Commission in the discussion and consensus as follows.

Subsequent to discussion, there was Consensus for the following changes:

(1) on page 1 under "RECITALS"; C. add the words "as revised from time to time" at the end of the sentence; (2) under "NOW THEREFORE"; 2. a. add the word "and" between background referenced checks and remove the rest of the sentence referring to drug screening; 2.b.remove the word "lawful"; in the first paragraph of 2.b. add the words "as amended from time to time" after "Exhibit A and"; following "as the Commission" in the

same sentence, removed the words "shall from time to time" and insert the word "may"; delete all of the last paragraph in 2.b. other than the last sentence changing the word "full-time" to "salaried" and removing "at all times" at the end of the sentence; (3) under 3. "PERFORMANCE EVALUATION"; change the paragraph to read "The City Commission shall individually and collectively review and evaluate in writing the Deputy City Clerk annually no later than the anniversary date (INSERT DATE). The review and evaluation shall be in accordance with specific written criteria and policy approved by the City Commission, as may be amended from time to time. Performance evaluations and any associated compensation adjustments shall be brought up for approval at a public meeting".

Recess from 10:48 a.m. to 10:59 a.m.

Upon reconvening, discussion continued with Consensus for the following changes:

(1) under 4. "DURATION OF APPOINTMENT AND EMPLOYMENT INDEFINITE"; removed the words "appointment by the Commission of _____ as Deputy City Clerk"; add the word "and" between background referenced checks and remove the words "medical examinations including drug screen"; (2) under 5. "COMPENSATION OR SALARY"; in the second sentence remove the word "an" after "for consideration of" and replace the word "increase" with "any adjustments"; in the third sentence replace the word "increase" with "adjustments"; remove the words "consideration of (a)" and end the sentence after "the annual performance evaluation, removing the rest of the sentence; remove the words "Increases in annual gross salary, if any or other compensation, if any", and replace with "any adjustment to salary or other compensation"; (3) under 6. "TERMINATION"; b. ii. add the words "as defined in state statute ____"; in b.iii. replace the words "public insobriety or drug or alcohol addiction" with the word "or"; removed b.iv.; (4) under 8. "INSURANCE"; remove "and her spouse and eligible dependent"; (5) under 7. "FLORIDA RETIREMENT SYSTEM"; remove the words "as provided to general employees" in the first sentence; (6) under 10. "PROFESSIONAL DEVELOPMENT"; remove the words "when feasible and" and replace with "as" when mentioned throughout the paragraph; add the words "and maintaining a Notary Public designation" at the end of the first sentence; add a last sentence to read, "Deputy city Clerk will be required to reimburse the City for any educational assistance if (INSERT NAME) leaves employment within one year of completion of any course or certifications."; (7) under 11. "CIVIC INVOLVEMENT AND OUTSIDE ACTIVITIES"; add paragraph 1 to read, "The City acknowledges the value of having its Deputy City Clerk participate and be directly involved in local civic clubs or organizations. Accordingly, the City shall pay for the reasonable membership fees and/or dues to enable (INSERT NAME) to become an active member in one (1) local civic would or organization.; in the second paragraph, remove the last sentence.

Mayor Yates expressed concern regarding the City allocating membership fees and/or dues noting that she does not agree with this prevision.

Discussion continued regarding: (1) under 12. "RESIDENCE"; CHANGE "voter registration card and" to "and valid" driver's license; (2) under 13. "OTHER BENEFITS"; add "and Obligations" to the title; change "of the City, and" to "and obligations".

Consensus to recess the Commission Special Meeting to start the Commission Regular Meeting and recessing the Commission Regular Meeting following approval of the Agenda to complete the Commission Special Meeting.

Recess from 12:51 p.m. to 1:09 p.m.

Upon reconvening discussion continued with Consensus for the following changes:

(1) under 13. "OTHER BENEFITS"; further change was provided including, adding a

sentence to read "In the event of any conflict between this contract and the City Personnel Policy Manual, this contract will prevail"; (2) under 24. "UNDERSTANDING"; add a sentence at the end to read, "Any legal counsel sought will be at the expense of (NAME INSERTED)."; (3) under 26. "EFFECTIVE/ANNIVERSARY DATE"; removed the words "and employment" and replace with "appointment".; (4) move the signature line for the Deputy City Clerk below the signature line of Mark Moriarty, Esquire.

Discussion ensued regarding adding severance when terminated without good cause to the Agreement; Mayor Yates expressed that she is not in favor of adding a severance package; Vice-Mayor Carusone expressed that severance will be negotiated if and when the Deputy City Clerk is terminated without good cause; Commissioner McDowell suggested adding to 6.d, "severance will be decided through a public meeting with no more than 5 weeks salary"; Commissioner Hanks expressed that good cause has not been defined and adding severance when terminated without good cause to the Agreement, it would be feasible to be more cost effective to add a severance; Subsequent to Mayor Yates reading the City Charter Section 13.03 "REMOVAL", which outlines the methodology for termination of the City Clerk and/or Deputy City Clerk, Vice-Mayor suggested not including the aforementioned 6d., postponing this discussion until such time as the Deputy City Clerk candidate reviews the Agreement and approves or approves with revisions. Subsequent to further clarification from the City Attorney, it was agreed to not include a severance provision in the Employment Agreement.

A motion was made by Vice-Mayor Carusone; seconded by Commissioner McDowell to direct the City Attorney to forward the Deputy City Clerk Employment Agreement as amended to the Deputy City Clerk Candidate Kathryn Peto.

City Attorney Moriarty requested that City Clerk Adkins witness when the Agreement and proposed salary is communicated to Candidate Kathryn Peto.

Discussion ensued regarding adding a timeline for Candidate Kathryn Peto to respond to the Agreement.

A motion was made by Commissioner McDowell; seconded by Vice-Mayor Carusone to amend the main motion to include a requirement of 10 business days for Candidate Kathryn Peto to respond to the Agreement with a signature to the Agreement, a counter offer or reject the Agreement as presented. The motion carried as follows:

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

A vote was taken on the main motion, as amended, to direct the City Attorney to forward the Deputy City Clerk Employment Agreement as amended to the Deputy City Clerk Candidate Kathryn Peto giving the candidate 10 business days to respond to the agreement with a signature to the agreement, a counter offer or rejection of the Agreement as presented. The motion carried by the following vote:

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

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Special Meeting at 2:00 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