



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final 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

Monday, April 3, 2017

9:00 AM

CITY COMMISSION CHAMBERS

MINUTES APPROVED AT THE 07-11-2017 MEETING.

CALL TO ORDER/ROLL CALL

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

Present: Mayor Yates; Vice-Mayor Carusone; Commissioners Hanks and McDowell; Assistant City Manager Schult; City Attorney Moriarty; City Clerk Adkins; Recording Secretary Hale 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 suspend the Commission Procedure Rules for this meeting. The motion carried by the following vote:

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

A motion was made by Commissioner McDowell, seconded by Vice-Mayor Carusone, to approve the Agenda, adding Item C, Public Comment. The motion carried by the following vote:

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

A. [17-0971](#)

Resolution No. 2017-R-10, supporting the initiatives by local Municipalities in Florida to lessen the negative impact of single-use plastic bags on our environment.

City Clerk Adkins read Resolution No. 2017-R-10 into the record by title only and Commissioner McDowell provided an overview of the agenda item.

Discussion ensued: (1) the Resolution enables the City to make a future determination to prohibit single-use plastic bags; (2) concern was expressed regarding one of the Whereas clauses; (3) it was noted that some cities have been successful in banning single-use plastic bags and other cities have been sued over the issue; (4) it was opined that it is not the City's place to regulate a person's individual ability to commerce or to regulate people to make a point to the State; (5) after a 2016 report was cited from the National Conference of State Legislatures pertaining to how different cities handle this type of ban, it was stated that the data will be forwarded to the City Clerk for the record along with a 2010 Environmental Protection Agency Report presented to the Florida Legislature regarding plastic bags; (6) further confirmation was provided that the State Statute currently prohibits the regulation of plastic bags; (7) the verbiage in the 6th Whereas clause also caused concern.

Public Comment.

Cheryl Lee: Plastic Bags.

A motion was made by Vice-Mayor Carusone, seconded by Commissioner McDowell, to approve Resolution No. 2017-R-10, with the following amendments: (1) amending the Whereas clause: "Whereas, reusable bags may be considered to be the best option to reduce waste and litter, protect wildlife and conserve resources; and" and deleting the last Whereas clause: "Whereas, if the State does not act to regulate the proliferation of single-use shopping bags the City Commission would like to potentially enact regulations governing the use of plastic checkout bags." The motion carried by the following vote:

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

After citing the State program to Keep Florida Beautiful and the U.S. Government program to Keep America Beautiful, it was suggested that the Beautification & Tree/Scenic Highway Committee formulate on a similar program for the City of North Port.

There was a consensus to direct staff to notify the Beautification & Tree/Scenic Highway Committee that the Commission would like the Committee to focus on education awareness campaign of beautification, littering and recycling.

Following a brief discussion regarding the amount of litter that accumulates around the Park-and-Ride location near I-75, it was noted that the property belongs to Sarasota County and permission would be required from them to place a trash can there.

There was a consensus to direct staff to send a letter to Sarasota County, requesting permission for the City to place and maintain a refuse container at the Park-and-Ride location on Sumter Boulevard near I-75.

B. [17-0966](#)

Discussion and possible action regarding proposed changes to the Charter.

Following a brief overview, clarification was provided that Charter Review Advisory Board members were invited to attend this Special Meeting and are encouraged to interact during this agenda item. Thereafter, Board Vice-Chair Pete Pedersen corrected a statement he made during the last Commission Joint Meeting with the Charter Review Advisory Board. Board Member Justin Willis requested that a document by Connie Brunni compiling the Commissioners' notes and recommendations be considered during the discussion. For clarification, this shall be referenced as the "working document."

The following revisions were made from the Commission discussion:

ARTICLE I CREATION, POWER & CONSTRUCTION

SECTION 1.01

The paragraph shall remain intact, with the addition of the following sentence: The name of the City was changed from "City of North Port Charlotte" to "City of North Port," per Ordinance No. 74-5.

There was a consensus for the following changes in Article I, Section 1.01: The first paragraph shall remain intact; and moving the following sentence from Section 1.02 to 1.01: Name of the City was changed from "City of North Port Charlotte" to "City of North Port," per Ordinance No. 74-5.

SECTION 1.02 POWERS

This was a compilation from Section 5.01(c), 5.01(b) and 5.01(a) in that order.

Following a question regarding the necessity of scheduling a special election to approve a bond, clarification was provided that in an emergency it may not be expedient to wait for a general election. City Attorney Moriarty confirmed that the proposed language was already in the City Charter and there were no conflicts in the past.

There was a consensus for the following changes in Article I, Section 1.02 as presented in the working document: (a) The City shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this State and by this Charter, together with all the implied powers necessary to carry into execution all the powers granted. Except as prohibited by the Constitution of this State, general or special laws, County Charter, or as restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever; (b) The City may borrow money, contract loans and issue bonds (general obligation or revenue) from time to time 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. No general obligation bonds shall be issued by the City unless approved by vote of a majority of the qualified electors of the City voting on the issuance of such bonds in a general or special election; (c) The police powers of the City of North Port and the police jurisdiction granted under this Charter shall extend to and be in full force and effect upon all property within the corporate limits as defined in this Charter.

SECTION 1.03 CONSTRUCTION

The proposed change was a shortened version of the current City Charter, Section 1.03(a).

Discussion ensued concerning defining the word "City" in this paragraph. City Attorney Moriarty confirmed there is no problem with deleting the reference to the masculine including the feminine and vice versa.

Public comment was held.

Joe Justice and Jill Luke: Slow down with the revisions.

Connie Brunni: Stated the purpose of the revisions.

Subsequent to a question, City Attorney Moriarty stated that the proposed City Changes can be presented as a whole document in a referendum, or it could be separated into parts.

The second paragraph in the old (a) was suggested to be renumbered as paragraph (b) in 1.03.

There was a consensus for the following changes in Article I, Section 1.03 as presented in the working document: (a) The powers of the City of North Port shall

be construed liberally in favor of the City; (b) In construing this Charter and each and every word, phrase or part thereof, where the context will permit: [1] The singular includes the plural and vice versa; [2] The word "oath" includes affirmations; [3] Reference to any office, officer, or official includes any person authorized by law to perform the duties of such office or position; [4] "City" or "Municipality" shall mean the City of North Port, Florida.

SECTION 1.04 INTERGOVERNMENTAL RELATIONS.

There were no recommended changes to this Section.

There was a consensus that no changes shall be made to Article I, Section 1.04 as presented in the current City Charter.

ARTICLE II

SECTION 2.01 FORM OF GOVERNMENT AND COMPOSITION

After it was noted that the Charter Review Advisory Board recommended to streamline the document by striking Section 2.01 from its present location, and rephrase it in Section 13.05(k). The working document placed it in Section 10.05(j).

Discussion ensued: (1) Paragraphs (a) and (b) were taken from the current City Charter with a recommendation by the Charter Review to change the word "electors" to "voters"; (2) it was recommended that paragraph (b) warrants a future, in-depth discussion regarding the number of Commissioners that constitute the governing body; (3) there was a brief discussion regarding the difference between "electors" and "voters" and the need to define them in the City Charter; (4) concern was expressed that paragraph (b) omitted "and in accordance with election procedures established by Ordinance" and was slightly revised in the Charter Review Advisory Board's recommended revision, Section 3.02(j).

There was a consensus for the following changes in Article II, Section 2.01(b) as presented in the working document, adding the rest of the sentence in the current City Charter to read: "The City Commission, with all legislative powers vested therein, shall consist of five (5) Commissioners elected by the voters of this City as provided herein and in accordance with election procedures established by Ordinance."

Public comment was held.

Joe Justice: Charter changes.

There was a consensus to define "electors" and "voters" in Section 1.03(b), as 5. "Elector" means a person who is eligible to vote in an election. 6. "Voter" means a person who votes in an election. City Attorney Moriarty will make sure the verbiage remains compliance throughout the document.

Recess 10:57 a.m. - 11:11 a.m.

SECTION 2.02 DISTRICTING AND REDISTRICTING PLANS

This Section was renumbered from the current City Charter, Section 3.02.

There was no change in paragraph (a). Paragraph (b) was restructured but there was no change in the language.

There was a consensus that no changes are required in Article I, Section 2.02(a) and (b).

SECTION 2.02(c)

Discussion ensued: (1) it was suggested that the historical references in the Introduction to the City Charter provide sufficient explanation for how Districting occurred; (2) the July 11, 2011 edition of the City Charter explained Commission seating prior to the implementation of Districts; (3) it was determined that paragraph (c) only requires one sentence, adding the historical reference for clarification.

There was a consensus to make sure that the initial Districting is captured in the

historical Introduction piece of the City Charter; keeping the first sentence of the working document: (c) The City Commission approved a districting plan by Ordinance No. 2014-41 on 12-01-2014.

SECTION 2.02(d)

This paragraph was taken from the current City Charter, Section 3.02(b)(3)(b).

Discussion ensued: (1) there was an issue with redistricting ten months prior to the first primary election following a decennial census, and it was noted that there was an error in the time-frame calculation associated with it; (2) the evaluation mechanism needs to be addressed and a suggestion was offered to add "if a substantial change is proven, no later than 10 months (300 days) following the decennial census results"; (3) subsequent to a concern, City Attorney Moriarty stated that the State law concerning redistricting applies to county legislative districts not necessarily to local districts.

There was a consensus that Section 2.02(d) shall be stated as follows: The City Commission shall approve a redistricting plan by ordinance, if a substantial change is proven, in accordance with Section 2.02(b)1, 2, and 3,

Discussion continued: (4) the time frame was suggested to be ten months, 300 days, following the published results of the decennial census.

There was a consensus to add the following phrase at the end of the last consensus in Section 2.02(d) to read: no later than 10 months (300 days) following each decennial census published results.

SECTION 2.02(d) 1, 2, and 3.

Subsections 1 and 2 shall remain intact, with a change in 3, adding "evaluation and/or" prior to the phrase "drawing of proposed district boundaries."

There was a consensus that Section 2.02(d)1, 2 shall remain intact. The verbiage in 3 shall be as stated: The City Commission may utilize management, staff, or consultants in the evaluation and/or drawing of proposed district boundaries.

SECTION 2.02(d)(4)

Clarification was needed to include any type of election (primary, general, or special).

There was a consensus that Section 2.02(d)(4), to state as follows: Any adopted redistricting plan will take effect for any city election following final approval of said plan.

SECTION 2.02 (d)(5)

After concern was voiced that when redistricting, consideration should be given to a seated Commissioner who may be displaced, it was determined to keep the wording as the working document recommended.

There was a consensus that Section 2.02(d)(5) to keep the language as suggested by the working document to read as follows: A sitting Commissioner who is adversely affected by the redistricting plan may serve out the balance of their term as a representative of their former District Seat.

SECTION 2.02(e)

The proposed change was taken from the current City Charter, Section 3.02(d)(4).

Discussion ensued: (1) following a question, clarification was provided that qualifications for the Commissioners are addressed later in the City Charter; (2) justification was provided for making paragraph (e) a separate function; (3) after a concern, City Attorney Moriarty stated that requiring the court to respond within 60-days to the City's request for a special master to be appointed to do the redistricting, is a general law. The court acknowledges the City's Charter's provisions, and court scheduling dynamics will filter into the process; (4) it was suggested to increase the 210-day constraint regarding the effective date for redistricting to one year after the court's final approval to take into consideration a substantial shift in population within five years.

Recess 12:45 p.m. - 1:18 p.m.

SECTION 2.02(e) CONTINUED.

Discussion continued: (5) after a suggestion was proffered to add a new paragraph to Section 2.02(d), City Attorney Moriarty stated that in removing the minutiae from the City Charter pertaining to redistricting, some of the complicated issues could be placed in ordinances, giving the Commission the ability to facilitate needed revisions in the future; (6) concern was expressed that the City Charter is permanent and therefore provisions should not be easily changed by a vote of five Commissioners; (6) alternative language was suggested for Section 2.02(d)(4) and 2.02(e).

There was a consensus to revise Section 2.02(d)(4) of the working document to read as follows: Any adopted redistricting plan will take effect for any election held at least one (1) year following final approval of said plan.

There was a consensus to approve revisions in Section 2.02(e), in the working document, correcting the Scrivener's error by adding (60) days in brackets. The revised paragraph shall read as follows: If the City Commission fails to enact a districting or redistricting plan within the required time, the City Attorney shall, the following business day, inform the Circuit Court, Sarasota County, and ask that a special master be appointed to perform the redistricting. The special master shall, within sixty (60) days, provide the court with a plan drawn in accordance with the criteria set forth in 2.02(b) 1, 2, and 3. That plan shall have the force and effect of law unless the court finds it does not comply with said criteria. The court shall cause a redistricting plan to go into effect one (1) year after the court's final approval. The City shall be liable for all reasonable costs incurred by the special master in preparing the plan for the court.

SECTION 2.03 TERM OF OFFICE

This Section was renumbered from the current City Charter, Section 3.02

Discussion ensued regarding: (1) optional provisions to describe a Commissioner's term of office and where they must reside; (2) paragraph (a) in the working document will be divided as stated in the consensus.

There was a consensus for the following change in Section 2.03(a) to read as follows: (a) Each seat on the City Commission is hereby designated as District Seat Numbers 1, 2, 3, 4, and 5, respectively.

There was a consensus to add the following as the new paragraph (a) to Section 2.05, which shall read: (a) The five (5) City Commissioners shall be elected, at large, to one of the five district seats in which they reside. Section 2.05 shall be renumbered accordingly: The previous (a) will become (b); the previous (b) will become (c) etc.

SECTION 2.03(b)

Discussion ensued regarding defining the term, term limits, the number of times an individual could serve as a Commissioner, and a break in service prior to being elected again.

There was a consensus for the following change in Section 2.03(b) to read as follows: (b) City Commissioners shall hold office for a term of four years. No person shall be elected to the office of City Commissioner no more than twice.

SECTION 2.03(c)

Discussion ensued concerning defining when one Commissioner's term ends and his/her successor begins.

There was a consensus for the following change in Section 2.03(c) to read as follows: (c) A Commissioner shall serve until their successor has been qualified,

elected, and sworn to the oath of office.

SECTION 2.04 ELECTIONS

SECTION 2.04(a)

This Section was taken from the current City Charter, Section 8.01(a).

Discussion ensued pertaining to the general election laws of the State of Florida which apply to elections held under the City Charter.

There was a consensus for the following change in Section 2.04(a) to read as follows: (a) The general or special elections of the City shall proceed as prescribed by provisions of this Charter, and the election ordinances of the City, State law, and the rules and regulations of the Sarasota County Supervisor of Elections.

SECTION 2.04(B)

This Section was taken from the current City Charter, Section 3.02(e).

Discussion was held concerning the nonpartisan requirement by State Statutes as it applies to municipal elections.

There was a consensus for the following change in Section 2.04(b) to read as follows: (b) All elections to the office of Commissioner shall be on a nonpartisan basis without regard for the candidate's political party affiliation.

SECTION 2.04(c)

A portion of this was taken from the current City Charter, Section 3.02(f).

Discussion ensued regarding: (1) capturing when the election will happen and updating the dates to 2018 and 2020; (2) it was suggested to combine this paragraph from two sources, the 2011 City Charter and the 2017 City Charter.

There was a consensus for the following change in Section 2.04(c) to read as follows: (c) Municipal elections shall be conducted every two (2) years to fill District Seats of the City Commission members whose terms are expiring. At the 2018 primary and general municipal elections, two (2) Commissioners shall be elected to District Seat Numbers 4 and 5, respectively. Except as otherwise provided herein, primary and general municipal elections for District Seat Numbers 4 and 5 shall be conducted every four years thereafter. At the 2020 primary and general municipal elections, three (3) Commissioners shall be elected to District Seat Numbers 1, 2, and 3, respectively. Except as otherwise provided herein, primary and general municipal elections for District Seat Numbers 1, 2, and 3 shall be conducted every four years thereafter.

Recess 3:10 p.m. - 3:25 p.m.

SECTION 2.04(d)

Following a brief discussion, it was recommended incorporate Section 2.04(d) into Section 2.05 as (d) which focuses on a candidate's qualifications. There was no formal consensus.

There was a consensus to move the discussion to Section 2.04(e).

SECTION 2.04(e), which is now renumbered as paragraph (d).

This was taken from the current City Charter, Section 3.02(h).

It was suggested to make the first sentence of Section 3.02(h) a new paragraph as (d).

There was a consensus for the following change in Section 2.04, adding a new item (d) to read as follows: (d) Except as otherwise provided in this Section, general municipal elections shall be held each even-numbered year on the first Tuesday after the first Monday in November.

SECTION 2.04(e)

This was taken from the current City Charter, continuing in Section 3.02(h).

Discussion ensued: (1) the second sentence will be adopted with one change: "a"

Commission District Seat to "any" Commission District Seat.

There was a consensus for the following change in Section 2.04(e) to read as follows: (e) If less than two (2) persons qualify for nomination to any Commission District Seat, the qualifying nominee shall be deemed elected upon the closing of the qualification period.

SECTION 2.04(f)

This is a new suggestion that addressed the situation when only two people qualified for a particular Commission District Seat. Discussion ensued regarding when the candidate is elected vs. when they are officially sworn in.

There was a consensus for the following change in Section 2.04(f) to read as follows: (f) If only two (2) persons qualify for nomination to a particular Commission District Seat, there shall not be a primary election held for that particular seat. Both candidates will run in the general election.

SECTION 2.04(g)

This was reworded from the current City Charter, Section 3.02(h).

There was a consensus for the following change in Section 2.04(g) to read as follows: (g) In each year when a general municipal election is held and more than two (2) persons qualify for nomination to a particular Commission District Seat, a primary election for nomination of City Commission candidates for that particular District Seat shall be held on the Tuesday ten (10) weeks prior to the general municipal election.

SECTION 2.04(g)(1)

This was reworded from the current City Charter, Section 3.02(h).

There was a consensus for the following change in Section 2.04(g)1, to read as follows: 1. If any nominee in the primary election receives fifty percent (50%) plus one vote of the total votes cast in the primary election for that District Seat such nominee shall be declared elected to that Commission District Seat without necessity of running in the general municipal election.

SECTION 2.04(g)(2)

This was reworded from the current City Charter, Section 3.02(h).

There was a consensus for the following change in Section 2.04(g)2, to read as follows: 2. If, in the primary election for a Commission District Seat, no nominee receives fifty percent (50%) plus one vote of the total votes cast in the primary election, then the two (2) nominees receiving the highest number of votes for that particular Commission District Seat shall be declared candidates for said Commission District Seat and they shall run in the municipal general election.

SECTION 2.04(g)(3)

This was reworded from the current City Charter, Section 3.02(h).

There was a consensus for the following change in Section 2.04(g)3, to read as follows: 3. In the general election, the candidate for a Commission District Seat who receives the highest number of votes shall be declared elected to that District Seat.

SECTION 2.04(h)

This was taken from the current City Charter, Section 3.02(h).

There was a consensus for the following change in Section 2.04(h) to read as follows: (h) In the event of a tie vote in the primary or general election for a particular Commission District Seat, the tie shall be resolved by drawing lots.

SECTION 2.04(i)

This was reworded from the current City Charter, Article IV.

Discussion ensued concerning: (1) the proper time and place in which the Commissioners will assume office after the Supervisor of Elections certifies the election results; (2) it was noted that the current language in the City Charter uses "assumption of office" rather than "the term begins"; (3) a paragraph (k) may be needed to address a primary election but it was decided to discuss this during Section 9.04, Vacancies.

There was a consensus for the following change in Section 2.04(i) to read as follows: (i) City Commissioners will begin their term of office within five (5) business days following the certification of ballots by Sarasota County Supervisor of Elections after the general election. The City Commission will convene at that time for the purpose of announcing the election results and newly elected Commissioner(s) shall subscribe to the oath of office at that special meeting.

SECTION 2.04(j) All necessary arrangements shall be made by the City Commission.

This was taken from the current City Charter, Section 8.01(b).

Following a brief discussion pertaining to this statement, City Attorney Moriarty stated that the language is unnecessary.

There was a consensus to delete the proposed Section 2.04(j), which was taken from the current City Charter, Section 8.01(b).

SECTION 2.05(a) and (b)

Discussion ensued: (1) after Mr. Pedersen suggested, to use "electors" throughout the document, it was stated that because of their definitions, all references to "voters" and "electors" in the document would be revised on a case by case basis; (2) it was noted that paragraph (a) was previously moved from Section 2.03 to Section 2.05(a) and the rest will be renumbered.

SECTION 2.05(b)

This was reworded from the current City Charter, Section 3.05.

Discussion ensued regarding the proof of residency requirement as determined at the time a candidate files to run vs. proof of residency at the end of the qualification period.

There was a consensus that the change in Section 2.05(a), which was moved from Section 2.03, shall remain here as previously agreed.

There was a consensus for the following change in Section 2.05(b), to read as follows: (b) Nominees and candidates for a Commission District Seat must be a resident of that particular district for a minimum of one (1) year prior to the close of the qualification period for nominees, as determined by voter registration records of the Sarasota County Supervisor of Elections.

SECTION 2.05(c)

This was modified from the current City Charter, Section 3.05.

Discussion ensued: (1) it was suggested to require two forms of identification to prove residency when filing as a candidate; (2) following a question, City Attorney Moriarty stated that there is a State Statute regarding residency requirements, but with candidates, the issue becomes a matter of enforcement for the City Clerk; (3) currently residency is based on the date found on the Voter Registration Card; (4) it was suggested to require the applicant/candidate to submit an Affidavit of Domicile as a qualification document; (5) it was stated that proof of residency forms are provided by the Sarasota County Supervisor of Elections Office; (6) a Voter Registration Card holds more weight than other forms of identification; (7) after a question, City Clerk Adkins stated that upon filing as a candidate, an oath is taken and the Voter Registration Card is shown, if the latter does not state they have been a resident for one year, they are not allowed to file.

There was a consensus for the following change in Section 2.05(b) to read as follows: (b) Nominees and candidates for City Commission and Members of the

City Commission, for the duration of their candidacy and term of office, shall be citizens and registered voters of the United States, State of Florida, and the City of North Port within the District for which they are nominated and/or elected.

SECTION 2.05(c)

This was taken from the current City Charter, Section 3.05.

The proposed language was changed and clarified.

There was a consensus for the following change in Section 2.05(c) to read as follows: (c) Nominees and candidates for City Commission and Members of the City Commission, for the duration of their candidacy and term of office, shall be citizens and registered voters of the United States, State of Florida, and the City of North Port within the District for which they are nominated and/or elected.

SECTION 2.05(d)

This is new and was a recommendation from the working document.

Discussion ensued: (1) it was suggested to delete the last sentence in the working document, starting with "At no time..."; (2) it was suggested to delete the sentence starting with "If said Commissioner. . . ." and ending with "excluding the individual affected"; (3) it was suggested to extend the time for re-establishing residency from six months to one year.

There was a consensus for the following change in Section 2.05(d) to read as follows: (d) City Commissioners must reside within their respective District for the duration of their term. If a Commissioner relocates out of their District, due to a declared emergency or loss of residence due to emergency circumstances, said Commissioner shall have twelve (12) months to re-establish residency within their respective City District. If a Commissioner is unable or unwilling to re-establish residency within their respective City District after the provided deadline, the Commission District Seat will be declared vacant at the close of business on the day of the final deadline.

SECTION 2.05(d) and 2.05(d)(1).

This is a recommendation from the working document and was taken from the current City Charter, Section 3.02.

Discussion ensued: (1) listing his precinct should not be required by the qualified voters when signing a candidate's petition.

There was a consensus to renumber 2.05(d) to 2.05(e) and move 2.04(d), placing it as 2.05(d), 1, 2,3, and 4.

There was a consensus for the following change in Section 2.05(d) and 2.05(d)1, to read as follows: (d) Every candidate for City Commission shall be nominated for such office by filing a petition providing the following information: 1. The nominee's name, place of residence, and Commission District Seat number sought by the candidate (1 through 5). Nominees must reside within the district for which they file the petition.

SECTION 2.05(d)(2).

There was a consensus for the following change in Section 2.05(d)2, to read as follows: 2. The signatures of not less than twenty-five (25) qualified electors of the City of North Port. Each signature shall be made in ink, and the residence address of each signatory shall be provided opposite the signature.

SECTION 2.05(d)(3).

There was a consensus for the following change in Section 2.05(d)3, to read as follows: 3. Petition forms shall be obtained from the City Clerk. Each candidate shall notify the City Clerk which Commission District Seat the candidate is seeking when the petition forms are obtained.

SECTION 2.05(d)(4).

There was a consensus for the following change in Section 2.05(d)4, to read as follows: 4. Completed nominating petitions shall be filed with the City Clerk any time after noon of the 71st day prior to the first primary election, but not later than the 67th day prior to the date of the first primary election. Petition signatures shall be verified by the Supervisor of Elections at the candidate's expense upon filing.

There was a consensus to take the last sentence of (above) and move it to the end of 2.

Recess 5:30 p.m. - 5:41 p.m.

ARTICLE III VACANCY OF CITY COMMISSIONER(S)

SECTION 3.01 DEFINITIONS

This was taken and expanded from the current City Charter Section 4.03

Discussion ensued regarding: (1) the effective date requires clarification and examples were provided from other Florida municipal city charters; (2) following a concern pertaining to the recall process, City Attorney Moriarty cited Florida Statutes Chapter 112.51 which states that the State Governor may suspend a municipal official; (3) after a letter of resignation is received, stating a future date certain, the individual cannot be removed prior to that date certain; (4) the terms vacancy and vacant as it applies to a Commission seat and when a vacancy is actually created; (5) delineating between the effective date in the letter of resignation, when a Commissioner can be replaced vs. the determination that the vacancy is actually vacant when the letter of resignation is submitted, thus allowing the ability for the Commission to take action; (6) how to revise and utilize the suggestions from Mayor's Yates' recommended change for this Section.

There was a consensus for the following change in Section 3.01(1), to read as follows: 1. A vacancy shall be immediately created by a Commissioner's term expiration, submission of a letter of resignation, when a Commissioner fails to meet a residency requirement, or when a seat becomes physically vacant upon a Commissioner's death or removal from office in any manner authorized by law.

SECTION 3.01

Mayor Yates read the verbiage for number 2.

There was a consensus for the following change in Section 3.01(2), to read as follows: 2. A vacancy created by expiration by a Commissioner's term shall be filled by an election in accordance with Section 2.04.

It was suggested to switch the order of 3.01. Paragraph (1) shall be (2) and vice versa.

There was a consensus that the new Section 3.01(1) shall read: "A vacancy shall be created by the expiration of a Commissioner's term and shall be filled by an election in accordance with Section 2.04."

There was a consensus that the new Section 3.01(2) shall read: "A vacancy shall be created by the submission of a letter of resignation, when a Commissioner fails to meet the residency requirement, or when the seat becomes physically vacant upon a Commissioner's death or removal from office in any manner authorized by law and shall be filled as follows:"

SECTION 3.01

Vice-Mayor Carusone read the verbiage for subparagraph (a).

There was a consensus for the following change in Section 3.01(2)(a), to read as follows: (a) When there is eighteen (18) months or more left in the unexpired

term of a Commissioner District Seat, the Commission shall convene within fourteen (14) days to call a special election to fill the vacancy for the unexpired term of the District Seat. The special election shall be held on the first available date determined by the Supervisor of Elections for Registration Books.

SECTION 3.01

Following a discussion, Mayor Yates stated the following for a consensus.

There was a consensus for the following change in Section 3.01(2)(b), to read as follows: (b) When there is more than ninety (90) calendar days but less than eighteen (18) months left in the unexpired term of a Commission District Seat, within two (2) business days of the creation of the vacancy, the City Clerk shall notify the Governor of the vacancy and shall announce at a public meeting that for a period of twenty-one (21) calendar days applications may be submitted to the City from individuals meeting the qualifications in Section 2.05 for appointment to the office of Commissioner. Within thirty (30) calendar days from the opening of applications, the City Clerk shall send the applications which meet the qualifications to the Governor, who shall select and appoint the person to fill the vacancy for the unexpired term. Within three (3) business days the Commission shall convene for the purpose of announcing the appointment, and the appointee shall subscribe to the oath of office.

After a brief discussion, it was decided to expand the discussion of Section 3.01(2) in a future meeting, to consider a "winner-take-all special election and no primary election" and fitting the language in a possible paragraph (c).

The City Clerk will check Commission calendars to schedule a second meeting as soon as possible to continue the discussion regarding the City Charter.

There was a consensus to schedule another meeting to continue the discussion of the City Charter.

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

Mayor Yates adjourned the North Port City Commission Special Meeting at 7:03 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.