

**CITY OF PALMETTO
CITY COMMISSION MEETING
December 18, 2017
7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Harold Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Scott Tyler, Chief of Police
Amber LaRowe, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:02 p.m., followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address the City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

Motion: **Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the December 18, 2017 Commission Agenda with the addition of the discussion of a special magistrate to replace the Code Enforcement Board.**

2. PUBLIC COMMENT

None.

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Blalock Walters Legal Bills

B. Police Department

1. Resolution 2017-37 Total Response Dispatch Protocol

2. Declare PDH738 as surplus and purchase of pistol

3. Resolution 2017-36 Protective Gear Purchase

C. Public Works

1. Resolution 2017-38 Re: Chapter 705 Florida Statutes

Motion: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve the December 18, 2017 Consent Agenda with the removal of item 3.C.1.

3.C.1. Resolution 2017-38 Chapter 705 Florida Statutes Discuss:

It was clarified that this Resolution only allows that Code Enforcement officers be designated, along with the Police to enforce abandoned vessels on public property as outlined in Chapter 705 Florida Statutes. Per the Statute, the governing body must formally designate it; that is why the Resolution is being presented tonight.

Motion: Commissioner Smith moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution 2017-38.

4. FIRST READ ORDINANCE 2017-13 PURCHASING

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, REVISING THE PURCHASING CODE FOR THE CITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ACQUISITION AND DISPOSITION OF GOODS, MATERIALS, AND SERVICES; AMENDING THE PROCEDURES FOR APPEALS; PROVIDING FOR PROCEDURES FOR DISBARMENT OR SUSPENSION OF A VENDOR; PROVIDING AUTHORITY FOR THE CITY ATTORNEY TO REJECT AND SETTLE CERTAIN CLAIMS AGAINST THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE.

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to schedule Ordinance 2017-13 for a public hearing on January 8, 2018 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.

5. OPIOID CLASS ACTION LAWSUIT DISCUSSION

Attorney Barnebey informed the Commission that the City has incurred numerous expenses relating to the recent opioid epidemic. Due to such, the City may have claims against manufactures and distributors of opioid products arising from possible deceptive or abusive sales and marketing practices for opioid products affecting the City. Mr. Barnebey is recommending that, such as in the BP Oil litigation, the City should authorize him to retain outside counsel on a contingency fee basis to investigate and evaluate potential claims of the City, and, if such claims can be made, authorize the pursuit of all claims. This includes authorizing the filing of a suit. As there may be

statutes of limitations defenses related to such claims, delay in pursuing such claims can potentially limit possible recovery if valid claims exist.

Motion: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to authorize the City Attorney to retain outside counsel on a contingency fee basis to investigate and evaluate potential claims of the City and, if valid claims can be made, authorize the pursuit of such claims, including authorizing of filing suit on behalf of the City of Palmetto.**

6. NOVEMBER CHECK REGISTER (*Informational Only*)

7. TRAFFIC UPDATE

Mayor Bryant discussed the Public Transportation Task Force meeting in Sarasota she attended this morning. She noted their discussion centered on the bridges and the proposal for a “new” bridge over the current DeSoto Bridge.

8. NOISE

Commissioner Williams noted that there was a party nearby that got a little too loud for the neighborhood and the Police responded twice to issue warnings; he complimented the Department for handling this appropriately.

9. PALMETTO POOL UPDATE

9.A. Special Magistrate Discussion:

Karla Owens, Development Services Director, discussed the request for the City to use a special magistrate as opposed to the current Code Enforcement Board. She explained that, currently, the City has a seven member Code Enforcement Board made up of volunteer residents of the City. They are appointed for two year terms and meet once a month. She opined that the use of a Code Enforcement Board can be unwieldy and inefficient, and with seven members it can be a challenge to consistently get a quorum. Board decisions do not seem consistent due to absentees and changing members. Mrs. Owens stated that sometimes it can be challenging to have City residents judging their neighbors.

The Florida Statutes provide other options to the use of a Board, like using a special magistrate or the County Court system. At this time, however, the court system is unavailable as Manatee County has not established this type of system. A special magistrate is an option and currently being utilized by Anna Maria, Bradenton Beach, Sarasota, Manatee County, Sarasota County, Lake County and Hillsborough County.

Mrs. Owens explained that a Special Magistrate is typically an attorney in good standing with the Florida Bar. The current attorney that represents the City at the Code Enforcement Board is

Persson and Cohen. The City can ask Persson and Cohen if they would be interested in becoming a special magistrate and the City can also ask for proposals/quotes from other law firms for same. Attorney Barnebey agreed and stated it may be a good choice to have two law firms involved in the event one law firm has a conflict of interest and may not be able to handle a case as presented.

The next step, if the City is interested in using a special magistrate for code enforcement hearings, is to rewrite the Code Enforcement Ordinance as it relates to the Board. Attorney Barnebey will start a draft and have it ready for a workshop and first read on the January 8th agenda.

Motion: **Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to ask Attorney Barnebey and Mrs. Owens to work together to draft a proposed Ordinance for January 8th as well as provide information regarding law firms and the costs associated with special magistrate to the City Commission on January 8th.**

10. DEPARTMENT HEADS' COMMENTS

All Departments wished everyone a Merry Christmas.

11. MAYOR'S REPORT

Mayor Bryant informed the Commission that Manatee County Public Transit is going to be installing GPS on bus systems to be able to accurately track where the buses are located. They are also working on a new mobile application to purchase bus tickets from a mobile device.

Mayor Bryant wished everyone a Merry Christmas.

12. COMMISSIONERS' COMMENTS

Commissioner Williams—attended the Legislative Action Presentation in Orlando last week. He discussed the Constitution Revision Committee (CRC) proposals being brought forward. He encouraged others to research and read about the proposals.

All Commissioners wished everyone a Happy Holiday and Merry Christmas.

Mayor Bryant adjourned the meeting at 8:00 p.m.

Minutes approved: January 8, 2018

James R. Freeman

James R. Freeman
City Clerk