

CITY OF OPA-LOCKA

“The Great City”

CLERK’S ACTION SUMMARY MINUTES VIRTUAL SPECIAL EMERGENCY COMMISSION MEETING

Friday, April 3, 2020

5:30 P.M.

1. CALL TO ORDER:

Mayor Matthew A. Pigatt called the virtual meeting to order at 5:34 p.m. on Friday, April 3, 2020. He announced that this is an Emergency Special Meeting pursuant to Section 2-30 of the City of Opa-locka Code of Ordinances.

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

An opportunity was given to the public to email the City Clerk prior to the Commission Meeting with any questions/comments/concerns on items we will hear on this evening’s Emergency Special Meeting agenda. This meeting is being streamed live at <https://www.youtube.com/user/CityofOpaLocka>.

As of 5:00 PM, no requests to speak were received from the Public.

Since this is a virtual meeting as authorized by the Governor of the State of Florida, again, members of the public wishing to address the Commission have been offered the opportunity do so. If there had been comments, they would have been included as part of the public record for this virtual meeting and would have been considered by the City Commission prior to any action taken.

2. ROLL CALL:

The members of the City Commission appearing remotely were: Mayor Matthew Pigatt, Vice Mayor Chris Davis, Commissioner Joseph L. Kelley, Commissioner Sherelean Bass, and Commissioner Alvin Burke. Also appearing remotely were: City Manager John E. Pate, City Attorney Burnadette Norris-Weeks, and City Clerk Joanna Flores.

3. INVOCATION:

The invocation was delivered by Commissioner Sherelean Bass.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. PUBLIC INPUT:

There were none.

6. RESOLUTION:

- 1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, IMPLEMENTING A CITY-WIDE CURFEW FOR THE CITY OF OPA-LOCKA, FLORIDA, DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***

A motion was made to amend the agenda to convert Item 6-1 into an ordinance.

It was moved by Vice Mayor Davis, seconded by Commissioner Bass to pass the amendment.

There being no discussion, the motion on the amendment to the agenda passed by a 5-0 vote.

Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Yes
Commissioner Bass	Yes
Mayor Pigatt	Yes

Adoption of the above item can be viewed under item 7-1.

- 2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, GRANTING THE CITY MANAGER CERTAIN POWERS TO ACT ON BEHALF OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, FOR EMERGENCY PURPOSES DUE TO THE NOVEL CORONAVIRUS DISEASE (COVID-19); PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***

The above resolution was read by Attorney Norris Weeks.

It was moved by Commissioner Burke, seconded by Vice Mayor Davis for discussion.

Commissioner Burke said he has a problem with what is going on and thinks this is not necessary. He said his problem is granting the manager authority without the permission of the commission. If they are now able to have emergency meetings online, they can do without this item.

Commissioner Kelley said he does not support the item because the manager already has certain powers to do what is necessary on behalf of the City.

Mayor Pigatt asked the attorney if the manager had the power to enforce the curfew in the City.

City Attorney Norris-Weeks said the manager does not have the power to implement a curfew.

Mayor Pigatt said other counties are taking the steps outside of normal business operations and he would like to know the concerns of his colleagues not agreeing on the item when the manager can act immediately and swiftly in times of need.

Commissioner Kelley said what is being done now should have been done two weeks ago. He asked the attorney if there is anything that stops the manager from taking action on behalf of the City in times of emergency as he is the CEO.

Coty Attorney Norris-Weeks said dealing with curfews and emergencies as they arise requires the commission to give him the authority to act safely and legally.

City Manager Pate said the reason the items were not done is because he was informed by the attorney that he does not have the authority per the Charter to take actions with curfew and other business and that is why the item is before the commission.

City Attorney Norris-Weeks said the commission has to grant certain powers to the manager in relation to this issue as other cities have done accordingly. It is her recommendation that this is done from a legal stand point.

Vice Mayor Davis said it can be where the manager has authority, but he should have the buy in from the commission.

Commissioner Burke said nothing should be done without the consent of the city commission.

City Attorney Norris-Weeks said the item simply allows the manager to do what is necessary where the Coronavirus Disease (COVID-19) is concerned on behalf of the City.

After further discussion, the motion on the resolution failed by a 3-2 vote.

Commissioner Burke	No
Vice Mayor Davis	Yes
Commissioner Kelley	No
Commissioner Bass	No
Mayor Pigatt	Yes

- 3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE “LOCAL EMERGENCY MEASURES IMPLEMENTED BY THE CITY MANAGER OF THE CITY OF OPA-LOCKA, FLORIDA”, IMPOSED ON MARCH 26, 2020 DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Attorney***

The above resolution was read by Attorney Norris-Weeks.

It was moved by Commissioner Kelley, seconded by Commissioner Burke for discussion.

City Attorney Norris-Weeks said she wants to make sure the commission knows exactly what it is voting on with this item. Liquor stores have been calling and complaining that the county and the state allows the continuation of sales on alcohol and the commission is doing the opposite with this item.

Mayor Pigatt asked if the manager had the authority to open and close liquor stores.

City Attorney Norris-Weeks said the commission previously passed the item and now it is being ratified with respect to daily changes that are taking place in relation to the virus.

Mayor Pigatt said other cities are following suit with what the county is urging and he is not in favor of closing down liquor stores at this time.

Commissioner Burke asked how it came to where the City is going against the county and the state.

City Manager Pate said the county and the state have done several amendments to the orders and that is why this is an issue. Initially, it was prohibited, but it has since been changed for sales to a certain time. He recommended that the liquor stores be closed because of the current crime rate and loitering in the City.

Commissioner Bass said it does not matter what surrounding cities are doing, the crime rate is too high right now and the City needs to be protected; this is a short term resolution.

Vice Mayor Davis asked the attorney if there were legal ramifications that will arise if the stores are closed down.

City Attorney Norris-Weeks said if the City is not in compliance with state and county orders, then the liability is there.

A motion was made to amend the resolution to reflect that liquor stores may operate from 10:00 a.m. to 6:00 p.m.

It was moved by Commissioner Burke, seconded by Mayor Pigatt to pass the amendment.

There being no further discussion, the motion on the amendment passed by a 4-1 vote.

Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Yes
Commissioner Bass	No
Mayor Pigatt	Yes

There being no discussion, the motion on the resolution passed by a 5-0 vote.

Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Yes

Commissioner Bass Yes
Mayor Pigatt Yes

7. ORDINANCES/RESOLUTIONS/PUBLIC HEARING(S):

- 1. AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, IMPLEMENTING A CITY-WIDE CURFEW FOR THE CITY OF OPA-LOCKA, FLORIDA, DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***

The above ordinance was read by attorney Norris-Weeks.

It was moved by Commissioner Kelley, seconded by Commissioner Burke for discussion.

Mayor Pigatt asked the attorney what happens once the civil citation is issued.

City Attorney Norris-Weeks said the citation will change Code Enforcement and she will have to do further research to see how it can be handled.

Vice Mayor Davis said he is not in favor of anything involving residents going to jail for misdemeanor crimes regarding the Coronavirus.

Commissioner Bass said she agrees with the vice mayor, however, accountability has to be considered.

Commissioner Burke said he is in favor of the curfew.

Mayor Pigatt asked if staggering levels of penalties can be implemented to keep offenders from receiving harsh punishments because he is not for sending people to jail for misdemeanors.

City Attorney Norris-Weeks said the order from the county states what can be done and the Code of Ordinances speaks to that as well.

City Manager Pate said he has communicated to the Chief of Police and they will only be issuing tickets and individuals will be given a Promise to Appear (PTA) instead of going to jail.

Vice Mayor Davis thanked the manager for taking this action and said he wishes that the approach for handling this was different, but he thinks the PTA laws is good for the community.

Commissioner Kelley said he hopes the residents will respect the promise to appear and not take it lightly.

City Attorney Norris-Weeks said the proper term for going to court following a citation is a "Notice to Appear".

Mayor Pigatt said he wants to ensure that no residents are criminalized during the pandemic.

City Attorney Norris-Weeks said the citation will move through the process once there is a penalty provision set forth and the individuals are in violation.

There being no further discussion, the motion on the ordinance passed by a 5-0 vote.

Commissioner Burke	Yes
Vice Mayor Davis	Yes
Commissioner Kelley	Yes
Commissioner Bass	Yes
Mayor Pigatt	Yes

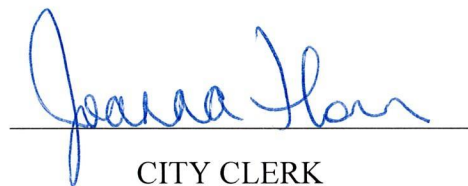
8. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Commissioner Kelley, seconded by Commissioner Burke to adjourn the virtual meeting at 7:44 p.m.



MAYOR

ATTEST:



CITY CLERK