

LAWSUIT: Filed Friday

FROM PAGE 1

the alleged Sunshine violations were discussed at the Aug. 3 City Commission meeting.

Scenic WAVES Committee chair Tjet Martin and committee member Rose Vincent (Bill Vincent's wife) are also named as defendants. All six defendants are affiliated with the non-city-sanctioned Concerned Neighbors of Bradenton Beach (CNOBB) group.

The city of Bradenton Beach and former Mayor Jack Clarke are named as co-plaintiffs and will be jointly represented by Sarasota attorney Robert Watrous. Paralegal Michael Barfield will provide legal assistance. The case is assigned to Judge Lon Arend.

The lawsuit seeks rulings on whether Sunshine violations occurred and what corrective actions can be taken.

"Plaintiffs are entitled to an award of attorney fees and costs for prosecuting this action," the complaint states.

CNOBB DISCUSSIONS

The complaint cites a July 25 CNOBB meeting where Mapes, Metz, Shay, Bill Vincent, Martin and others discussed prohibiting parking garages.

"The Sunshine Law requires advance notice to the public and an opportunity for public comment at any meeting or discussion on issues that are reasonably foresee-

able to come before any board or collegial body," the complaint states.

CNOBB agendas are posted at the group's website, but residents and business owners were not given formal city notice about a parking garage discussion.

The planning board participated in Sunshine-compliant parking garage discussions when reviewing the updated Community Redevelopment Agency (CRA) plan in April.

"Because the P&Z board acts as the local planning agency, it is reasonably foreseeable that its duties will include future consideration of whether a parking garage should be constructed within the city. Only after engaging in substantive discussion did the defendants recognize that they should not discuss the matter any further because of the Sunshine Law," the complaint says.

The complaint mentions an Aug. 3, CNOBB meeting discussion on the proposed CRA district master plan and says Martin and Rose Vincent knew or should have known that issues discussed at a CNOBB meeting could foreseeably come before Scenic WAVES.

"It will come before Scenic WAVES," Martin said during the meeting.

Rose Vincent did not participate in the master plan discussion, but she was present during part of the meeting.



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Attorney Robert Watrous
Sunshine lawsuit

Barfield requested e-mails, text messages and social media communications exchanged by any of the four planning board members from June 1 to Aug. 8. He made a similar request to Martin.

On Friday, Barfield sent the city clerk and city attorney a 793-page document containing Mapes' e-mails and attachments, some of which predate CNOBB's first public meeting on July 11.

On June 12, Mapes e-mailed Bill Vincent about Metz joining CNOBB.

"I spoke to John. He is concerned about sunshine issue," Mapes wrote.

On July 11, Mapes sent Vincent, Metz and others an e-mail referencing a parking garage prohibition and the city's future land use map.

CO-PLAINTIFFS

On Thursday, Aug. 3, commissioners voted 5-0 in favor of joining the proposed legal action at a cost not to exceed \$5,000. This was after Perry told them three potential plaintiffs contacted Barfield. The commission agreed that joining as co-plaintiffs

would signify proactive measures being taken by the city to address existing and future Sunshine concerns.

Earlier that day, Metz suggested the city would pay the board members' legal fees if legal action ensued. It's unlikely the city, as co-plaintiffs, will do that.

On Monday, Aug. 7, Clarke reached agreement with Watrous to serve as a plaintiff and the commission voted 3-1 in favor of Mayor Bill Shearon executing a similar retainer agreement on the city's behalf. Shearon said he changed his mind and now opposed the legal action. Martin, his life partner, had not yet been named as a defendant.

Commissioner Marilyn Maro was not present for the Aug. 7 vote.

"As a former city official, I am acutely aware of the Florida statutes referred to as Sunshine Law," Clarke said later. "When it became clear to me that the core group of CNOBB disregarded these laws, I sought remedy against those I knew were putting the city at risk."

In 2015, Barfield assisted in the successful defense of a lawsuit Metz filed against Clarke.

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