

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

AGENDA MINUTES

Jarvis Hall

4501 Ocean Drive

Tuesday, September 22, 2009

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotey were present. Also present were Town Manager Esther Colon, Town Attorney Susan L. Trevarthen, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION – Father Quinlon gave the Invocation

4. PRESENTATIONS

At the request of Commissioner Dodd, Mayor Minnet amended the agenda to add New Business item 16g to include discussion and /or action regarding Town Manager Review.

5. PUBLIC COMMENTS

Ellen Kirby requested a parking permit to park on her easement. Ms. Kirby asked to have something done regarding the costs of her garbage.

Stephanie Michailiuk believed that everyone should come to peace with each other.

John Oughton was concerned about the Town debt and the penalties to pay them off. He asked whether there were negotiations prior to paying off the debt.

Rosa Michailiuk did not see the need for a new ordinance on rental apartments.

Ron Rogliana said he lived in an 18 unit complex that was presently classified as residential and per Code was required to have one 96 gallon container per unit. He said that 18 containers would not fit on the property.

Ray Wolowicz inquired as to who prepared the questionnaire he received in the mail. He suggested the Commission listen to the people.

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Rochelle Gordy asked the Commission not to agree to the re-naming of street names in Bel Air.

Bob Fleishman wanted to know whether the VFD had hired a Certified Fire Inspector.

Jeff Goldstein believed that contracting with AMR was not a good move and believed there should be a professional fire department.

Daniel Halbert said when you lose transparency you lose trust.

Carolina Grascia wanted to leave things the way they were.

Cristi Furth looked forward to the Halloween event and the Fright Night Haunted House. She said \$35 would sponsor a candy table. She requested free parking for the event.

Vito Chiarello said people asked questions regarding things they did not understand.

Ben Freeney said that when he spoke on the operation of a budget he spoke in general and not on the Town's budget.

Mar Jo Lexa wanted to keep her street name in Bel Air.

Dennis Ritchie believed the VFD got a good rating on ISO. He asked for a report regarding the status of the training.

Mark Brown stated that the Commission agreed to a workshop for public input regarding the Town Manager's review and wanted to know why it was cancelled.

John Tooley said the VFD purchased a 20 year old fire truck for \$150,000 and wanted to sell it to the Town. He asked if there was something wrong with the truck and requested the Commission turn it down.

Liliana Perez said he was told to remove her benches. She asked the Town to reconsider.

Spiro Marchelos said a 22 foot swordfish was caught and released on his pier.

Doug Walker was surprised to get a letter from the Bel Air Association regarding the approval of street names. He said he was not notified. Mr. Walker believed that changing the street names would create more confusion.

Michael Power spoke of a fund raising drive for the Bel Air Community.

David Saindon believed the street names and the zip code should have been taken care of at the time of the Bel Air annexation.

Edmund Malkoon said he took it personal when Manager Colon investigated his claim of a harassment and vandalism at his home and reported that it did not occur. He stated that he decided to run for District 1 Commissioner.

Louis Marchelos stated that a complaint was put in against his business and when checking caller ID he found out that the call came from Town Hall at 954- 776-1375.

Frank Herrmann said the pigeons loved the pavilion.

Lawrence Wick thought special events should not be approved for a full year. He hoped the route of the Pelican Hopper would increase to the Holy Cross Hospital.

Robert Shastany favored the street name changes for Bel Air.

Ron Piersante wondered why the Vice Mayor had no items on the agenda and why the Town needed 5 fire trucks.

Rosalie Malkoon promised that she would have her attorney send a letter if she continued to be intimidated.

Yann Brandt requested emails from the Vice Mayor who indicated there were no emails. Mr. Brandt questioned the amount of funds the Town had and stated there were many blacked out numbers.

Mayor Minnet recessed the meeting at 8:35 p.m. and reconvened at 8:50 p.m.

6. REPORTS

a. Development Services Monthly Report – August 2009 (Assistant Town Manager Olinzock)

Commissioner Dodd requested that future reports include a report on turtle lighting. Commissioner Dodd made a motion to accept the report. Commissioner Clotey seconded the motion. The motion carried 5-0.

b. Municipal Services Monthly Report – August 2009 (Assistant Town Manager Olinzock)

Commissioner Dodd made a motion to accept the report. Commissioner Clotey seconded the motion. The motion carried 5-0.

c. BSO Police Monthly Report – August 2009 (Chief Llerena)

Commissioner Dodd made a motion to accept the report. Commissioner Clotey seconded the motion. The motion carried 5-0.

7. PUBLIC SAFETY DISCUSSION

Commissioner Dodd question Chief Perkins regarding the training on the fire boat. Chief Perkins said the training was up and running and the qualifications were pending.

Commissioner Clotey asked why the ISO rating was low for training. Chief Perkins replied that the VFD was fairly new. Commissioner Silverstone asked for clarification that the ISO rated training on 2 years of experience and the VFD only had 2 months. Chief Perkins said he was correct.

Vice Mayor McIntee asked how long it took for a member of the fire department to show up to the alarm call. Chief Perkins said it had to go through dispatch first and once the call was received from dispatch they were on scene within a couple of minutes. Mayor Minnet requested the correct information be brought back before the Commission. Chief Perkins said he would.

Commissioner Dodd asked Operations Manager Brooke Liddle, AMR whether he took the same state exams as BSO Fire Rescue. Mr. Liddle said the exams were the same. Commissioner Dodd asked about the condition of the ambulance vehicles. Mr. Liddle said that last year brand new vehicles were purchased for the Town.

Commissioner Clotey asked what the difference was between the BSO ambulance and AMR ambulance and whether the equipment was the same. Mr. Liddle said the equipment was mandated by the State and the County.

Commissioner Silverstone questioned whether the level of service between BSO and AMR was better. Mr. Liddle said AMR response time was better as AMR was stationed in Town.

Vice Mayor McIntee asked how many calls AMR received and whether they ever missed a call. Mr. Liddle said they received approximately 1,100 calls and none were missed.

8. TOWN MANAGER REPORT

a. Staff discussion

Manager Colon stated that the General Fund and the Capital Funds were paid off per Commission direction. She said a Workshop was scheduled for earlier in the evening to discuss those funds only; since the funds were paid off the workshop was cancelled.

Manager Colon stated that the General Fund Promissory note and the Capital Loan were paid the following morning after Commission direction. She added that with the elimination of debt service, she requested the Town Commission approve \$16,238.00, which included salary, FICA and retirement, so the receptionist in Town Hall and one employee in finance could go from 30 hours to 40 hours. She said it would be part of the budget discussion and noted that the bottom line of the budget would not change.

Manager Colon stated that October 18 and October 24 was Florida Government Week. She said a Resolution will be placed for discussion and/or action for the October 13, 2009 Commission meeting.

Manager Colon responded that the phone call from the phone number at 776-1375 was from Development Services, which could have been Code Enforcement. Manager Colon responded to the comment regarding the break in at the Malkoon residence and stated that she was following up on a report. She said there were no personal attacks against the Malkoon family. Manager Colon said the facts were given to her by the police department and if the report had been updated she would update her information. Manager Colon was interrupted during her comments. She stated that she would not continue and would put her responses in writing.

Discussion followed regarding a third loan which was from the Proprietary Fund. Manager Colon said it was not a governmental fund; it was a parking loan/promissory note and would not get paid by Ad Valorem funds because proprietary funds were made to support themselves. She said it was paid by parking meter funds and parking meter fines. Manager Colon said the loan was for the Bougainvillea Parking lot at \$2 million and the current balance was \$1.45 million and would expire June 2020.

Commissioner Silverstone addressed a comment regarding copies of bank statements that were received and a claim that the Town had \$14 million. Manager Colon said that the majority of the funds on bank statements had restrictions and therefore, account numbers, transfer numbers, and routing numbers were redacted. She explained that there will be a different balance every month.

Commissioner Silverstone requested Manager Colon explain her participation regarding grant monies from the U.S. Department of Energy since she had been accused of not following up on available grant funds. Manager Colon said she had produced a memorandum that monies for that grant were formulated based on population. She said that once the U.S. Department of Energy released their RFP for other grant money, those documents would be reviewed for requirements and for a grant match.

Vice Mayor McIntee asked if all Town debt the was paid off and if the parking lot was to be paid off would the Town still be in great shape. Manager Colon said "no".

9. APPROVAL OF MINUTES

Commissioner Dodd asked why the minutes of the July 29, 2009 Commission meeting were not on this agenda. Clerk White said they would be on the October 13, 2009 Commission agenda.

10. ORDINANCES – PUBLIC COMMENTS

1. Ordinances 1st Reading

2. Ordinances 2nd Reading

11. COMMISSIONER COMMENTS

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Mayor Minnet asked the residents to get involved in the budget and reminded them that the next and final budget hearing would be on Monday, September 28, 2009 at 5:01 p.m. She encouraged residents to contact their property managers regarding House Bill 115. Manager Minnet said that the Regional Climate Change Summit was scheduled for October 23, 2009. She encouraged the Commission to attend. Mayor Minnet believed everyone should take part in the Census and beach cleanup.

Commissioner Clotley said she learned that the Florida League of Cities Range Riders would help with the Town Manager review and would be impartial. She contacted him and he stated that they did not do the review behind the Town Manager's back but would do it in public. She added there was no charge. Commissioner Clotley addressed the comments regarding the firing of Police Chief Scott Gooding. She said the Town Charter stated that the Town had a Town Manager form of government and the Commission was not to interfere. She said that no one on the Commission had anything to do with the way the contract was written and announced that due process was followed. She said if the people wanted to change the Town Charter they should go ahead and do so. Commissioner Clotley addressed transparency and back door deals. She said this Commission had put out more RFP's than any other Commission. Commissioner Clotley said a lot of time was spent on cleaning up the Code. She said the Commission chose Choice and then found out that there were private deals going on with Waste Management. Commissioner Clotley said that the change in street names would not affect the receipt of checks. She said people were working diligently to get the zip code changed.

Commissioner Silverstone advised Ms. Kirby that her parking issues were being worked on. He stated that the promissory notes were paid off and said it made sense to pay them off due to penalties. Commissioner Silverstone asked everyone to put their political opinions aside and contribute to the Halloween event. He apologized to Mr. Freeney if he had mis-understood his comments on the budget. Commissioner Silverstone addressed a comment made by Mark Brown regarding the cancellation of the Workshop to review the Town Manager. He explained that the Workshop was scheduled to discuss the debt and was cancelled because the debt was paid off. He advised that representation from the Ranger Riders was planned for the Town Manager's review, he filled out his questionnaire, and the Commission was moving forward. He believed the Town Manager was following up on an issue at the Malkoon residence to make sure it was handled correctly.

Commissioner Dodd warned the residents that he would be forced to hand over his emails to the Town to be printed in public. He believed it infringed on the public's right to privacy and hoped the citizens would speak up. Commissioner Dodd assured he would follow up on the parking citation equipment. He asked whether the residents would accept a one-time \$14,000 payment instead of \$9,000 a year for 3 years. Commissioner Dodd said he placed an item on the agenda for a Procurement Officer. He stated that he was waiting for analysis of bids on the parking citation processing RFP so that he could justify staff's recommendation. Commissioner Dodd believed that becoming a Commissioner he would work with people with integrity. He hoped people would elect and re-elect individuals who see why the Town needed a code of ethics, why Commissioners should not pry into other Commissioner's emails, why the VFD By-Laws should be obeyed, why an oversight board or budget review board might be

needed, why roundtables were needed to move forward, why Commissioners should come to the meetings fully prepared having read the backup, why a Town Manager was needed that was respectful to new ideas and wanted to work equally with the Commissioners. He encouraged everyone to choose a Commissioner with higher standards at the next election.

Vice Mayor McIntee said he spoke to Congressman Klein several times to get the zip code changed. He said the new leadership was doing a great job. Vice Mayor McIntee said he would support a referendum for 33 feet or 44 feet. He believed most of the people would support the 33 feet. Vice Mayor McIntee believed the little hotels were the future. Vice Mayor McIntee said the attacks against the Town employees needed to stop. He believed it was unfair to attack the employees that work so hard.

12. CONSENT AGENDA

Mayor Minnet pulled items 12a, 12b, 12c, 12d, 12f for discussion.

Commissioner Silverstone made a motion to accept items 12e and 12g on consent. Commissioner Dodd seconded the motion. The motion carried 5-0.

Items 12a and 12b were considered and voted on together.

- a. Commission approval of Special Event Permit Application for Athena By The Sea and 101 Ocean "Music By The Sea" Event, every Saturday night, 4:00 PM till 11:00 PM, October 10, 2009 thru October 10, 2010 (Assistant Town Manager Olinzock)
- b. Commission approval of Special Event Permit Application for Jazz on the Square – Village Pump and Grille "Jazz on the Square" Event, every Friday night 4:30 PM till 11:30 PM, October 16, 2009 thru October 15, 2010 (Assistant Town Manager Olinzock)

Commissioner Clotey believed the Commission agreed to only grant for 3 months. She made a motion to grant only 3 months. Vice Mayor McIntee seconded the motion.

Commissioner Silverstone questioned whether 101 Ocean was involved. Mr. Jason Steele said they were. Commissioner Dodd asked whether there were any complaints on the events or encouragement. Assistant Town Manager Olinzock said he spoke with Kilwin's and they were in favor of the event. He added he had not complaints against the events.

The motion carried 5-0.

- c. Commission approval of Special Event Permit Application for "Christmas By-The-Sea 2009", a Town sponsored event, Wednesday, December 9, 2009, 1:30 PM till 11:00 PM. Co-Applicants are LBTS Chamber of Commerce, Aruba Beach Café, Village Grille, 101 Ocean, Athena - \$5,000 (Assistant Town Manager Olinzock)

Vice Mayor McIntee made a motion to approve the event. Commissioner Dodd seconded the motion. Commissioner Silverstone asked whether this was part of the Chamber and whether it was the same amount as last year. Paul Novak said he did not ask the Town for any money. Manager Colon said when they did the budget for five special events, this was one of the events and the \$5,000 was included in the funding.

Motion carried 5-0.

- d. Commission approval of Special Event Permit Application for "Halloween 2009", a Town sponsored event, Saturday, October 31, 2009, Waiver of Code requirement of submission sixty (60) days before the special event - \$4,000 (Assistant Town Manager Olinzock)

Commissioner Dodd asked whether the money was sufficient for the event. Vice Mayor McIntee said it was. Commissioner Dodd made a motion to approve the event. Commissioner Silverstone seconded the motion. The motion carried 5-0.

- e. Commission to approve waiving of right-of-way permit fees as noted in the attached letter from the City of Fort Lauderdale for replacement of water mains (Assistant Town Manger Olinzock)

Approved on consent

- f. Commission approval of Broward County Community Bus Service Interlocal Agreement FY09-FY10 (Clerk White)

Commissioner Dodd wanted to make sure everyone knew how much money was involved. He said the Pelican was empty and thought other communities would benefit more from it. He said he would approve it for 3 months and take a look at it at that time.

Commissioner Clotey talked about the Green Hopper in Wilton Manors

ASTM said it was an electric car service funded by the businesses and restaurants??.

Commissioner Silverstone asked whether the agreement could be approved for 3 months. Manager Colon said it could not because Broward County had to contract the bus company. Questions on Holy Cross and bus stops.....

Vice Mayor McIntee said it would be an issue if both the Pelican Hopper and the Green Hopper ran at the same time.

Mayor Minnet supported the Pelican Hopper. She said the route had been expanded further west and explained that the bus went to Galt Ocean Mile Library and joined up with the Sun Trolley that took people to the Holy Cross Hospital. She said the bus had a route and could not stop at unscheduled bus stops. Mayor Minnet believed the Commission should look at a charge for riding the bus. She believed the Commission

will need to look at other avenues such as the green car service, because the Pelican Hopper was not maintaining ridership.

Commissioner Clotley believed that the Green Hopper service would also run at night and get people out to visit downtown.

Commissioner Dodd withdrew his motion to make the contract a 3 month contract but wanted a review conducted in 3 months to determine whether there should be a charge to ride the bus.

The motion to approve the agreement carried 5-0.

- g. Commission approval of seventy-two (72) parking permits for use by the Women's Club of Lauderdale-By-The-Sea, only valid Wednesday from 9:00AM to 4:00PM and the third (3rd) Thursday of every month 9:00AM to 4:00PM expiring September 30, 2010(Clerk White)

Approved on consent

13. RESOLUTION – “Public Comments”

14. QUASI JUDICIAL PUBLIC HEARINGS

15. OLD BUSINESS

- a. Discussion and/or action regarding draft Resolution 2009-23 concerning street names in Bel Air (Commissioner Clotley) *Deferred at the September 10, 2009 Commission meeting by Commissioner Clotley*

Michael Power said it was important to note there were no costs to the residents and they would continue to use the current addresses. He said signs would be placed with the new name at the top and the old name at the bottom. Mr. Power said it was imperative for fire and emergency rescue, mail, and being able to have car service locate the address. Mr. Power said if necessary the Board would contribute to any costs involved.

Commissioner Silverstone asked if the Board could do a questionnaire to all the residents. He wondered whether all the residents wanted to do that. Mr. Power said they were voted in as the representative for Bel Air.

Vice Mayor McIntee asked how many hours Mr. Power donated. Mr. Power said they had not calculated it. Vice Mayor McIntee asked whether it would be feasible for them to offer 10%.

Commissioner Dodd did not know why this was fast tracked. He was in favor of it but preferred a 51% vote in favor of it.

Mayor Minnet believed Mr. Power needed to contact all the residents of Bel Air and see what they wanted. Mr. Power did not believe \$1,200 was sufficient and said they will go forward and do a full survey. He requested full funding to do that.

Commissioner Clotley asked how long it would take to do the survey and bring it back before the Commission. Mr. Power believed it could be ready for the next Commission meeting.

Mr. Saindon said they worked diligently to do the survey regarding boats and an overwhelming majority of the community chose to modify the survey. He wanted to present a fair survey. Mr. Power said he would take a 4 week break to do that.

Commissioner Clotley wanted to defer the item until the October 27, 2009 Commission meeting.

Vice Mayor McIntee believed the Town should pay for the survey because of all the time and effort they put into it. He withdrew his recommendation at 10%.

Commissioner Silverstone asked whether the Town could send out the survey. Manager Colon said they could. She reminded the Commission that when it was addressed previously Broward County stated that the Town had to provide the labor. Commissioner Clotley believed Mr. Power preferred to put the survey together and have the Town mail it. Mr. Power agreed.

Commissioner Clotley wanted to defer the item to the October 27, 2009 Commission meeting. Manager Colon wanted to know if the Commission wanted the Town to pay for the postage to send the survey and then pay for a self addressed envelope to return the survey. She stated that the deadline to turn in the survey results would be October 16, 2009.

Commissioner Clotley asked whether the collection of signatures would be easier. Mr. Power believed that would be better to have a face to face meeting with individuals.

Vice Mayor McIntee made a motion to defer the item for Mr. Power to deliver the survey on naming the streets to the Town Clerk by October 16, 2009 in order to be on the agenda for October 27, 2009 Commission meeting. Commissioner Clotley seconded the motion.

Commissioner Dodd thought Commissioner Clotley should recuse herself since she lived in the community. Attorney Trevarthen said she did not need to.

The motion carried 5-0.

16. NEW BUSINESS

- a. Commission nomination of Florida Municipal Insurance Trust (FMIT) – Nomination must be accompanied by a resume or biographical sketch reflecting nominee's background and qualifications to serve (Clerk White)

Manager Colon explained that the Florida Municipal Trust was not a guaranteed appointment and the elected official would have to attend the meetings. She added it was not mandatory. The Commission did not express an interest.

There was no further discussion.

b. Commission approval of amendment to Choice Environmental Services Agreement (Assistant Town Manager Olinzock)

Assistant Town Manager Olinzock said that at the request of the Commission exhibit 3 and exhibit 4 were amended to create a category for 1 cubic yard dumpsters and to allow pick 2 to 7 times a week.

Mayor Minnet asked whether she needed to continue to recuse herself. Attorney Trevarthen said she did but she could ask questions. Mayor Minnet recused herself from voting.

Commissioner Dodd wanted to know if person that did not have room for a particular size dumpster could be charged for it. He questioned that where there were 12 residential units if it was fair and equitable that they should be charged on the volume of trash and not a particular dumpster rate. Commissioner Dodd suggested looking at charging the equivalent dumpster rate where there were more than 12 units.

Vice Mayor McIntee stated that the problems were being addressed one at a time and Choice had been very cooperative.

Vice Mayor McIntee made a motion to accept the agreement. Commissioner Silverstone seconded the motion for discussion. He was concerned with mixed usage.

Manager Colon said over 20 properties had problems and had been resolved. She said if they continued to piece meal they would go back to the problem that was created by Waste Management. She said there were 4 or 5 issues yet to be resolved. She added that they could not just amend an agreement without changing the code.

Commissioner Silverstone seconded the motion for approval. The motion carried 4-0. Mayor Minnet recused.

c. Discussion and/or action by Town Commission to provide Resolution to approve encroachments existing on public property (Assistant Town Manager Olinzock)

- 1) 4404 Bougainvillea Drive
- 2) 263 Commercial Blvd

Manager Colon said there was a code in place that stated it was unlawful for any person to encroach upon, obstruct or enclose a street, park or any public property or part of, or a portion thereof without written permission of the Town Manager. She said

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staff inspection showed some businesses that had planters, tables and benches on the Town's right of way.

Commissioner Clotey thought the planters looked nice on the property on Bougainville Drive. She believed there should be more as long as they did not encroach too much into the sidewalk. Commissioner Clotey stated that in the case on Commercial Boulevard, the benches were being used to turn that area into their own private patio.

Commissioner Silverstone asked whether they had to be authorized by the Town Manager and then approved by Resolution by the Commission. Manager Colon explained that without the written permission of the Town Manager, authorized by Resolution, of the Town Commission.

Commissioner Clotey believed the Bougainville property and the Commercial Boulevard property were two separate issues and should not be considered as one. Vice Mayor McIntee agreed.

Vice Mayor McIntee made a motion to defer to October 27, 2009 and split the items. Commissioner Silverstone seconded the motion. The motion carried 5-0.

- d. Discussion and/or action regarding supporting the Town Manager's request for a (part time?) Procurement Officer needed to handle RFP's in a professional manner (Commissioner Dodd)

Commissioner Dodd made a motion to change the Purchasing Manual, Section 4a to read the bids out loud. Mayor Minnet passed the gavel to second the motion.

Commissioner Clotey asked for an explanation regarding the difference between a Bid and an RFP.

Commissioner Dodd had a point of information. He indicated bids were previously read aloud and no longer were. He added that at the last opening many of the vendors were upset that the bids were not read.

Clerk White explained that an RFP was a Request for a Proposal and was used when you were not quite sure what you wanted to have done. She added that an RFP consisted of several different numbers for several aspects of the work required, such as in remodeling there would be a cost for the flooring, cost of molding, the cost of paint, and if electrical was involved that would be an additional cost. Clerk White stated that RFP's can become very time consuming and complicated and required more time to verify the mathematical calculations submitted.

Clerk White said a Bid, an ITB or "Invitation To Bid" was used when you wanted to get the job done, and consisted of one number, usually the final cost or the labor, such as a maintenance contract.

Clerk White stated that she found it frustrating to be accused of doing something wrong when she followed Town Policy which was drawn from Florida Statutes.

Commissioner Clotley believed that if there was a difference between a Bid and an RFP, and when taken into consideration the number of pages involved in an RFP, the Commission should think about it.

Commissioner Dodd clarified that he was not accusing anyone of doing anything wrong. He wanted to put it back to the way it was before and only read only the substantive numbers. Clerk White stated that she believed it was ITB documents that she read aloud and not RFPs. Manager Colon stated that staff would continue to read bids out loud and give the amount as done in the past. She pointed out that there had never been an issue until recently. Commissioner Silverstone saw no need to change Town Policy. He believed staff followed state law.

Discussion continued as to the processes used by other municipalities and it was noted that most municipalities did not read RFPs aloud, and the municipalities that did read their RFP's aloud were much larger than Lauderdale-By-The-Sea, had more staff, and had a procurement department.

Commissioner Dodd made a motion that all timely bids be publicly opened, read aloud to include the name of the bidder, their Town and the bid number. He added he was talking about bids and not RFPs. Mayor Minnet seconded the motion.

Commissioner Clotley and Commissioner Silverstone believed the bids were currently read aloud. Commissioner Clotley stated that the previous opening was an RFP. Commissioner Dodd said they were not being read aloud as stated previously in his point of information.

The motion carried 5-0. Vice Mayor McIntee clarified it was ITB only. Commissioner Dodd agreed.

Commissioner Dodd made a motion to continue the meeting past 11:00 p.m.

- e. Discussion and/or action to change the Commission's organizational rules to allow the Mayor to make and second motion's in her own right (Commissioner Dodd)

Barbara Cole said she was involved in moving the Attorney away from the Mayor so that the Mayor could not have help from the Town Attorney. She said she also had a hand in removing the Mayor's right to make motions. Ms. Cole wanted to reinstate that right.

Commissioner Silverstone believed the rules of the dais were made according to the Robert's Rules of Order. Attorney Trevarthen said that Robert's Rules was not adopted in their Charter. She added that the Commission did not create an ordinance so it was up to the Commission to decide. Manager Colon said she had a copy of the organizational rules that were adopted February 27, 2007 and stated that there was an organizational meeting when this Commission took office.

Commissioner Clotley said it was common practice that if the Mayor wanted to make a motion she would turn over the gavel. Commissioner Dodd remembered Mayor Parker making motions. He believed Mayor Minnet should be granted equal rights without passing the gavel to the Vice Mayor.

Vice Mayor McIntee and Commissioner Clotley did not believe her rights were being violated. Commissioner Silverstone respected the Roberts Rules.

Mayor Minnet thanked Barbara Cole and requested Commissioner Dodd remove the item.

Commissioner Dodd withdrew the item.

f. Discussion and/or action regarding communication from Hannelore Heiden (Mayor Minnet)

Mayor Minnet withdrew this item. She said that Ms. Heiden had requested to speak with the Commission but she was not present. Commissioner Clotley believed this was a sad situation and there were other ways to handle it.

g. Discussion and/or action regarding Town Manager Review

Christopher Vincent said there were a lot of comments made regarding the Town Manager's contract. He believed the comments from Mark Brown were true as the Commission did not dispute it.

Mr. Vincent compared Manager Colon with other Town/City Manager's in salary, size and budget. He recommended several questions to ask during the review.

Commissioner Clotley said that the Florida League of Cities' Range Riders could come next week or the week after if Commissioner Dodd would meet with him. Commissioner Dodd said he was ready to proceed and could meet with him anytime and suggested that the Commissioners come prepared with their questions and completed forms. Commissioner Silverstone stated that he completed his form and turned it into Human Resources. He believed it was a good idea to have a 3rd party come in. Mayor Minnet believed that the public had a right to speak at the workshop.

Vice Mayor McIntee believed the unbiased 3rd party would prove the Town Manager was doing a good job.

17. TOWN ATTORNEY REPORT

There were no reports.

18. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 11:30 p.m.

19. FUTURE AGENDA ITEMS

Roseann Minnet

Mayor Roseann Minnet

ATTEST:

June White

Town Clerk, June White

10/29/09

Date

