

**TOWN OF LAUDERDALE-BY-THE-SEA**  
**TOWN COMMISSION**  
**WORKSHOP MEETING**  
**MINUTES**  
Jarvis Hall  
**4501 Ocean Drive**  
**Monday, October 12, 2009**  
**4:00 P.M.**

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 4:00 p.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotey were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, and Kathy O'Brien, Human Resource and Risk Manager.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ITEMS OF DISCUSSION REGARDING TOWN MANAGER REVIEW PROCESS:

a. Presenter - Florida League of Cities, Range Rider

Richard Simmons explained that the Range Riders were volunteers sponsored by the Florida City and County Management Association and the International City/County Management Association. Mr. Simmons did not feel it was wise to wait a year to express dissatisfaction with the way things were going. He believed the best way was to have regular meetings on a one-to-one basis to discuss certain issues.

Mr. Simmons suggested the interviewer write down their thoughts rather than check a number on the evaluation form. He believed there was flexibility within the Charter as to performing a Town Manager review. He also believed a contract renewal was a form of review.

b. Presenter and Town Commission

Commissioner Silverstone explained that the Commission / Elected Officials were politically motivated and the Town Manager was bound by the ICMA Code of Ethics which stated that every member shall refrain from all political activities. Vice Mayor McIntee inquired of a 5-0 vote of confidence previously done on the Town Manager. Mr. Simmons stated that the Charter required a vote of confidence and felt that if the Town Manager received a 5-0 vote she must be doing something right.

Commissioner Dodd asked whether Mr. Simmons would ever write that he resented interference from a Commissioner; and whether he would conduct a Town Wide survey without consulting the Commission first; whether he would dismiss the Chief of Police. Mr. Simmons replied that at a public meeting he stated his resentment toward Commission interference; he would discuss a survey with the Commission for input; and he did fire a Police Chief without reference to the Commission as that was his responsibility.

Commissioner Clotey clarified that she had not previously met with or discussed any issues with Mr. Simmons. Mr. Simmons admired Commissioner Clotey as she was unbiased and requested his guidance on the best way to do a performance evaluation that would comply with the Charter requirement.

c. Public Comments

Vice Mayor McIntee requested a Point of Order for informational purposes. Mayor Minnet granted the request. He explained the law that guaranteed free speech which stated "as long as the oral or written statements were truthful, derived from fact, and not intended to be malicious."

Chris Vincent, Cindy Geesey, Mark Brown, John Oughton, Cristie Furth, Mary Ann Wardlaw, Gail Albohn, Barbara Cole, Vera Dendy, Marie Chiarello, Happy Vasil, Rosa Michailiuk, Priscilla Rysavy, Frank Herrmann, Lawrence Wick, Bob Fleishman, Richard Bonnie, Spiro Marchellos, Karla-Maria Meyer, Yann Brandt, Ray Wolowicz, Joyce Murray, Louis Marchelos, Maureen McIntee, and George Hunsaker gave their opinions regarding the Town Manager's performance and the review process.

d. Commissioner Comments

The Commission talked about the form of government and the chain of command; the financial stability of the Town; the shape the Town was in; public safety; and personal opinions. It was stated that performance reviews were based on expectations and responsibility during the time period of the review and new rules and expectations should be set towards the future. It was also stated that the Town Manager was not a public official; she was a public employee.

Manager Colon explained she was hired by the previous commission and her contract was approved 5-0. She stated she always worked according to law.

Mr. Simmons suggested the Commission meet with the Town Manager and get to know her on a personal level. He stated that the Commission represented the people and the Town Manager should be tried by them and not by the general public.

e. Commission Discussion

There was discussion regarding rating certain areas in the evaluation form and whether the Town Manager could be voted out. Mr. Simmons suggested making notes rather than rate with numbers on the evaluation and agreed that a Town Manager could be voted out and as long as the Town Manager had 3 votes she had a contract. Mr. Simmons stated that the citizens should be talking to the Commission and not evaluate her publicly.

It was determined that the performance evaluation would be finalized at the October 13, 2009 Commission meeting.

4. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 6:27 p.m.

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Mayor Roseann Minnet

ATTEST:

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Town Clerk, June White

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Date