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**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL MEETING MINUTES**

Jarvis Hall
**4505 Ocean Drive
Wednesday, July 28, 2010
4:00 P.M.**

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 4:00 p.m. Also present were Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotley, Commissioner Scot Sasser, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Attorney Brett Schneider, Interim Town Manager Connie Hoffmann, Town Clerk June White, and Deputy Clerk Nekisha Smith.

2. Shade Session - Town of Lauderdale-By-The-Sea v. Esther Colon

Pursuant to Florida Statutes 286.011(8), there will be an attorney-client session beginning at 4:00 p.m. on Wednesday, July 28, 2010 attended by Mayor Roseann Minnet, Vice Mayor Stuart Dodd, Commissioner Birute Ann Clotley, Commissioner Scot Sasser, Commissioner Chris Vincent, Town Manager Connie Hoffmann, and Town Attorneys Susan L. Trevarthen and Brett Schneider.

Mayor Minnet announced that the proceeding would be recorded by a certified court reporter and at the conclusion of all litigation the transcripts would be made part of the public record.

The Commission entered into closed session at the Community Center at 4:05 p.m. and reconvened at Jarvis Hall at 5:20 p.m.

3. Action Item

Resolution 2010-19: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA APPROVING SETTLEMENT AGREEMENT BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA AND ESTHER COLON; AUTHORIZING EXECUTION OF THE SETTLEMENT AGREEMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Trevarthen read Resolution 2010-19 by title.

Attorney Schneider explained that the terms of the settlement agreement were as follows: Ms. Colon would return to the Town a payment of \$43,215.10 within ten (10) days; Ms. Colon may participate in the Town's health insurance program for approximately 2 years from the date of her termination; both parties agreed to mutually release one another from any liability and/or any claims in the future.

Commissioner Sasser requested clarification that the insurance premiums were previously paid by Ms. Colon. Attorney Schneider confirmed.

Commissioner Vincent questioned whether Ms. Colon could continue to participate in the Town's Health insurance after the two year period at her own expense. Attorney Schneider explained that Ms. Colon could only participate in the Town's Health Insurance as a retiree during that two year period. He explained that after that time the Town would take the position that Ms. Colon did not qualify as a retiree under Florida Statute, which stated that to be considered a retiree the individual would have to begin withdrawing retirement benefits immediately following their termination of employment with the Town and Ms. Colon did not. Attorney Schneider indicated that Ms. Colon would then not be eligible to participate in the Town's Health Insurance after the two year period. He pointed out that if for some reason she did become eligible to participate in the Town Health Insurance program; it would always be at her own expense and not the Town's.

Vice Mayor Dodd made a motion to approve Resolution 2010-19 Commissioner Clottey seconded the motion. The motion carried 5-0.

4. ADJOURNMENT

Commissioner Sasser made a motion to adjourn. With no further business before the Town, Mayor Minnet adjourned the meeting at 5:35 p.m.

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White

Date