

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

Town Commission Meeting Room
4501 Ocean Drive
Tuesday, April 4, 2006
6:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

The meeting was called to order by Mayor Parker at 6:04 p.m. Present were Mayor Parker, Vice Mayor Yanni, Mayor Pro Tem Clark, Commissioner Silverstone and Commissioner McIntee. Also present were Town Manager Robert Baldwin, Town Attorney James Cherof, and Town Clerk Medina.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

Mayor Parker stated he had asked the newly seated Commissioners to sit in the wrong order at the dais and offered a change of seating, if so desired. Commissioner Silverstone and Commissioner McIntee accepted the current seating without objections.

3. DISCUSSION ITEM

A. Discussion and/or action concerning Town Commission Organization

Mayor Parker said there were two sets of Robert's Rules of Order, a large deliberative of assembly and a smaller deliberative of assembly of twelve or less. He suggested the use of Robert's Rules of Order for the small deliberative assembly.

Attorney Cherof said it was rare for someone to actually read the rules and determine what were applicable. He said usually a Commission of five people adopted a fair and informal way to run their meeting. Attorney Cherof felt it would be good to designate one of the published manuals as a means of reference if there were a true dispute over what was controlling.

Commissioner McIntee had no objection to streamlining Robert's Rules of Order as long as it was understood that if the Commission were to challenge a point, Robert's Rules would supersede.

Mayor Parker pointed out the Commission was not bound by Robert's Rules unless they so chose. He added that a second to a motion was not required for a vote, and that taking a poll of the Commission in itself was acceptable. Mayor Parker reviewed the

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Commission's current use of Robert's Rules of Order as, 1) to require a second to all motions with the exception of a motion to adjourn, and, 2) to require a second to a motion to amend.

The Commission agreed 5-0, to the designation of Attorney Cherof as the Commission's Parliamentarian.

The Commission discussed a three minute rule for Commissioners to speak on an agenda item, with allowance for a three minute rebuttal, and not to speak more than twice unless the Commission suspended the rule. The Commission talked about adopting a rule to request an appeal for more time.

It was a 5-0 consensus of the Commission to adopt a set of Rules of Order as: 1) to use the three minute rule; 2) that all motions require a second; 3) that a motion to adjourn did not require a second, unless there was an objection; and, 4) that a motion to table was not debatable.

It was the consensus of the Commission, 3-2, not to take a poll at the Regular Commission meetings, with the exception of logistics (i.e., availability for workshops). Vice Mayor Yanni and Mayor Parker disagreed.

It was a 5-0 consensus of the Commission to adopt additional Rules of Order as; 1) to take a simple majority to suspend the rules; 2) to yield for questions from speakers and for personal exemption; and that the Mayor may interrupt to maintain order; 3) to require a motion to extend meetings past 11:00 p.m., and to allow interruption to request an extension of meetings; 4) not to extend debate by a simple majority; and 5) to allow the person initiating an agenda item to speak first.

Commissioner McIntee believed the public should never have to wait for a shade session to be completed before they could speak and felt Public Comments should be the first order of business on the agenda. He thought that order would allow the Commission time to respond to their questions. Clerk Medina advised that the State required that public hearings for the millage and the budget be held first. Attorney Cherof concurred.

Commissioner McIntee also suggested that an additional three minutes be allowed at the end of the meeting for rebuttals, if necessary. The Commission agreed 3-2 to hear Public Comments before attending to Ordinances for second reading. Mayor Pro Tem Clark and Mayor Parker thought that an additional three minutes for rebuttals would prolong the meetings and defeat the Commission's intent.

Commissioner McIntee suggested trying this method through the first meeting in July, and to have this matter re-considered at that time. There was no objection. Commissioner McIntee withdrew his request for an additional three minutes at the end of meetings for rebuttals.

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Vice Mayor Yanni suggested non-allowance for one person to speak twice on the same issue. Attorney Cherof said if the Commission announced that somebody could speak on an Ordinance when the Ordinance came up, the Commission could prohibit them from speaking on it at the Public Comment. He added that the Commission could remind the public that if they wished to speak on an Ordinance, they should defer until the Ordinance was read, and not speak to it during Public Comments.

The Commission discussed at length the pros and cons of prohibiting non-residents from speaking during Public Comments and/or public hearings on Ordinances and placing a limit on public participation in general.

Attorney Cherof advised that the general rule was not to put a time limit on that, but was clearly allowed if it otherwise prevented other people from talking, or if it belabored the conducting of business. He added that the Commission had the obligation to "conduct and conclude" business and were allowed to have reasonable restraint on the people's right to participate.

It was a 5-0 consensus of the Commission to adopt a rule that limited public participation to no more than five minutes.

Mayor Pro Tem Clark proposed a rule that limited public comment during the period for public comments, and for Ordinances, only to residents, real estate tax payers, property owners, business owners, and anyone that may have a stake on any issue on the agenda. The Commission favored the rule 3-2, with Commissioners McIntee and Silverstone dissenting.

Attorney Cherof said that Robert's Rules of Order specified that the form of a motion should always be stated in the positive, such as a motion to approve something rather than deny. He said the fact that somebody made a motion, or that somebody seconded it, was not an indication of their vote on the motion, but was only to facilitate conducting the business at hand and concluding the business.

Attorney Cherof talked about options to Quasi Judicial hearings and public hearings indicating that special rules applied to those particular points. He added that if a Commissioner was either absent, or had a conflict of interest, Robert's Rules declared a tie vote as a failed vote. Attorney Cherof pointed out that the end of the book of Robert's Rules of Order included a Table of Rules relating to motions, and felt the table was a good point of reference to resolve an issue.

Attorney Cherof referred to Quasi Judicial hearings in relation to the approval of a site plan. He advised that some cities had a rule that a motion to reconsider that approval would occur at the meeting when it was approved or, at the following meeting, but no later. Following lengthy discussion it was agreed that a motion to reconsider a site plan would be done at the meeting when it was approved, but this rule could be waived for special circumstances. Mayor Parker felt that if the Administration or the Town Attorney believed the Commission acted improperly, the application should be reconsidered. Attorney Cherof advised that the Town Planner and/or the Town Clerk could be directed

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to hold the development order for reconsideration at the following meeting. He added that the issue for reconsideration should be brought to his attention and that the motion for reconsideration should be made by a Commissioner on the prevailing side. There were no objections.

Mayor Parker talked about creating a rule regarding debatable non-quasi judicial issues.

It was the consensus of the Commission to leave the agenda in its current order, except to flip the order of Public Comments and that any Ordinances (2nd Reading) or shade sessions were to come after Public Comments, unless required by law to have them earlier in the meeting. In addition, it was agreed to hear public comments without comment from the Commission or Town staff, and that Commissioner Comments was to follow Ordinances (2nd Reading).

Commissioner Silverstone requested the seating arrangement for the public be changed to an arc/horseshoe type setting. Discussion followed regarding the reconfiguration of Jarvis Hall that included enclosing the portico and moving the dais. It was the consensus of the Commission to discuss this issue at its meeting of April 11, 2006.

It was the consensus of the Commission to allow an arc type seating arrangement for the public on an experimental basis only.

4. ADJOURNMENT

Mayor Pro Tem Clark made a motion to adjourn the meeting. There being no objections and no further business to discuss, the meeting was adjourned at 7:38 p.m.

Oliver Parker, Mayor

ATTEST:

Alina Medina, Town Clerk

Date Accepted: _____