



City of Hallandale Beach
City Commission
400 S. Federal Highway
Hallandale Beach, FL 33009

Mayor Joy F. Cooper
Vice Mayor Keith S. London
Commissioner Michele Lazarow
Commissioner Anthony A. Sanders
Commissioner Anabelle Taub

City Manager Roger M. Carlton
City Attorney Jennifer Merino
City Clerk Mario Bataille, CMC

Meeting Minutes

Wednesday, December 28, 2016

6:00 PM

Commission Chambers

Special Meeting

1. CALL TO ORDER

2. ROLL CALL

Present: 5 - Mayor Cooper, Commissioner Lazarow, Vice Mayor London, Commissioner Sanders and Commissioner Taub

Mayor Cooper attended the meeting via telephone.

Interim City Manager Frastai and Interim City Attorney McKenney were also present.

3. PLEDGE OF ALLEGIANCE

4. PUBLIC PARTICIPATION (Speakers must sign-in with the City Clerk prior to the start of the meeting)

Alex Lewy, Hallandale Beach, FL, spoke in support of City Manager Rosemond.

Barbara Southwick, Hallandale Beach, FL, spoke in support of City Manager Rosemond.

Pam Sands of the Community Bible Church located in Dania Beach, FL, spoke in support of City Manager Rosemond.

Pastor Bob Sands of the Community Bible Church located in Dania Beach, FL, spoke in support of City Manager Rosemond.

Fran Markowitz, Hallandale Beach, FL, spoke in support of City Manager Rosemond.

Susan Lewis, Hallandale Beach, FL, spoke in support of City Manager Rosemond.

Chuck Kulin, Hallandale Beach, FL, spoke in support of terminating the employment agreement of City Manager Rosemond.

Judy Selz, Hallandale Beach, FL, spoke in support of terminating the employment agreement of City Manager Rosemond.

Maggie Ivanosky, Hallandale Beach, FL, spoke in support of terminating the employment agreement of City Manager Rosemond.

Rob Raymond, Hallandale Beach, FL, stated he has an idea for traffic in Hallandale Beach and believes he can solve the traffic problem very simply. He questioned if he has something that will work if the City would be willing to try it and use it.

Commissioner Lazarow indicated that she heard that Mr. Rosemond is a man of integrity and ethics. The headlines during his tenure was that Hallandale Beach was "Running off the Rails". Headlines and stories in the Sun Sentinel tell a different story about Mr. Rosemond's professional and ethical standards.

Motion by Commissioner Lazarow, seconded by Vice Mayor London, to take a five-minute recess at 6:49 p.m. Motion carried unanimously.

The meeting reconvened at 6:54 PM.

Vice Mayor London advised that as the Chair, it is his obligation to have decorum and run this meeting. He will do his best to run a fair, even-handed meeting, and he expects his colleagues, the Mayor, and the public, to respect the Chair and the Chair will respect everyone else.

5. ORDER OF BUSINESS

A motion was made by Commissioner Lazarow, seconded by Commissioner Taub, to approve the agenda as presented. The motion carried by the following vote:

Ayes: 5 - Mayor Cooper, Commissioner Lazarow, Vice Mayor London, Commissioner Sanders and Commissioner Taub

Nays: 0

6. COMMISSIONER COMMUNICATIONS - Items not on the Agenda

A. COMMISSIONER LAZAROW

No communications.

B. COMMISSIONER SANDERS

No communications.

C. COMMISSIONER TAUB

No communications.

D. VICE MAYOR LONDON

Vice Mayor London shared that a recent Broward Office of Inspector General investigation has determined that an allegation against him was unsubstantiated and noted that under Florida Statute 111.07 he intends to seek reimbursement from the City for his attorney's fees.

E. MAYOR COOPER

Mayor Cooper acknowledged that the Protocol Manual was no longer in effect., However, she requested that no meetings be held on any religious holidays, particularly, since we are all celebrating Hanukkah as we are speaking.

Commissioners Lazarow and Taub spoke in opposition of the Mayor's request.

A motion was moved by Mayor Cooper, seconded by Commissioner Sanders, to reenact that no meetings will be scheduled during religious holidays. The motion failed by the following vote:

Ayes: 2 - Mayor Cooper and Commissioner Sanders

Nayes: 3 - Commissioner Lazarow, Vice Mayor London and Commissioner Taub

Mayor Cooper indicated that if she understands correctly there is only one candidate for City Manager. She questioned how that will be handled and if the appointment is going to be moved.

Vice Mayor London recommended Mayor Cooper bring that Item up for discussion during the January 4, 2017 Meeting.

7. RESOLUTIONS/PUBLIC HEARING**A. PUBLIC HEARING REQUESTED BY DANIEL A. ROSEMOND PURSUANT TO SECTION 6.04(2) OF THE CITY CHARTER.**

City Clerk Bataille introduced the Item.

Attorneys Tom Loffredo and Steven Zelkowitz, Special Counsel to the Commission (of Gray Robinson P.A.), briefed the Commission on the proceedings to take place this evening.

Vice Mayor London opened the floor for public comments.

Vice Mayor London provided Attorney's representing Mr. Rosemond 45 minutes to present their case as requested.

Attorneys Brian Lerner and Robert Vaughn, representing Mr. Rosemond, made a presentation in opposition of the stated reasons for terminating the employment agreement of City Manager Daniel Rosemond.

Answering a question posed by Vice Mayor London, Attorney Lerner responded Mr. Rosemond will not tender his resignation.

Susan Lewis, Hallandale Beach, FL, thanked the attorneys for their words and hopes the Commission was listening. She requested the Commission consider the potential of a lawsuit based on today's outcome and its effect on the residents.

Maggie Ivanosky, Hallandale Beach, FL, stated the elected officials must do what they must to protect the taxpayers' interests.

Robert Selz, Hallandale Beach, FL, requested the Commission evaluate all the material that has been presented and to consider the outcome carefully if all things are valid.

There being no further comments, Vice Mayor London closed the floor from public comments.

Commissioner Taub spoke in support of terminating the employment agreement of Mr. Rosemond. Furthermore, Commissioner Taub stated that she does not consider this action to be character assassination.

Attorney Zelkowitz advised the Commission to move forward to the next item on the Agenda.

- B. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA TAKING THE SECOND STEP TO PERMANENTLY REMOVE DANIEL ROSEMOND FROM THE POSITION OF CITY MANAGER AND TO TERMINATE HIS CITY EMPLOYMENT; PROVIDING EFFECTIVE DATE. (STAFF: CITY ATTORNEY)

Mayor Cooper shared her concerns on the legal ramifications the Commission's actions may have on taxpayers because she believed there are no legal grounds to move forward with terminating Mr. Rosemond. She recommended the Commission to enter into negotiations for a separation agreement with Mr. Rosemond without cause to include full severance and legal fees with a clause to end the severance obligation should Mr. Rosemond obtain employment.

Commissioner Lazarow spoke in support of the proposed Resolution. She continued to share her historical position in not supporting hiring of Mr. Rosemond as City Manager.

In response to Commissioner Sanders, Special Counsel Zelkowitz stated that the Commission has listened to two attorneys lay down a case not to terminate Mr. Rosemond with cause. They provided their version with selected documents. However, they failed to provide other documents which may connect the dots to merit

the termination with cause.

Commissioner Sanders spoke in opposition of the Resolution along with its timing and believed the issues with Mr. Rosemond can be resolved in another fashion.

In response to Commissioner Sanders, Attorney Zelkowitz advised that this meeting could have been held on January 4, 2017, after the holiday.

Vice Mayor London indicated that something is scheduled for January 4, 2017 and in addition there is a window of 15 to 30 days. The letter sent by Mr. Perera was dated December 5, 2016 asking for a meeting either January 4 or 5, 2017, outside of the Charter. Furthermore, Attorney Perera indicated that he would be out of the Country between December 13 and 27, 2016, and today is the 28. In addition, Vice Mayor London noted Mr. Rosemond has new legal representation before the Commission this evening.

Answering questions posed by Commissioner Sanders, Interim City Attorney McKenney recapped the required steps taken by the Commission pursuant to the Charter for the removal of the City Manager.

Furthermore, Attorney McKenney provided the process of the evening's public hearing and indicated as this Commission deliberate and makes its final decision, the City Charter's requirements will be fulfilled, and the Commission will decide in its deliberation whether to terminate City Manager Rosemond with cause.

Mayor Cooper reiterated that she believes the Commission should move forward to negotiate a separation agreement rather than the proposed Resolution.

At the request of Vice Mayor London, City Clerk Bataille read into the record Exhibit A of the proposed Resolution titled "Stated Reasons for Termination". (attached as Exhibit 1)

At the request of Vice Mayor London, Special Counsel Zelkowitz provided an overview of his investigation and findings on the stated reasons for termination.

Vice Mayor London took a brief recess at 9:12 PM.

The meeting reconvened at 9:18 PM.

Answering a question posed by Vice Mayor London, Attorney Loffredo advised that the Statute reference within the contract, which defines cause for consideration, is Florida Statute 443.036 Subsection 29.

Answering a question posed by Vice Mayor London, Attorney Loffredo commented that Section 2 of the Resolution does not specify whether the termination is with or without cause. He suggested, as Counsel, that language be included based upon

whatever decision is made by the Commission.

Interim City Attorney McKenney added that should it be the pleasure of the maker of the motion to remove Mr. Rosemond and terminate the employment with cause, the City Attorney's Office will conform the Resolution to match the motion as made by the maker, presumable if it is seconded and approved by the majority of this body.

A motion was made by Commissioner Lazarow, seconded by Commissioner Taub, that this Resolution be approved as amended to take the second step to permanently remove Mr. Daniel Rosemond from the position of City Manager and to terminate his City employment agreement with cause. The motion carried by the following vote:

Ayes: 3 - Commissioner Lazarow, Vice Mayor London and Commissioner Taub

Nayes: 2 - Mayor Cooper and Commissioner Sanders

In response to Vice Mayor London, Interim City Attorney McKinney stated the motion is clear and they will conform the Resolution if the motion is approved as so stated.

Mayor Cooper shared her concerns with HBCRA Attorney Zelkowitz serving as Special Counsel on this matter and requested that he be removed from any further dialogue of these proceedings.

In response to Vice Mayor London, Interim City Attorney McKinney stated the motion is clear and they will conform the Resolution if the motion is approved as so stated.

8. ADJOURN

There being no further business, this meeting was adjourned at 9:48 p.m.

Submitted By:

Joy F. Cooper, Mayor

Attest:

Mario Bataille, City Clerk