

MINUTES OF MEETING
DANIA BEACH CITY COMMISSION
WORKSHOP – COMMISSION VACANCY
WEDNESDAY, OCTOBER 2, 2013 – 4:00 P.M.

1. Call to Order/Roll Call

Mayor Duke called the workshop to order at 4:00 p.m.

Present:

Mayor:	Walter B. Duke, III
Commissioner:	Bobbie H. Grace
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

Absent:

Vice-Mayor:	Albert C. Jones
Commissioner:	Chickie Brandimarte

Mayor Duke noted this meeting is to seek input from the applicants and public, and to assess how we got here. He added the City Manager and City Attorney are present to answer questions. Mayor Duke then provided an overview of the proceedings to date to fill the Commission vacancy.

Commissioner Grace expressed her sincere regrets that the Commission cannot agree on a fifth Commissioner. She supports the Mayor's suggestion of withholding Commission pay and travel until someone is appointed, and noted she still supports the 18 remaining applicants. It seems the only simplified way now to make an appointment is to have each Commissioner write a name down, place the names in a cup, and someone other than a Commissioner pick one of the names from the cup.

2. Commission Applicants/Public Comments

Luis Rimoli, 902 Natures Cove Road, said the Commission owed the applicants a reason why they are not qualified. He noted serving on a board, the Commission, or having run for office were not requirements when the application process was opened to the public.

Bruce Hannover, 617 NE 2nd Place, said he does not see this City moving forward under these circumstances.

Ann Page, 38 SW 5th Street, noted she was opposed to the workshop, but believes there is only one solution and that is to have another election.

City Attorney Ansbro stated the Charter Review Board recommended the current process because of the cost of special elections. He noted a special election to fill a Commission vacancy is not allowed by the Charter.

Ms. Page said the Mayor's wife sat on the Charter Review Board and she should have recused herself since the law of the City was subsequently changed as recommended by the board; perhaps this could be used as a caveat.

Mayor Duke asked for a show of hands in support for a special election.

Nicki Hansen, 200 SE 5th Avenue, said the original applicants should be the only ones qualified and it should be ensured that residency is not an issue for them. Further comments included: the Commission should follow the original process; she sees a lot of followers here, not leaders; she finds that it has become personal, not business, and egos need to be checked at the door; every Commission member should pick a process of how they want to pick a commissioner, which nobody needs to know, then put the four names in a hat and pick from there; and she is not opposed to a special election, but perhaps the Charter should be changed so this does not happen again, or maybe go to the next person with the most popular vote in the last election.

Judy Jensen, SE 6th Street, commented she cannot live with four commissioners. Two want someone who will vote with them and the other two want someone interested in business. She felt perhaps we should consider a recall.

City Attorney Ansbro noted the recall process is governed by state law; there are specific requirements that must be followed.

Charlotte Slabodo, 2905 Lake Shore Drive, agreed that the remaining 18 applicants should be the only ones considered and questioned if Dania Beach is in violation of state law. City Attorney Ansbro responded in the negative. Ms. Slabodo added there are two people who are not willing to work with the other two Commissioners and she does not know what should be done.

John Frostbutter, 133 S. 3rd Street, suggested the names of the candidates who received two votes should be placed in a hat and a name be drawn.

Betty Sokol, 609 NW 10th Street, asked the City Manager if the City was being run.

City Manager Baldwin responded in the affirmative.

Mayor Duke noted it is not necessarily the case that the City is working fine as there are items and issues that are being held off. He thinks we could do better and said it is a credit to City staff that we are doing fine.

Chase Camacho, noting he is not an applicant, said individually the Commissioners have done a lot for the community; they do not want to be remembered for this.

Gary Rowe, 5310 SW 22nd Avenue, noted the Commission is at a stalemate and it would probably be a good time to open up the process to new candidates, set deadlines, and stick to it. He felt perhaps an arbitrator could help mediate the problem.

Mayor Duke briefly addressed Mr. Rowe's comments.

Ann Page, 38 SW 5th Street, asked what disciplinary actions can be taken against the two Commissioners who have left the dais during past meetings. She added she would be insulted if the process is opened to other applicants.

Mayor Duke noted the Inspector General's Office is for investigating corrupt politicians.

Nicki Hansen, 200 SE 5th Avenue, said the adjournment when Mayor Duke was not allowed to vote was planned by Commissioner Brandimarte and Vice-Mayor Jones, and this is unacceptable.

Susan Hodd, 910 N. Victoria Park Road, Ft. Lauderdale, suggested we bring our Commission down to three and get rid of another Commissioner.

Charles Camacho, 121 NE 3rd Street, commented he is concerned as a citizen that great ideas will be stifled if we wait until the next election to fill the position; the fifth person is needed to rejuvenate the Commission. He added he is no longer going to be afraid of who he sits next to in this room.

Mayor Duke noted his ideal applicant out of the 18 would be someone who is active, on meaningful boards, lives out west, is familiar with City business, has a fresh perspective and perhaps a business sense, and has dealt with or currently deals with governmental entities. He added if they are good, they should be able to run again.

Richard Aube, 675 SE 2nd Avenue, commented he is proud of Dania Beach and wants to see it grow. He is going to join some of the advisory boards and become more involved. He said he respects both sides of the Commission, and thanked them for not making politics personal. He added we should work together as a community.

Bruce Hannover, 617 NE 2nd Place, said it was nice to see young people get involved in the City. He noted running in an election can be very expensive and time consuming, and he is against a special election to fill the vacancy. There are a lot of issues coming to the City and it is important to get another person to break a tie-vote.

Louise Velo, 5512 Lagoon Drive, commented she does not agree with the Vice-Mayor that the applicants should serve on City boards because there are also community organizations and boards that they serve on.

Mark LaRocca, 4511 SW 34th Avenue, noted he has had the pleasure of working with City staff and saving the City \$2 million regarding the solid waste issue. He asked if there are any Florida Statutes that can remedy this issue.

City Attorney Ansbro noted we could have a special election to change the Charter to provide for a special election for a vacancy, and then have a special election to fill the vacancy.

Mr. LaRocca added he is interested in helping the City move forward.

Boisy Waiters, Jr., 733 SW 3rd Street, asked what the process is for arbitration.

City Attorney Ansbro responded there is no process in the Charter, but the Commission could ask for help.

Mayor Duke felt it would have to be binding arbitration.

Mr. Waiters said we need to move the process along.

Terry Hale-Hicks, 331 SW 2nd Avenue, asked if the Commissioners were violating the Charter by not filling the vacancy.

A brief discussion ensued. City Attorney Ansbro noted the provision in the Charter is directory rather than mandatory.

Charlotte Slaboda, 2905 Lake Shore Drive, addressed the audience and noted the candidates in this room are qualified; the Commission needs to pick from the 18 we have.

Bill Harris, 902 Natures Cove Road, said the people who care about this City are in this room.

Ann Page, 38 SW 5th Street, said if Commissioner Brandimarte said that Vice-Mayor Jones was going to adjourn the meeting before he did it, then she had prior knowledge and this would be a violation of the sunshine law.

Timothy Pelotte, 48 SW 10th Street, questioned how we remedy paying someone for not doing their job.

Mayor Duke noted this matter was brought up at the last meeting, but did not get resolved. Other than an action taken by the Commission, this would be a Charter change in the long term, and every election the voters make that selection.

Rae Sandler, 1433 Argonaut Isle, asked if there are any issues that cannot come before the Commission because there are only four Commissioners.

City Attorney Ansbro responded in the negative.

Ms. Sandler questioned the reasons for a recall. City Attorney Ansbro said they are malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, and conviction of a felony involving moral turpitude. Ms. Sandler said everyone on the Commission gets one vote, everyone has their opinion, and everyone has their choice. The two Commissioners are not obstructing and they are fulfilling their duty; they are supporting the

person they picked. She added that the bashing has to stop and asked that everyone work together. If the Commission cannot agree on anyone, more applicants should be brought in, or forget about it and carry on.

Mayor Duke said the residents are concerned that two Commissioners will only vote for one applicant, and are concerned with their lack of independence and willingness to compromise.

Luis Rimoli, 902 Natures Cove Road, asked the residents to view the tapes of the last seven meetings; the Mayor has not been bashing anyone and has been trying to keep order.

Tamara James, 255 NW Tamara James Avenue, encouraged the residents to review the tapes of the last meetings, and said her opinion is based on the level of disrespect that the two Commissioners have for one another. She urged residents to be aware of whom they elect to represent them.

3. Commission Discussion

Commissioner Grace explained how she came to run for office in 1989. She stated according to Roberts Rules of Order, the Mayor has the right to pass the gavel to anyone he wants to. She noted the applicants want to help move the City forward and that is the only thing we should be considering. While it is true that everyone here has the option to choose one person, you should choose wisely.

Commissioner Grace noted she will make the recommendation to move forward with the 12 applicants at the next meeting.

Mayor Duke said this issue will be addressed again at the next Commission meeting and future meetings if necessary.

4. Adjournment

Mayor Duke adjourned the meeting at 5:19 p.m.

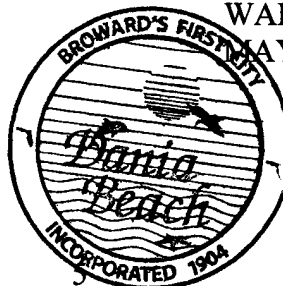
ATTEST:



LOUISE STILSON, CMC
CITY CLERK

CITY OF DANIA BEACH


WALTER B. DUKE, III
MAYOR



Approved: October 22, 2013