

VILLAGE HALL
500 NE 87TH ST
EL PORTAL, FL 33138
David A Rosemond
VILLAGE MANAGER



MAYOR CLAUDIA V. CUBILLOS
VICE MAYOR OMARR C. NICKERSON
COUNCILPERSON HAROLD E. MATHIS, JR.
COUNCILPERSON WERNER E. DREHER
COUNCILPERSON VIMARI ROMAN

Special Village Council Meeting
Thursday, August 10, 2017
7:00 PM

Statement of Decorum

Any person making a racial or slanderous remark or who becomes boisterous while addressing the Village Council, Staff, etc. shall be barred from the audience by the presiding officer. No profanity, shouting, heckling, verbal outbursts or disruptive behavior in support of or opposition to a speaker or his/her remarks is permitted. No signs or placards shall be allowed in the Village Hall. Person exiting the Village Hall shall do so quietly.

“Pursuant to Florida Statutes, Chapter 286.0105: If a person decided to appeal any decision made by the Board, Agency or Committee with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

A. CALL TO ORDER: Mayor Cubillos, presiding, called the meeting for August 10, 2017 to order at 7:12pm.

B. SILENT MEDITATION & PLEDGE: Mayor Cubillos asked all those present to stand for a pledge of allegiance and a moment of silence.

C. ROLL CALL: Mayor Cubillos asked for a Clerk to Roll Call.

Present: Mayor Cubillos, Vice Mayor Nickerson (Absent), Councilperson Harold Mathis, Councilperson Roman, Councilperson Dreher, David A. Rosemond (Not voting)Village Manager, Yenise Jacobi, Village Clerk (Not voting), Joseph Geller, Village Attorney (Not Voting).

D. APPROVAL OF AGENDA: Mayor Cubillos asked for a motion to approve the agenda to strike I, J, K **Motion:** A motion to approve the agenda with deletions. **Action:** Approve, **Moved by** Councilperson Roman, **Seconded by** Councilperson Mathis, Jr. The motion passed by voice vote.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING(S):

E1. Minutes for July 15· 2017 Special Council Meeting— **Motion:** A motion to approve the minutes for July 15th **Action:** Approve, **Moved by** Councilperson Mathis, Jr. **Seconded by** Councilperson Roman. The motion passed by voice vote.

Note: Attorney would like to take a look at them.

E2. Minutes for August 5· 2017 Regular Council Meeting- **Motion:** A motion to Table the minutes for August 5th **Action:** TABLE **Moved by** Councilperson Roman. **Seconded by** Councilperson Mathis, Jr. The motion passed by voice vote.

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

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F1. Mayor Cubillos acknowledge and thanked all the residents present at the meeting and encouraged them to come more often, they are an added value.

G. GOOD AND WELFARE:

G1a. Gigi Krop- 130 NE 88 Street- Ms. Krop stated she has lived in El Portal for over 12 yrs and is a realtor in the area for over 17yrs. She commented on the meeting stating that it comes to a surprise to all of them that due to the evaluations situation and the possibility of people's positions might be in jeopardy she would like to review the minutes and the evaluations. The people in question have helped her in specific the Village Manager, she had a house for sale that it was the formal Mayor's house Daisy Black when the current buyer came to Village Hall to check the plans they were very impressed with David Rosemond and because of that they chose to purchase the house. Mr. Rosemond has assisted her with many difficult situations and made it possible for those properties to sell. He has contribute greatly to the Village, she would like to see what is question regarding his performances. She would be very sad if he was no longer the Village Manager. People could be given an opportunity to improve.

H. AGENDA ITEM:

H1. Recommendations of the August 5th Special Administration & Finance Committee in reference to Village Manager.

H1a. Councilman Mathis, Jr. stated as Chair of A& F made a motion to end contract with the Village Manager based on his evaluation and his self-assessment.

H1b. Mayor Cubillos opens it up to Council especially to the ones who were not present at the A&F Committee Meeting.

H1c. Councilman Dreher stated he was part of the meeting until a certain point and addressed Councilperson Mathis, Jr. he wanted to hear a little more dialogue of what happened when he left.

H1d. Chairperson Mathis, Jr. stated there was a completion of the evaluation then there was dialogue back and forth, the narrative portions were read and based on the statements that David made I thought it was in the best interest of the Village to part ways with him and I made the motion.

H1e. Mayor Cubillos asked Chair of A & F Committee to please be more elaborate for the benefit of the residents present. Residents are always welcomed to all of the meetings but they don't come, they come when there is a tragedy or something disturbing they come and have questions. When in reality they meet once a month and four times for committee meetings so much is going on that could be seen when there is regular attendance but as lack of the attendance it is important as chair for you to elaborate it just did not happen in one meeting, give them a little more.

H1f. Chairperson Mathis, Jr. stated that he can only speak for his evaluation he can't speak for anyone else's there are several things such as lack of communication, things that were asked for, follow up, no confidence and in my opinion that doesn't work well for me or for the Village.

H1g. Him unlike other councilmembers who requested more things from the manager he only

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requested two. He said from that request it had been nine month and still today didn't get anything.

H1h. Councilperson Roman stated that they came to a conclusion after reviewing all the evaluations that there was a pattern there is a pattern that unfortunately they had to look at and think if they wanted to move forward because there is time you may want to address certain things that can be improved but at this point and the position that they were looking at the Village Manager being the CEO of the Village there are certain things like communication. That was scored very low even in the evaluations that were very high. They found that how do they move forward do they sit there a year from now and give it an opportunity and nothing improved. The manager came up to the record and recognized that he wasn't happy with the job he had done for the Village himself. She stated she is very disappointed with the communications with the manager the lack of responses to her emails and request and there are residents who have reached out to her that say the same. It is a very strong decision and it is not an easy decision. I have addressed this concern in many other meetings this is not a onetime thing that just came up out of nowhere it is a year of evaluation. Also it is not about the person it is not a personal. He is a great individual he helped the Village move forward at that time. We must look ahead and is he the individual to move the village forward now. In her opinion he was the individual then, he did what he had to do but moving forward he is not that individual now. That is how it was brought to council in her opinion.

H1i. Mayor Cubillos stated that as the elected leader is very active, she meets with the manager regularly. Councilperson Dreher said something nine months ago he was concerned regarding the communication. There are somethings you can't train communication is a fundamental to a leadership role. I stated on the record Saturday that one of the toughest things you have to do as a leader is evaluate. They had a strategy session and identified several areas it was a tool. It was money invested to give him that tool we are not here to micromanage but we did give him that tool to see what the mission and vision looked like. Thereafter each one of us at meetings had a concern. There are layers of questions of committee meeting. When evaluations came, I turned mine in late to give David the benefit of the doubt we went to have coffee and I expressed to David her concerns. Although it wasn't her motion or did she not second the motions it was a level of unconformable because you don't want to hurt people's feelings. You don't elect us to be nice you elect us to do a job and sometimes a job is hard. It is to make decisions that is for the greater good. My evaluation was sincere.

H1j. Councilperson Dreher stated if there is no other opinion from anyone sitting in that committee he would like for Village Manager to have an opportunity to speak.

H1k. Village Manager David Rosemond, stated that he is not in the practice of defending himself, he is accustomed to getting a great performance and the fact that communication being a factor it is ironic that he received the evaluation after his was due at his 6 months. I had hope to enhance communications regarding those issues, the things are important to resident. He also states that they on the dais may all be his bosses but he works for all the residents who live in El Portal. He leaves with no regrets. That is not possible with David Rosemond for him not to be able to communicate. Maybe this is brought by the desire to move in a different direction that this is fine with him. He has stayed at the Village very late doing whatever it has been necessary,

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including production time. This is a wonderful place and has a tremendous future, and I will do everything I can do to make its future a bright one. I also want to take the opportunity to say that we were granted the phase one, septic tank to sewer line this is something that I leave extremely proud with that accomplishment.

Hl. Councilperson Dreher stated that he gave Mr. Rosemond the opportunity to speak and he seems to want to move forward. We can't keep dragging this, we need to move forward. We appreciate service and the commitment.

Mayor Cubillos closes it for discussion and opens it up for the public comments:

Hm. Merlin Brooks 400 NE 90th Street – It is with great sadness to see what is going on in the Village, if the manager was not doing what you expected him to do communication of course he is one person he can't please you and please the other person. He is work under the committee. I think from what I have seen he has done a great job. I will hate to see him go, because as it is not many people want that job. We might think so but that is not the true we had someone before him and he didn't stay he didn't want the job. He foresaw what David didn't see, I want to ask to reconsider and do what we have to do. I appreciate what David has done with the sewage and septic tank. Treat everyone the way you want to be treated and let's move forward.

Hn. Janis Koch – 25 NE 90 Street – I am surprised, an evaluation of someone's work and it should always be done. This kind of took me as a surprise to hear that six months in and should have gotten the evaluation. When you said it was ironic that thing is that you are saying one of the low scores was communication, and everyone else is saying their communication is pretty good compare to David. His isn't as high as you guys had hope. I don't believe that to be true because I have to deal with David with projects and I have gotten responses from him. I am curious Harold what was the request was it that he never responded or it wasn't filled? Is it a code enforcement issue? Did the issue weigh as heavily as all the other things he was doing? Were those things. So it's done and no longer an issue. I am in disbelief the reasoning is communication. If it's something else then those are the things that should be discussed. Good luck to David, to the council and whatever happens that is the best for the Village.

Ho. Gigi Krop-130 NE 88th Street – I have reviewed the minutes from Saturday, July 15th as they have already been approved. I have find them very confusing I don't find what to be the problem. It states that there was a threat on the Mayors life. That's horrible, I don't see what that has to do with the Manager's position. Notwithstanding any of that. I was also privileged to review the manager's evaluation by each of the council members. One thing I have learned to do in my real-estate travels and the travels down the path of life, is to read between the lines and one thing that seems to me is that perhaps what's been stating as communication and miscommunication is council people making personal request of the Manager or asking for personal favors, that were not responded or fulfilled. Not because he fails to communicate, I have had communications with him. If you and the council can find a Manager another Village Manager that can be more effective and perform in higher level than the one that we have then I understand that decision.

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Hp. Wendy Francois- 25 NW 86 Street – I just wanted to state on the record similarly as other residents have stated. I recently moved to the Village and I have had great experiences with David we ran into some issues since we moved and David has helped us resolved them. I know there was also disorganization, like one department wasn't speaking to another department and issues like that he has had to resolve, and that helped us address some issues we were having. I am someone who has worked in municipal law as an attorney. I have found him to be very professional given that other city manager and city administrators that I have interacted with throughout the county. I hope that if there is any chance for reconsideration and his termination would be reconsidered. I also hope that this same strict scrutiny David is under all of the professional contract employees are reviewed the including the attorney and employees that we have that we would hold them high standard as well.

Hq. Adam Old- 140 NE 86 Street – I came in a little late maybe I miss something big, but I have been to council meetings on the past and I heard something in the air so I knew something was coming . Never really been explicitly stated and put out there except last Saturday evaluation review which was not a regularly scheduled meeting. If you read the Agenda it is very unclear what the purpose of that meeting was although it was very clear what was going to happen there. Just like this meeting that is not regularly scheduled and you are missing a council person. I feel this is a very important decision that should come to the Village at large. I had to post on next door hey everybody this is happening. The notice was not sufficient and that's a communication problem from the Council, I think every meeting I have been too I have brought up the same issues again and again. So I don't think you can entirely base the total reason on communication if not we all be fired.

Hr. Mayor Cubillos addressed Adam and explained about next door. Next door has been watered down unfortunately with a lot of Ads and a lot of stuff. It is really not the same next door we grew to love and appreciate. One of the things I did a couple of years ago or maybe less is collected all the email addresses from next door and gave it to the clerk. So whoever is on next door that has an email, are getting the email blast the clerk sends out that is one of the reasons I stopped posting it on next door because those people are getting the emails. If there is another avenue that you think we can better communicate please let us know. Right now the avenues we communicate are five marquees through the village, on the website and the home page we started about a year ago, and the email blast and the email blast is from the next door that are public and those who signs up on the website.

Hs. Adam Old- 140 NE 86 Street- I think if you are planning to fire the manager you need to say you're planning to fire the manager. The discussion is about the termination of the manager. Not the evaluation of the employee whatever, it is too serious.

Mayor Cubillos stated with all due respect I defend anyone else here I can defend Claudia, when we met July 15th initially to review evaluation I can't tell you I was possible going to terminate the manager that was not even on my mind. We were reviewing the evaluations even when I arrived August 5th that was not on my mind we were here reviewing the whole process for like three to four hours. I would never recommend to put on a public notice that we are going to fire someone that wasn't my intent.

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Ht. Adam Old- 140 NE 86 Street- Are terminating the manager without noticing the public properly.

Changing the title of the meeting. It shouldn't be a resident's job to do that it should be all of your jobs to do that.

Hu. Wendy Francois- 25 NW 86 Street- To follow up on Adams point the public notice that went out which I read. A&F recommendations Village Manger, so I thought you were going to go over recommendations of the Village Manager it wasn't until Adam told us that I realized that it was more substantive.

Councilman Mathis, Jr. stated everything happens at committee, so if the Administration Finance Committee has recommended something for the council therefore it was taken care of at committee, then it is up to the council for full approval. Did you tell them that Adam?

Hv. Michael Knowles 105 NE 86 Street- I have nothing to say about Mr. Rosemond but I do have something to say on two issues number one regarding the process by which we are informed in the village and the process which manager are selected. First of all that there was a process which emails have been collected and notices given to everyone whose emails have been collected, I can state to you with certainty that I have left my email on several log ins when I did attend village meetings which I have not come to in over a year and was also employed by the village and many know my email personally another source you can have is Facebook page. Those three facts being stated the only reason I knew the manager was under consideration was by someone who is employed by the village who shall I not disclose to anyone and do you know that David will be fired Thursday. The question what could we do better only suggest there is far too much chatter and not enough substance so many committee meetings what they are and what they discuss. Also this is not communication that says recommendation of A&F Committee meeting in reference to Village Manage I have no idea what it means you have the space to make it clear and complete. These hints are insufficient.

Clerk Jacobi states with all due respect your three minutes are up.

Mr. Knowles continues the last point is you need to find a better job in finding a Village Manager. We are very small community had there been any diligent study we would be in this predicament. That's all I have to say.

Note: Clerk Jacobi looked at the sign in sheet to add Mr. Knowles to the email blast and Mr. Knowles had not signed in.

Hw. Kevin Michael-25 NW 86th Street- I am a new resident and blessed to have moved to El Portal, I can only speak of my experiences with David Rosemond since we arrived here he has been extremely welcoming, very communicative with myself and my partner Wendy. Any issues with have had here with the Village, he has personally made sure that the staff has been responsive too us well. I find that communication as being the basis for your evaluation of him to go as far as consideration for his firing to be rather surprisingly. I understand as residents we don't always have the opportunity to have the inner working, the inner communication that takes place. I want you to take into consideration that it be properly noticed. Had it not been for Adam,

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I don't think that many of us in this room would even know this had been discussed today. It should be properly noticed to the public so we can opine as well.

Hx. Gigi Krop- 130 NE 88 Street – A better way of communication would have been a notice in postal mail to our addresses. I get many notices in my mail for many different subjects. All of the Village members should have been aware of the situation so maybe more villagers would be present. I respectfully request since we do not have a full table of council people before a vote is conducted whether to keep David or not all council should be present to vote. An opportunity be given to the residents to come and speak before firing the Village Manager. Suggest to table it until everyone is aware and all council people including the Vice Mayor could be present.

Hy. Barbara Fueschal-220 NE 86 Street – I hundred percent agree with my fellow resident communication wasn't very good. The real question is communication or not communication the effectiveness of a manager. Councilperson Roman was saying that the goals were not met. Communication is very important, I personally think it was sometimes very good and sometimes not so good. I wouldn't fire someone based on communication, what I would look at how effective he was not whether the backpacks were delivered. I am talking about the big project, nature trail and public works, the trees. The big project the sewer system I am very happy we got the grant I know that Councilperson Dreher & Village Manager worked on that. So that is what I would like to know because I we have a lot of big projects coming up we are a small village and in my opinion we are not staffed for this. It takes a lot of challenge to do it this would be my view on how to evaluate the manager. I am not saying that any of you are saying is wrong.

Hz. Darian Martin- 465 NW 89 Street – I like some of the members in the audience I am new resident of this city. It actually breaks my heart of what is happening tonight Mr. Rosemond is one of the reasons we decided to purchase our home in El Portal. I work for a city and my husband was a municipal attorney as well. I am an attorney and we know that part of a successful city is the administration and after speaking to Mr. Rosemond he made us feel this was a good move for us not only financially but quality of life as well. I have always had good communication with him, he was an important reason why we decided to move here and I want to put that on the record. Also working for a city I know how tough the job of a manager is, and I know a lot of the projects I was present at that strategic meeting you guys held they are projects that can't be feasibly be completed in a year. My caution to you guys is that sometimes frequent turnover in that position is not attractive that can handle the complexity of the job you are proposing to undertake in the near future. You need to think whether or not it is a good move strategically for moving the city into that next level you want to obtain. Secondly have we given the manager enough time to make the headway on some of the aggressive projects and number of projects? I think the evaluation is a great tool to let people know where they stand but it also an opportunity to put them on notice to see what they can do, so hopefully tonight what we are talking about its just and update of how we should move forward in the future and not parting ways with someone who definitely talented and who has made a name for himself in municipal government.

Mayor Cubillos closes good and welfare and opens it back to the council.

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Councilperson Roman – states that the other reasons that are residents that are here and have received great responses but there are some that she has seen and have come to her email that are not happy, and have not received responses and I have had to beg for a response myself. It is not only about the communication the intent of this meeting is not to go over every single detail I think we have reviewed that. It is a bigger picture I encourage all of you that are here to continue to be engaged to continue to come to meetings. I just got elected in November and I have to tell you what you see up here once you are on the dais it is completely different than being a resident. Keep an open mind, we have the best intend to do our job to do the best for the village and every decision is carefully thought that is one of the reason that I ran I wanted to make sure that the big decisions were carefully thought that is nothing personal. I ask you trust the decision that we are making.

Mayor Cubillos states that she walks away with this that no matter what age in your life you learn. I keep learning from a five year old to all the residents who are here today. Although this is a decision that doesn't come lightly the only thing we may have failed is in the wording. My question to the council tonight while most people this evening expressed communication we need to take a look how too forward with communications we can address that at a public affairs meeting. Tonight we came to make a collective decision, there was a meeting that was schedule that the Vice Mayor knew we had a budget workshop meeting tonight because we are in budget right now so tonight's meeting was no surprise we discussed last meeting we all had notice. We all agreed on a date that we all would have been available so we all should have been here tonight. The one thing as the lead communicator for the village I wouldn't want the residents to think we're doing something that we don't know about I will ask the council question number one does anyone want to make a decision to move forward or recommend that we reword H1. And reassigned meeting to Monday. We can repost and meeting again. I open to council because here we make a decision collectively with three or more votes.

Attorney Geller states that when the notice was done he was out of the country, had the minutes been available there would be no question. Note: the audio is very low to interpret what attorney Geller states. He goes on and states he doesn't think it is clear he isn't saying that isn't insufficient it is just not clear of what the purpose was. To differ action tonight and re notice to provide people clearly without question what the discussion is.

Re -notice it to state to consider the recommendation of the August 5th Special Administration & Finance Committee that the Village Manager be terminated, and possible action thereon.

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Motion: A motion to differ action of tonight meeting to reset and re notice for Monday, August 14th at 7pm **Action:** **Passed Moved by** Mayor Cubillos, **Seconded by** Councilperson Mathis, Jr.

Mayor Cubillos asked Clerk for a Roll Call:

Vote: (Summary: Yes=4, No = 0).

Councilperson Dreher Yes

Councilperson Roman Yes

Councilperson Mathis, Jr. Yes

Councilperson Nickerson Not present

Mayor Cubillos Yes

~~I. RESOLUTIONS / ORDINANCES:~~

~~J. REPORTS OF THE VILLAGE MANAGER, MAYOR & COMMITTEE CHAIRS:~~

~~K. UNFINISHED BUSINESS AND GENERAL ORDERS:~~

L. **NEW BUSINESS:**

L. Follow up based on H1.

L1a. Postponed until Monday, August 14th Special Council Meeting

M. **GOOD AND WELFARE:** None noted.

N. **ADJOURNMENT:** Councilperson Mathis, motioned that the Regular Village Council meeting for August 10, 2017 be adjourned. Councilperson Roman seconded the motion. The motion carried unanimously. The meeting was adjourned at 8:45pm.

In accordance with the American With Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting due to that disability should contact the Village Clerk's office at (305) 795-7880 no later than two (2) business days prior to such proceeding.