

City of Lauderdale

*City Commission Chambers at City Hall
5581 W. Oakland Park Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov*



Meeting Minutes - Draft

Monday, October 16, 2023

3:30 PM

City Commission Chambers

Special City Commission Meeting

LAUDERHILL CITY COMMISSION

Mayor Ken Thurston

Vice Mayor Sarai Martin

Commissioner Melissa P. Dunn

Commissioner Denise D. Grant

Commissioner Lawrence Martin

Desorae Giles-Smith, City Manager

Andrea M. Anderson, City Clerk

Angel Petti Rosenberg, City Attorney

I CALL TO ORDER

Mayor Thurston called to order the Special City Commission Meeting at 3:30 PM.

II ROLL CALL

Present: 5 - Commissioner Melissa P. Dunn, Commissioner Denise D. Grant, Commissioner Lawrence Martin, Vice Mayor Sarai Martin, and Mayor Ken Thurston

ALSO PRESENT:

Desorae Giles-Smith, City Manager
Angel Petti Rosenberg, City Attorney
Constance Stanley, Police Chief
Andrea M. Anderson, City Clerk

III THIS IS A LIMITED AGENDA MEETING. THE ONLY ITEM TO BE DISCUSSED WILL BE:

1. FORMAL COMPLAINTS REGARDING COMMISSIONER DENISE D. GRANT.

Mayor Thurston announced that the discussion would be opened to the public after staff's presentation and members of the City Commission spoke. No one attending the meeting virtually, such as via Zoom, or any other virtual means would be allowed to speak.

City Manager Giles-Smith explained the subject special meeting was called to provide formal notice of City employee complaints, advise the Commission on the process, and accept direction from the Commission on how to proceed. The City's outside labor counsel was present: Brett Schneider was in the Commission Chambers and Allison Smith was attending via Zoom. The attorneys would explain the process and provide guidance for the City Commission regarding any determination to be made.

Attorney Brett Schneider, part of the City's outside labor counsel team, explained the City of Lauderhill maintained a policy that prohibited workplace harassment, specifically, policy HR-4; the policy dictated that if a city employee believed he/she was being subjected to any form of inappropriate treatment or harassment, the employee had the ability to file a complaint with the Human Resources (HR) Department, and HR would determine what should be done. The present matter was a complaint that was being made against a city commissioner, so neither HR nor any other City staff had the authority to address the complaint, as employees reported to the Commission, not vice versa, so the complaint must be brought before the Commission and he was present to provide the Commission with advice on how to address the matter. Ultimately, the Commission had to take action to determine what to do. Based on his experience in such matters, generally speaking, the purposes of the subject meeting was not to determine whether or not the allegations against Commissioner Grant were true or false, or if they did nor did not happen, it was just to determine the process to get to the bottom of what took place. He noted,

in the event an investigation took place, once the investigation concluded, and findings were made, the findings would be discussed in a public Commission meeting and a determination made as to what should be done based on the findings. Mr. Schneider stated the Commission first needed to decide whether or not to authorize the hiring of an outside investigator to conduct an investigation into the allegations. This would be an entity with no relationship to any City staff, or member of the City Commission. The independent, outside investigator would take statements from complainants, anyone identified by the complainants as potential witnesses, Commissioner Grant, and anyone she identified as witnesses, after which the investigator would prepare a report, summarizing the findings. He said the Commission could choose to take no action, while accepting the complaints as they were, which could lead to exposing the Commission to allegations of a cover up to prevent facts from being disclosed. Commissioner Grant could support having an investigation to clear her name as to the complaints. In most instances, the locally elected body opted to hire an outside investigator, as mentioned above, and it was only after the Commission reviewed the resulting report from an investigation should public input be allowed in the matter. He urged the Commission and the public not to get into the substance of the complaint at the present meeting; that is, to adjudicate whether or not the allegations were true or false.

Commissioner L. Martin remarked that a Commission workshop was set to begin at 4:00 p.m., asking if this was a hard and fast time, as there appeared to be numerous members of the public present to speak, and he had no wish for anyone present to lose that chance.

City Attorney Rosenberg explained the plan was to start the Commission workshop at 4:00 p.m., and when the present discussion arrived at the comment portion, Mayor Thurston would ask how many present members from the public wished to speak; the larger the number of speakers, the less time would be allotted to each speaker.

Commissioner L. Martin wondered, as the purpose of the meeting was neither factfinding, nor a form of hearing, how members of the public wishing to speak would be guided as to their comments.

Mr. Schneider replied the Commission, generally, should not limit the substance of public comment. However, he would encourage everyone in attendance wishing to speak to reserve comments on the substance of the complaint, regardless of their support for Commissioner Grant or the complainant(s).

Commissioner Grant thought it important to read a statement into the record as follows, in light of the number of residents present in the Commission Chambers:

Dear City Commission members and meeting attendees:

I'm writing to address the recent accusation of employee harassment lodged against me by my commission aide, Stephanie Crooks. I will not utilize this moment to speak ill of, or to damage her character. Nevertheless, I want to take this opportunity to clarify my position, and to emphasize that I have never

intended to bring harm to anyone. My sole endeavor has always been to empower people, and to serve my community with no malice intentions towards anyone. Throughout my tenure as a commissioner, I have tirelessly strived to make a positive difference in the lives of those I represent. I have dedicated my life to serving others, and have consistently demonstrated my commitment to the betterment of our community. My record stands as a testament to my genuine care for the welfare, and advancement of our constituents. Regarding the specific allegations made by Stephanie Crooks, and supplementary statements by the Mayor Thurston's aide, I am both dismayed and perplexed; thus, struggle to rationalize the purpose. I have maintained a respectful, professional, and, at times, friendly relationship with Stephanie. Our interactions have extended beyond the workplace, as she has become a part of my family. She affectionately refers to my mother as "mommy", and my aunt, as "aunty", and has frequent my mother's home on numerous occasions, engaging in conversation that have included discussions about the positive treatment she has received from me, received gifts from extended families, and we have shared laughs, and personal conversations regarding life, and the journey thereof. During times when either of us were not well, we have extended gestures of kindness, and support to one another. I have purchased items to help her feel better, and she has returned the same gesture. It is important to note that I do not wish to use, again, this opportunity to speak ill of her, or attempt to refute any alleged incident. Instead, I want to emphasize that my intentions towards her has always been pure, and if there was any misunderstanding, or miscommunication, it now needs to be addressed. While I cannot fully comprehend the motivations for making these accusations, I choose to see the light in people, and maintain my dedication in serving my community with empathy and purpose. It is my sincerest hope that we can find a resolution to this situation that promotes understanding of unity, and continued progress for our community. I am most confident that thorough investigation of facts will reveal the truth, and will help to restore the harmony among all parties involved. Thank you for your attention and understanding. I remain committed to the betterment of our community, and will continue to serve with integrity and compassion. Furthermore, as I close, I would not be myself if I did not also include this. This is what has kept me throughout these days; Psalms 91: He that dwelleth in the secret place of the most High, shall abide under the shadow of the Almighty, and I would say of the Lord, he is, indeed, my refuge, and my fortress. My God: in him, will I always trust, and surely he shall deliver thee from the snare of the fowler, and from all of the noisome pestilence. He shall cover me with his feathers, and under his wings, I will trust, and he shall protect me with his shield and buckler. Thou shall not be afraid of the terror by nigh, nor the arrow that flieth by day, nor the pestilence that walketh in darkness, nor the destruction that wasteth at noonday. But a thousand shall fall at thy side, and ten thousand at thy right hand, and it shall not, it shall not, it shall not come nigh thee. Only with thy eyes shall thou behold and see the reward of those who are called the wicked. Because thou had made the Lord, which is my refuge, even the most High, thy habitation. There shall no evil befall thee, neither shall any plight come by thy dwelling, because he shall give his angels charge over thee, to keep thee in all of thy ways. They shall bear thee up with thy hands. And I won't finish it up, but I will just tell you that he shall call upon me, and the Lord says I will answer, and I will be with him in trouble, and I will deliver him, and I will honor him with long life, will I satisfy him, and show Denise my salvation.

Commissioner Dunn questioned if it was now, procedurally, the point at which the specific allegations could be stated for the record.

Mr. Schneider replied it was possible, but he restated his previous caution to avoid getting into the substance of the matter at the present meeting. Due process dictated that Commissioner Grant was innocent until otherwise proven, and that the City Commission would authorize an investigative process first.

Commissioner Dunn thought this was a good suggestion; however, it was important, at least for the matter of the public, to have a summary, without going into the details of the allegations.

Commissioner Grant voiced her agreement.

City Attorney Rosenberg mentioned there were three complaints.

Commissioner Grant stated she knew of only two complaints.

Mr. Schneider noted his summary would be based on his subjective reading of the information, as opposed to what was alleged; he would try to read the allegations in a way that satisfied Commissioner Dunn's request. He noted the following:

- There was an October 9, 2023, email from Stephanie Crooks to City Clerk Andrea Anderson summarizing her complaint; in summary, Ms. Crooks felt she was being harassed by Commissioner Grant over the last year, primarily including verbal abuse; for example, Commissioner Grant was said to have made statements along the lines of telling her that if she could not be loyal to Commissioner Grant, she should leave her position; that Commissioner Grant mentioned her choice of aide was Janet Young, and she only hired Ms. Crooks because she felt sorry for her, and that she required additional training; she claimed Commissioner Grant often yelled and screamed at her over the phone, and accused her of taping a conversation they once had; that Commissioner Grant would frequently call her early in the morning, late at night, weekends, holidays, repeatedly, with no respect for her personal time
- Another complaint came from Khya Cummings, Mayor Thurston's aide; Ms. Cummings complained of witnessing the treatment Ms. Crooks alleged she was subjected to by Commissioner Grant; though the treatment was not directed at Ms. Cummings, she felt such treatment was rising to the level of creating a hostile work environment for her as well; much of the dialog in Ms. Cummings' complaint detailed specific incidents she claimed to have witnessed involving Commissioner Grant and Ms. Crooks
- A third email was sent by Jessica Wilson that sought to substantiate the allegations of Ms. Crooks and Ms. Cummings.

Commissioner Grant interjected, stating she did not feel Ms. Wilson's email backed up Ms. Crooks' and Ms. Cummings' complaints, as Ms. Wilson claimed that Ms. Cummings came to her to advise her that Ms. Crooks was being abused.

Mr. Schneider stressed his reluctance to put words in any of the complainants' mouths. The Commission, again, had to decide by what process would the subject situation be addressed: either the Commission authorized an investigation to be conducted by an outside entity wholly unconnected with the City Commission, administration, and staff, so statements could be taken, and a report issued; or the Commission could choose to take no action, and risk the perception of a cover up by the Commission; Commissioner Grant could request the outside investigation.

Vice Mayor S. Martin thought staff already took some action with regard to the subject complaint, wondering if that was a temporary fix while awaiting the outcome of an investigation, or was it a permanent solution.

Mr. Schneider understood Ms. Crooks was moved to another City department, but he was unsure if the move was meant as a temporary or permanent solution. He added, from a legal basis to protect the City from any liability, assuming for a moment that a third party found there was inappropriate behavior that violated city policy and/or the law, moving the complainant to another department would not sufficiently remedy the allegations, as it would not insulate the City from liability if the allegation(s) proved true.

Commissioner L. Martin remarked Commissioner Grant's response indicated she wished her name to be cleared via an investigation. He noted, as a former federal employee who went through a number of Equal Employee Opportunity Commission (EEOC) investigations, etc., at the subject level, it was important not to leave any stone unturned, as the public perception could sink or drown the City Commission in the Lauderhill public's eyes. From the standpoint of the level that elected officials sat, if allegations were made against any member of the Commission, it was important for steps to be taken to clear their name. He noticed there were numerous staff members present in the Commission Chambers, and he had no wish for any of them to leave feeling that the Commission refused to act or investigate when a City employee made an allegation against a member of the Commission, creating the perception of a cover up. He asked how many staff members the City employed.

City Manager Giles-Smith replied about 700.

Commissioner L. Martin pointed out City employees were observing the subject proceedings, and as much as it was important to clear the air completely, anyone accused of something in any other forum would want their name cleared. It's not just Commissioner Grant's name on the line, but the entire City Commission, and an investigation was vital with not just the 700 employees looking on, but the 70,000 plus Lauderhill residents; the situation could worsen if the media picked up the matter. He supported approving the investigation to proceed, as detailed by Mr. Schneider.

City Attorney Rosenberg reiterated it would be an independent investigation.

Commissioner Grant believed in due process, and if the Commission felt it was important to proceed with an outside investigation, then this was what should be done. The community members present knew who she was, and they knew

that she was not an abuser of anyone, thus, she would adhere to the wishes of the Commission.

Mayor Thurston asked, if an outside investigation was approved, how long would the investigation take.

Mr. Schneider responded the length of the investigation would be tied to numerous factors, including the number of witnesses to be interviewed, scheduling interviews, etc.; it could take about four weeks, but it was too early to determine the exact scope of the investigation. Typically, an investigation began with the complainants, asking them to identify witnesses they felt could provide relevant information, and Commissioner Grant would be asked to identify witnesses she felt would disprove the allegations. He thought, once an investigator was selected, it was reasonable to expect it to take about four weeks from that point.

Commissioner Dunn wondered if it was appropriate for the Commission to put a time limit on the investigation, such as 90 days, so it did not continue into the new year.

Mr. Schneider believed it was appropriate to highly recommend or request that timeframe, but sometimes unforeseen things happened, such a witness was unavailable due to them being ill or away on vacation; thus, there were reasons beyond the control of the investigator that could lead the investigation to take longer. Placing a specific time limit would require the Commission to state what would transpire if the investigation exceeded the set time limit. He thought it more appropriate for the Commission to include language in their approval stating they wished the investigation and the findings to be presented before then end of 2023.

Commissioner Dunn suggested asking the investigator to update the Commission if unforeseen delays would cause the investigation to flow into the new year.

Mr. Schneider affirmed this was possible, but he stressed that once the investigation began, it was important to ensure that anything said in the investigation was not disclosed until the entire investigation was completed. It was vital that witnesses' testimony was not tainted by them hearing prior to their interview what others said.

City Attorney Rosenberg pointed out it was less than 90 days to the end of 2023.

Mr. Schneider mentioned the importance of wrapping up the investigation as soon as possible, so a goal could be set to have the report, and the presentation delivered to the Commission at the December 11, 2023, Commission meeting, accepting there was no guarantee this would be possible.

Mayor Thurston, in opening the discussion to the public, asked speakers to heed the City's legal counsel's reminder to limit comments to procedural

matters, and not comment as to the substance of the complaint. Based on the show of hands by those wishing to speak, the start time for the 4:00 p.m. Commission workshop might need to be pushed back.

City Attorney Rosenberg explained, typically, a meeting taking place before a commission meeting would have to be adjourned, so the commission meeting could begin, with a decision on whether or not to resume the first meeting after the commission meeting ended. However, as the 4:00 p.m. meeting was a workshop, it was the Commission's choice how they wished to proceed; for example, proceed with public input, possibly limiting the amount of time persons would be allowed to speak based on the number of people who wished to speak, as long as the dialog did not extend too much into the next meeting's time. She recommended speakers be given one minute based on the number of persons wishing to speak.

Mayor Thurston concurred, stating each speaker would be limited to one minute, so they could place on the record where they stood on the matter of discussion.

City Attorney Rosenberg reminded the public their comments should be limited to procedural matters only, as they would be given another opportunity to speak at a later public meeting to give more in depth commentary, if they wished. The matter before the Commission was whether or not to approve an outside investigation of the subject allegations.

Paulette Thomas, 7221 Sienna Ridge Lane, Lauderhill, stated she was Commissioner Grant's mother. She spoke in support of Commissioner Grant.

Lana Lindo, 7623 Southampton Terrace, #216, Tamarac, stated she knew Commissioner Grant and Ms. Crooks well.

Hudson Grant, 1 Richmond Park Avenue, Kingston 10, Jamaica, stated he was present to support Commissioner Grant, but he would make no statement for or against either party.

Toni Wong, 3828 Jonathans Way, Boynton Beach, spoke in support of Commissioner Grant.

Andrea Service, 16371 SW 19th Street, Pembroke Pines, spoke in support of Commissioner Grant.

Dr. Victoria King, 36 Franklin Avenue, Montclair, New Jersey, stated she was Commissioner Grant's god mother; she spoke in support of Commissioner Grant.

Senator Daphne Campbell, North Miami, spoke in support of Commissioner Grant.

Jackie Vernon-Thompson, 7050 NW 44th Street, Lauderhill, spoke in support of Commissioner Grant.

Cassandra Wright, 7980 NW 50th Street, Lauderhill, spoke in support of Commissioner Grant.

Kamala, Pembroke Pines, spoke in support of Commissioner Grant.

Charlene Stewart, 647 SW 96 Avenue, Pembroke Pines, spoke in support of Commissioner Grant.

Catherine Malcolm, 4261 NW 12th Street, Lauderhill, spoke in support of both Commissioner Grant and Ms. Crooks, and for all residents, and business owners in Lauderhill.

Mellonie Baker, 5445 NW 16th Street, Lauderhill, spoke in support of Commissioner Grant.

Barbara Nelson-Bennett, 3006 La Mirage Drive, Lauderhill, spoke in support of Commissioner Grant.

Winsome Roberts-Green, 10170 NW 3rd Street, Pembroke Pines, spoke in support of Commissioner Grant.

Maxine Spence, 7280 Sienna Ridge Drive, Lauderhill, spoke in support of Commissioner Grant.

Dr. Michael Forest, 6201 NW 19th Street, Sunrise, spoke in support of Commissioner Grant.

Felicity Swanson, 3601 NW 5th Place, Lauderhill, spoke in support of unity of all nationalities in the City among residents, businesses, and City employees.

Sam Wilkerson, 610 NW 38th Avenue, Lauderhill, supported the continuation of unity and good works in the City.

Debra Chestnut, 3560 NW 7th Street, Lauderhill, supported the due process of the outside investigation, as she knew and supported both Commissioner Grant and Ms. Crooks.

Varion Harris, 4811 NW 19th Street, Lauderhill, said, from a general employees' position, an investigation of the subject allegations was needed, regardless of the titles of either party.

Todd Marr, 16371 NW 19th Street, Pembroke Pines, spoke in support of Commissioner Grant.

Guy Menes, 4750 NW 19th Street, Lauderhill, spoke in support of Commissioner Grant.

Mayor Thurston received no further input from the public.

Commissioner L. Martin stressed his advocating for an outside investigation was not politically motivated; everyone was entitled to their opinion, noting no

member of the City Commission initiated the subject process, as the City Attorney would explain to attendees willing to listen. He heard several members of the public invoke his name in their comments, so he wished the City Attorney to clarify, for attendees and the Lauderhill public, the legal requirements the City had to abide by when such allegations were made by a city employee. The Commission was not HR, nor were elected officials involved in running the HR Department.

City Attorney Rosenberg explained Mr. Schneider would speak first, as he was more experienced in the HR component of such matters, adding that the subject complaint against Commissioner Grant was brought forth by a City employee, not a member of the City Commission.

Mr. Schneider reiterated, typically, when employees lodged a complaint against other employees, they went to HR; but when the complaint was made against an elected official, HR had no authority to investigate the matter, nor should it be HR, as this brought politics into the complaint process. The investigation had to be done by an outside entity with no connections to the elected officials, City administration, or employees in order to remove any appearance or perception of an agenda by any party involved in the findings of innocence or not. At the present time, the Commission was only being asked to approve the process by which the complaint should be handled, and if this was to be done properly, there would be a vote to approve an investigation by an outside entity to ensure all stakeholders were treated fairly. He said, in this way, all witnesses would be spoken to, actual findings would be recorded, and, at the end, the investigator would be required to state whether, in their view, the facts demonstrated a violation of any city policy. Once that finding came back to the Commission, there would be a public meeting held to have further discussion, at which the public, elected officials, and other employees would be given ample opportunity to give input prior to any final decision(s).

Commissioner Grant stated she was touched by the sentiments of support expressed by members of the public; service was never in vain, but when seeing this type of outreach, and outpouring of love, one realized one was in it for the right reasons, thanking all those who spoke. In terms of the procedure, she wished to ensure if the Commission decided to proceed with an investigation that it would be conducted by an independent person, as she experienced hardship in the City, and she understood the many biases felt in City administration, and if everyone were honest, they would feel the same. She stressed that it was imperative that, in terms of whomever was chosen, they should be chosen based on their having no connection to anyone in Lauderhill's city government; rather, the outside investigator should be selected by Mr. Schneider and his law firm. She felt it was important for her to state that no back deals, etc. should be made in selecting the investigator, as she endured a lot, hence the great outpouring of support from the public, as they, too, knew what she went through.

Vice Mayor S. Martin restated no member of the Commission placed the following item on a workshop agenda; he personally thought the meeting would be a waste of time, but now that he witnessed the turnout of those wishing to speak, he felt it was important to uncover any existing toxicity in the City. It was

important that if an individual falsely accused an elected official, they should be held accountable for their actions; and if a member of the Commission committed the acts of which they were accused, they should be held accountable. He urged everyone to respect the process, and he thanked everyone for their expressions of support for either or both parties involved, or for or against an investigation; now that the matter had become such a public matter, it was imperative for the Commission to approve an investigation by an outside entity to uncover any existing issues in order to settle the matter.

A motion was made by Commissioner Lawrence Martin, seconded by Commissioner Melissa P. Dunn, to instruct the City to proceed with an independent investigation with the goal of presenting a report of the final findings at the December 11, 2023, Commission meeting. The motion carried by the following vote:

Yes: 4 - Commissioner M. Dunn, Commissioner L. Martin, Vice Mayor S. Martin, and Mayor K. Thurston

No: 1 - Commissioner D. Grant

Abstain: 0

IV ADJOURNMENT - 4:42 PM