



City of Margate

Meeting Minutes

Regular City Commission Meeting

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

*Mayor Antonio V. Arserio
Vice Mayor Anthony N. Caggiano
Commissioners:
Tommy Ruzzano, Arlene R. Schwartz, Joanne Simone*

*City Manager Cale Curtis
Interim City Attorney Weiss Serota Helfman Cole & Bierman
City Clerk Joseph J. Kavanagh*

Wednesday, December 1, 2021

6:30 PM

Commission Chambers and Zoom.us
Webinar ID: 816 7671 9819

<https://us02web.zoom.us/j/81676719819>

CALL TO ORDER

ROLL CALL

Present: 5 - Commissioner Joanne Simone, Commissioner Arlene R. Schwartz, Commissioner Tommy Ruzzano, Vice Mayor Anthony N. Caggiano and Mayor Antonio V. Arserio

Mayor, Vice Mayor and City Commissioners attended in person.

City Manager Curtis attended in person.

Interim City Attorney Tolces attended in person.

City Clerk Kavanagh attended in person.

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

1) PRESENTATION(S)

- A. [ID 2021-484](#) SWEARING-IN FOR MAYOR ANTONIO V. ARSERIO AND VICE MAYOR ANTHONY N. CAGGIANO.
- B. [ID 2021-496](#) RECOGNITION OF KRYSTAL SCOTT, VPK TEACHER AND ASSISTANT DIRECTOR OF MICHELLE'S INTERNATIONAL LEARNING HOUSE

STUDENTS AND TEACHERS OF THE MONTH

- C. [ID 2021-479](#) ABUNDANT LIFE CHRISTIAN ACADEMY: JOEL GUERRA (Student); MARTA PALHANO (Teacher), (Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: DJOVANDA OLCIMA (Student); IRIS

ACEVEDO (Teacher), (Mrs. Shereen R. Reynolds, Principal and Dr. Latonya Cooper, Assistant Principal)

LIBERTY ELEMENTARY: AIDEN DELVA (Student); KIANA ROBERTS (Teacher), (Mr. Matthew Whaley, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: AIDAN BYRD (Student); ASHLEY SEIDEN (Teacher), (Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: KAI NARISAWA (Student); TANISHA MCLAMORE (Teacher), (Mrs. Sabine Phillips, Principal and/or Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: AIDEN EXANTUS (Student); JENNIFER MORTON (Teacher), (Dr. Adriana Guerra, Principal)

2) PUBLIC DISCUSSION

TRACY VAN WINKLE, 1020 SW 61ST AVENUE, congratulated the City Commission in their new positions. She thanked the City for the Broward County Fair's (BCF) Carnival which she enjoyed. She believed that City Manager Curtis sent somebody out for the trees on Southgate Boulevard and said that although the trees had been removed, there were still two big blocks there. She also spoke about Police activity on Southgate Boulevard. She said that she emailed City Manager Curtis and City Commissioner Simone last month about five faulty street lights on 441 and Southgate Boulevard. She requested Christmas lights on the palm trees at the beginning of Southgate Boulevard.

RICH ALIANIELLO, 7631 NW 23RD STREET, wished the City Commission good luck and thanked them.

MARILYN A. KNEELAND, 7955 NW 5TH CT, congratulated incoming Mayor Arserio and Vice Mayor Caggiano. She also thanked the outgoing team and expressed best wishes to everybody. She read a statement on behalf of the Keep Margate Green Committee pertaining to the Development Review Committee (DRC) and the Executive Golf Course.

HUMANE EDUCATOR AT ANIMAL RIGHTS FOUNDATION OF FLORIDA, JAMES WILDMAN, introduced himself and said that it was a non-profit organization with over 5,000 members which promoted compassion and empathy for animals. He read a statement of his concerns on the BCF's side show pertaining to monkeys being forced to ride on top of dogs at the Banana Derby and the general treatment and exploitation of their animals.

PRESIDENT, FOUNDER, VOLUNTEER FOR THE ANIMAL RIGHTS FOUNDATION OF FLORIDA NACI ALEXANDER, congratulated the City Commission. She read a statement pertaining to the cruelty of animals and referenced the BCF and Mr. Hendricks.

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (PETA), RACHEL MATHEWS, referenced receiving complaints pertaining to the treatment of animals at the BCF.

MARI MENNEL BELL, LAUDERDALE BY THE SEA, supported everything that they just heard and said about Mr. Hendricks.

MICHAEL A. SIRJUE, 6811 NW 4TH STREET, discussed a Parks project pertaining to a virtual reality program for a digital bench.

PRESIDENT OF THE ANIMAL DEFENSE COALITION PRESIDENT OF THE ALLIANCE FOR ANIMAL WELFARE, MICHELE LAZAROW, discussed the Banana Derby and treatment of animals at the BCF and requested if the City's Animal Control could check on their welfare.

3) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE apologized for her absence from the last City Commission meeting. She addressed problems at the BCF and read a statement into the record. She discussed the previous merit increase for City Clerk Kavanagh and referenced a salary comparison for City Clerks within Broward County. She noted from the Art Magazine, that Florida entities earned the 2021 American Association of Retired Persons (AARP) Community Challenge for Quick Action grants and congratulated the organizations that were recognized. She highlighted how to donate for Tony's Toy Room at the Police Department. She wished Jewish residents and visitors a very Happy Hanukkah.

COMMISSIONER SCHWARTZ wished her friends, family and those who celebrate, a Happy Hanukkah. She provided a detailed explanation as to why she put forward the increase of City Clerk Kavanagh's salary on the last City Commission Agenda. She highlighted the forthcoming events for the lighting ceremony for Margate Boulevard and the WinterFest. She wished incoming Mayor Arserio and Vice Mayor Caggiano good luck.

COMMISSIONER TOMMY RUZZANO wished Mayor Arserio a belated Happy Birthday. He congratulated incoming Mayor Arserio and Vice Mayor Caggiano. He thanked everyone who attended the BCF and referenced that he was an animal lover. He thanked neighboring cities, Coconut Creek, Coral Springs, Sunrise, Davie and the Broward Sheriff's Office (BSO) for helping with public safety at the BCF. He referred to those from the green t-shirt people and their meeting with the DRC. He discussed a potential City concealed weapon's class and having the residents vote for the Mayor in future elections. He said Happy Hanukkah.

VICE MAYOR CAGGIANO referenced the former Fire Chief's payout of \$50,000. He wished everybody a Merry Christmas and hoped that they all attend the City's WinterFest.

MAYOR ARSERIO referenced Keep Margate Green as one of his campaign manifestos and said that he was not against development. He appreciated the feedback on the BCF and said that the comments would not go unnoticed. He continued to discuss the BCF and clarified that the City did not approve the acts but just rented the property to the facilitator and said it was a learning experience. He highlighted the garage sale at Oriole Park, Christmas lighting ceremony on Margate Boulevard and wished everyone a Happy Hanukkah.

Meeting went into Recess.

Meeting Reconvened.

4) CITY MANAGER'S REPORT

CITY MANAGER, CALE CURTIS, congratulated Mayor Arserio and Vice Mayor Caggiano on their swearing in and said that he looked forward to working with all of the City Commission over the next year. He highlighted the Margate Boulevard Tree lighting event, the Holiday Decorating Contest for Margate's residents, Winter Cleanup and Garage Sale and the Tony's Toy Drive. He informed that the lights were being installed on Royal Palm Boulevard and Southgate Boulevard this week and that they would be following up with Public Works and Florida Power & Light Company (FPL) for the lighting issue on Southgate Boulevard and 441. He advised of a forthcoming intersection improvement project to Rock Island Road and Southgate Boulevard.

INTERIM CITY ATTORNEY, DAVID N. TOLCES, congratulated Mayor Arserio and Vice Mayor Caggiano on their swearing in and looked forward to working with all the City Commissioners. He wished everyone a very Happy Hanukkah.

CITY CLERK JOSEPH J. KAVANAGH echoed the sentiments of City Manager Curtis and Interim City Attorney Tolces by congratulating incoming Vice Mayor Caggiano and Mayor Arserio and said that he looked forward to working with the City Commissioners over the next year. He wished everyone a Happy Hanukkah.

5) CONSENT AGENDA

Items listed under Consent Agenda are viewed to be routine and the recommendation will be enacted by one motion in the form listed below. If discussion is desired by the Commission, the item(s) will be removed from the Consent Agenda and will be considered separately. Anyone wishing to comment on any item on the Consent Agenda should approach the podium now. Each speaker is limited to three (3) minutes.

No items on Consent Agenda.

6) RESOLUTION(S)

A. [ID 2021-487](#) PROVIDING FOR RETIREMENT PLAN CONTRIBUTIONS FOR CITY COMMISSIONERS INCLUDING CONTRIBUTIONS TO A SEPARATE RETIREMENT ACCOUNT; PROVIDING FOR BUDGET AMENDMENT; PROVIDING AN EFFECTIVE DATE.

A motion was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano, that this Resolution, should be approved.

MAYOR ARSERIO said this was not a new retirement fund or payout for the City Commission.

CITY MANAGER CALE CURTIS explained that if this Item passed, this Resolution would provide that all City Commissioners receive equal contributions for retirement purposes.

COMMISSIONER SIMONE explained that she never questioned the differences in pension or asked for it to be reviewed and was fully aware that her pension would have to be frozen for six months if she was elected.

The motion carried by the following vote:

Yes: 4 - Commissioner Schwartz, Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Arserio

No: 1 - Commissioner Simone

7) DISCUSSION AND POSSIBLE ACTION

A. ID 2021-488 DISCUSSION AND POSSIBLE ACTION: MERIT INCREASE FOR CITY MANAGER, CALE CURTIS

COMMISSIONER RUZZANO referred to the last City Commission meeting where City Clerk Kavanagh received an increase in pay and believed that Charter Officers should be treated the same. He explained that City Manager Curtis did a great job and said that he compared salaries in Broward County in terms of his position where he fell below the halfway point. He said that if they gave him a 10% increase, it would still not put him at 50% level to the rest of Broward County. He indicated he had no issue giving City Manager Curtis a 10% increase and moving forward, they should do yearly evaluations with their Charter Officers.

A motion was made by Commissioner Ruzzano, seconded by Mayor Arserio, that they make a 10% increase to City Manager Curtis' salary, should be discussed.

MAYOR ARSERIO agreed that City Manager Curtis worked very hard. He explained that the City Commission's job was a full time role and not part time as they reached out to their Chartered Officers 24/7. He said that they have discussed trying to be competitive in the work place, not just with other cities but with private sector jobs and that he would support voting yes for this motion.

COMMISSIONER SIMONE said that City Manager Curtis was in the middle/lower portion and explained her reasons why the pay increase was not warranted. She questioned the policy for pay raises of this sort and that this should have been discussed at the budget meetings. She continued to explain why she did not believe in merit pay.

COMMISSIONER SCHWARTZ explained that City Manager Curtis had been here two years and that the salary had gone up approximately \$27,000. She advised that she could not support a 10% increase and that they would need to have a conversation about the double pay raise which was not part of the Union and referenced a Step and Cost of Living Allowance (COLA) increase.

Discussion ensued.

VICE MAYOR CAGGIANO compared merit pay to those in the private sector and made reference about retaining talent and having a smooth future.

Discussion ensued.

A motion was made by Commissioner Schwartz, seconded by Commissioner Simone, to amend the merit increase amount to 5%.

MR. ALIANIELLO referred back to a previous City Commission meeting when Cale Curtis was being selected for City Manager.

Discussion ensued.

ELSA J. SANCHEZ, 6930 NW 15TH STREET, agreed with Commissioners Schwartz and Simone. She commended City Manager Curtis for the work he did for Margate. She questioned whether the merit increase was already in the budget and whether they were going to implement this to all staff. She outlined the issues with the Fire crew, the Union and that they have less firehouses and said that many of those matters were not in the budget.

INTERIM CITY ATTORNEY TOLCES explained the two motions on the table.

Discussion ensued on the Step plan and the motion.

JULI VAN DER MEULEN, 2913 NW 68 LN. commented on the City's pay raise system.

MR. SIRJUE discussed working in the private sector and in the military.

The motion as amended failed as follows:

Yes: 1 - Commissioner Schwartz

No: 4 - Commissioner Simone, Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Arserio

The original motion carried by the following vote:

Yes: 3 - Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Arserio

No: 2 - Commissioner Simone and Commissioner Schwartz

B. ID 2021-494 DISCUSSION AND POSSIBLE ACTION: POLICE CHIEF STATUS.

INTERIM CITY ATTORNEY TOLCES introduced this item and said that due to the confidential nature of the investigation, the City could not provide any facts other than Sergeant Kostick was continuing to conduct the investigation and suggested that it should be completed in the next month or two.

A motion was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano for discussion, to terminate the employment of Chief of Police, Jon Shaw employment.

COMMISSIONER RUZZANO questioned if they could do this.

INTERIM CITY ATTORNEY TOLCES confirmed that they could.

Discussion ensued on the length of the investigation.

COMMISSIONER SCHWARTZ read a statement on this Item.

Discussion ensued.

MAYOR ARSERIO discussed this Item and addressed public safety.

MR. ALIANIELLO agreed with the City Commission and believed that they should move forward.

MR. SIRJUE questioned what Chief of Police Shaw had been accused of.

INTERIM CITY ATTORNEY TOLCES advised that this was the time period for public comment and not questions and answers.

MAYOR ARSERIO stated that this was not any type of settlement and that it was strictly a termination based on the contract of a Charter Officer.

The motion carried as follows:

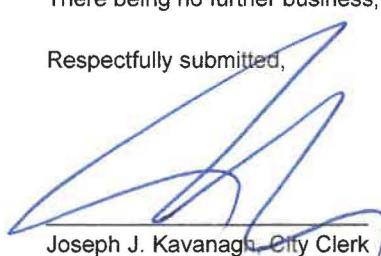
Yes: 4 - Commissioner Schwartz, Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Arserio

No: 1 - Commissioner Simone

ADJOURNMENT

There being no further business, the meeting adjourned at 9:12.

Respectfully submitted,



Joseph J. Kavanagh, City Clerk

Transcribed by Salene E. Edwards

Date: 1/27/2022

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose 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. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.

One or more members of the City of Margate advisory boards may be in attendance and may participate at the meeting.

The City of Margate will be holding this meeting through the use of electronic communication. Members of the public are invited to join the City of Margate meeting by accessing the meeting through Zoom using Webinar ID: 816 7671 9819 or can call in via telephone by calling one of the following phone numbers: US: +1 312 626 6799 or +1 929 205 6099.

- A copy of the Agenda for this Meeting is posted on www.MargateFL.com and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.
- Any comments related to any item on the agenda can be submitted to the City of Margate via the following e-mail address: JJKAVANAGH@margatefl.com.

THROUGH THE CITY'S WEBSITE:

Go to www.margatefl.com

Go to "Agendas & Minutes" > Find the respective meeting date and click "Agenda Summary" to view the agenda items and see the Zoom meeting website address

PRIOR to the start of the meeting, email Public Comments to JJKAVANAGH@margatefl.com (all public comments that are three (3) minutes or less will be read into the record.)

ALTERNATE OPTION FOR VIEWING AND PARTICIPATING IN THE MEETING:**THROUGH ZOOM TECHNOLOGY:**

Instructions for Attendees\Participants:

Topic: "Margate Regular City Commission Meeting "

Enter the following link to join the webinar: <https://us02web.zoom.us/j/81676719819>

Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099

Webinar ID: 816 7671 9819

To virtually raise hand and be acknowledged to speak:

1. Users who call in can dial *9 to raise their hand and dial *6 to toggle mute/unmute
2. If going through mobile (phone\tablet) app, to raise hand select "Participants", then see option to raise hand.
3. On the computer users should click "Participants" then see option to raise hand
4. Once you have been selected to speak, you will be prompted to unmute your device or stay muted.