



City of Margate

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

Meeting Minutes Special City Commission Meeting

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

City Manager Cale Curtis
City Attorney Weiss Serota Helfman Cole & Bierman
City Clerk Jennifer M. Johnson

Tuesday, December 26, 2023

10:00 AM

Commission Chambers and Zoom.us

Webinar ID: 875 7359 1160

<https://us02web.zoom.us/j/87573591160>

CALL TO ORDER

ROLL CALL

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

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

1) DISCUSSION AND POSSIBLE ACTION - Investigation of Employee

Complaint

CITY MANAGER, CALE CURTIS, explained that this meeting was being scheduled at short notice due to a formal complaint being received in his office on December 13th, which pertained to inappropriate text messages between a couple of members of the Margate Police Department. He said that due to the nature of that position involved and the City Charter, this Item was being brought forward to the City Commission for discussion and possible action. He advised that he had spoken to the City Commission respectively, shared information about the complaint and offered his advice on how it should proceed.

MAYOR TOMMY RUZZANO questioned if it had to be investigated as it was a Police matter and also referenced that the City Commission hired, fired and suspend.

CITY ATTORNEY DAVID N. TOLCES said that in light of the nature of the complaint, he recommended that the City Commission authorize the investigation.

Discussion ensued.

VICE MAYOR ARLENE R. SCHWARTZ questioned whether the investigation was being conducted internally, externally or a combination of both.

CITY ATTORNEY TOLCES explained the options and said that the City was seeking

direction from the City Commission in this respect but his recommendation was to hire an external third party to conduct the investigation.

CITY MANAGER CURTIS concurred with City Attorney Tolces that a third party should investigate and also confirmed that Margate's Internal Affairs (MIA) recommended the same.

COMMISSIONER JOANNE SIMONE recommended a third party/outside Counsel.

COMMISSIONER ANTHONY N. CAGGIANO concurred with Commissioner Simone's comments.

COMMISSIONER ANTONIO V. ARSERIO agreed with the third party option to bring an unbiased opinion and information.

CITY ATTORNEY TOLCES indicated that the budget for a third party investigation should be within the City's authority or failing that, they would revert to the City Commission.

MAYOR RUZZANO questioned that if other names were mentioned, would they be handled as well.

CITY MANAGER CURTIS explained that any policy violations that were discovered during this investigation would be brought to light which he would report back to the City Commission. He believed that anything associated with the Chief would be conducted by the third party and any other personnel would be referred over to MIA and he would consult with them on how they would proceed.

VICE MAYOR SCHWARTZ mentioned that there could be more complaints about those being investigated and questioned whether it would become part of this.

CITY MANAGER CURTIS responded to Vice Mayor Schwartz and said that they would have to wait and see but he would keep the City Commission apprised along the way.

COMMISSIONER ARSERIO requested consistency and recommended that the City should work with the third party for all aspects of this to avoid discrepancies.

A motion was made by Commissioner Caggiano, seconded by Commissioner Simone, to authorize the investigation utilizing a third party. This carried as follows:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Arserio, Vice Mayor Schwartz and Mayor Ruzzano

CITY ATTORNEY TOLCES explained that under Florida law, they were required to ask at a public meeting for a shade session when one was necessary and in this respect, it would be for the pending litigation for Jonathan Shaw vs. City of Margate which would be scheduled in the upcoming weeks. He advised that pertaining to the introduction of Form 6, attorneys from his firm were looking to file litigation on behalf of cities and individuals but informed that nothing would happen by year end but he should have something next January.

MAYOR RUZZANO hoped everyone had a good Christmas and relayed New Year greetings.

COMMISSIONER SIMONE requested that when Margate representatives go to Tallahassee, that they discuss Form 6 and put it on their legislative action. She believed that to introduce this new procedure in the middle of a City Commission's term was disingenuous.

VICE MAYOR SCHWARTZ referenced that she belonged to the Municipal Administration Committee which took up the issue on Form 6 and explained that they did not deem it as important.

COMMISSIONER ARSERIO said that he was all for transparency but voiced his concerns that it could be an identity theft hazard waiting to happen.

COMMISSIONER CAGGIANO understood that some City Commissioners across the state had resigned from their post due to the new regulations on completing Form 6.

Discussion ensued.

COMMISSIONER SIMONE questioned whether there would be agreement to oppose this.

MAYOR RUZZANO suggested that the City could also do a Resolution at the next City Commission meeting.

CITY MANAGER CURTIS recommended making a motion to amend their 2023 legislative priorities to include opposition to Form 6 legislation.

A motion was made by Commissioner Simone, seconded by Commissioner Arserio, to amend the City's 2023 legislative actions to include opposition to Form 6.

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Arserio, Vice Mayor Schwartz and Mayor Ruzzano

COMMISSIONER SIMONE wished everybody a Happy New Year and the best that life had to offer.

COMMISSIONER ARSERIO wished everybody a Happy New Year and he hoped everybody had a Merry Christmas. He also said Happy Hanukah and believed that today was the start of Kwanzaa.

VICE MAYOR SCHWARTZ concurred with the previous sentiments made and wished Commissioner Caggiano's mother a speedy recovery.

MAYOR RUZZANO wished everybody a Happy New Year.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:13am.

Respectfully submitted,

Transcribed by Salene E. Edwards

Jennifer M. Johnson, City Clerk

Date: _____

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.

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