



City of Margate

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Meeting Minutes

Special City Commission Meeting

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Commissioners:
Anthony N. Caggiano, Lesa Peerman, Joanne Simone

City Manager Douglas E. Smith
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

Thursday, January 12, 2017

5:30 PM

Commission Chambers

CALL TO ORDER

Present: 4 - Commissioner Anthony N. Caggiano, Commissioner Lesa Peerman, Vice Mayor Arlene R. Schwartz and Mayor Tommy Ruzzano
Absent: 1 - Commissioner Joanne Simone

In Attendance:

City Manager Douglas E. Smith
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

1) DISCUSSION AND POSSIBLE ACTION

A. [ID 2017-012](#) CITY MANAGER POSITION

CITY CLERK JOSEPH J. KAVANAGH read into the record a correspondence received by Commissioner Simone as follows:

"I am sorry I could not be in attendance at this Special meeting to discuss the City Manager position, as I had a prior commitment that could not be rescheduled on one day's notice. It is deeply concerning to me that the decision was made to have this meeting without the full representation to participate and be a part of this important process. This meeting could have been made at a time and date where all Commissioners could attend. I fully support and request that any decisions regarding this topic are tabled until next Tuesday at the earliest. Thank you."

CITY ATTORNEY DOUGLAS R. GONZALES said that he would let the Commission decide whether they wanted to consider that correspondence an official Motion to Table. He stated that if it was considered a Motion to Table there should be no discussion, and if there was a second there should be a roll call.

COMMISSIONER SCHWARTZ said she heard, if some decision was made that it be tabled. She asked whether something had to be discussed before tabling it.

CITY ATTORNEY GONZALES asked that that portion of the correspondence be read again.

CITY CLERK KAVANAGH read, "I fully support and request that any decisions regarding this topic are tabled until next Tuesday at the earliest."

COMMISSIONER SCHWARTZ said that the Commission could have a conversation.

MAYOR RUZZANO noted that yesterday a resignation letter was received from City Manager Douglas E. Smith. He said that the letter indicated he would be leaving in 60 days per the contract. He stated that Mr. Smith would be missed but he wished him the best.

CITY MANAGER DOUGLAS E. SMITH stated that it was great to have the opportunity to work with so many great people. He thanked the City Commissioners for the opportunity to serve as the City Manager. He thanked his Department Heads and Staff for the work they did together while supporting him. He added that he received a great opportunity to move on and would be doing so.

MAYOR RUZZANO said that he tried to arrange the meeting for all five Commissioners to be present, but he felt that this meeting needed to be taken care of. He stated that the City should not stall and should keep moving and did not want to worry for the next two months about what was going on. He noted that the search for a new City Attorney took some time because there were 75 applications received, which had to be narrowed down to 10. He asked whether there might be someone within the City that the Commission might like to hire from within.

COMMISSIONER CAGGIANO said that he was a huge fan of hiring from within to give those lower in the ranks the opportunity for a better path.

COMMISSIONER PEERMAN suggested that if hiring from within, it be with a six month clause stating that if the individual did not like the job, they could go back to their old job. She added that if the Commission did not like them as City Manager, they could also go back to their old job, so as not to lose a good employee. She noted that it was different in other departments than it was in the City Manager's office; therefore, a six month trial period was recommended. She stated that the Commission could evaluate the individual after six months to determine whether the individual wanted to stay or go back to the department. She said that would also be fair to the Commission.

VICE MAYOR SCHWARTZ spoke about prior City Managers taking the position and she thought having a search might be better than using someone within. She questioned the Commission was considering appointing someone permanent or as Interim City Manager so the Commission could decide whether or not they would have a search for someone outside. She stated it was not always the best thing to do to hire from within. She asked that before considering making this a permanent appointment, it should be an Interim appointment to see if it was a good fit.

COMMISSIONER PEERMAN agreed with using the word Interim or Acting, and then after six months, a decision could be made.

COMMISSIONER CAGGIANO agreed that after six months both parties could make a decision about the individual staying.

VICE MAYOR SCHWARTZ said that whoever was in the Interim position would let you know if they did not want to stay. She added that whoever became Interim, there should be no hard feelings, but what was good for the City of Margate.

CITY ATTORNEY GONZALES read a Charter provision Section 4.05, that might apply as follows:

"The City Manager may be removed or discharged by resolution of a 3/5 vote of the City Commission at any time. In such resolution, the Commission shall designate an Acting City Manager to serve in the place of the removed City Manager."

CITY ATTORNEY GONZALES believed that the intent of this Section was to have a different meaning to the two words, removed and discharged. He said that the word discharged meant that if the City Manager gave a 60 day notice to March 12th pursuant to his contract, but the Commission cut that term to less than 60 days, a 3/5 vote of the Commission was required. He stated that there were not five members present today.

VICE MAYOR SCHWARTZ said that she assumed that the Mayor was looking to have someone work alongside the City Manager.

CITY ATTORNEY GONZALES clarified that if there was going to be a decision for the Motion to Table, a 3/5 vote was required. He said that he thought tonight's meeting was to discuss what to do in terms of whether it be a nationwide search versus in-house, temporary or toward permanency. He just wanted to clarify that in the event there was an expectation there would be a vote tonight regarding a starting time less than 60 days, Section 4.05 must be considered.

MAYOR RUZZANO asked whether appointing an Interim would apply.

CITY ATTORNEY GONZALES said that it would apply because it would be discharging and cutting short the term of the City Manager.

COMMISSIONER CAGGIANO mentioned being discharged from the military and he felt that it meant there term had ended and it was time for them to go, but not that they were fired or let loose early.

CITY ATTORNEY GONZALES agreed that being fired or removed early was considered under the word removed; however, discharged meant somebody gave their notice with a specific ending term but the City discharged before that. He said that the City Manager would still be paid but would be discharged.

MAYOR RUZZANO asked whether the 3/5 was not 60 percent.

CITY ATTORNEY GONZALES stated that he interpreted 3/5 as there must be five members voting and not a majority.

VICE MAYOR SCHWARTZ did not understand why this conversation was taking place, because nobody was saying the City Manager was to leave early.

CITY ATTORNEY GONZALES believed that when Commissioner Peerman suggested giving someone six months, her intent was to do that sooner and not at the end of 60 days.

COMMISSIONER PEERMAN clarified that she did not want to pick a time or date. She said that she was okay if someone wanted to mention a name to see if there was a majority in favor of that name. However, she respectfully asked that if talking about when that person would start, it should be done on Wednesday when there was a full

Commission. She stated that the City Manager would also have to agree to any term change.

CITY ATTORNEY GONZALES clarified that the provision of the term was not part of tonight's discussion; however, he wanted everyone to be aware of it.

COMMISSIONER PEERMAN reiterated that any actual voting be done on Wednesday.

MAYOR RUZZANO agreed, but felt that if the name was mentioned and the person was present, the Commission could speak to the individual to see if that person wanted to be the City Manager. He stated that he wanted to mention a name.

VICE MAYOR SCHWARTZ suggested not bringing up a name because Commissioner Simone asked to have it tabled.

COMMISSIONER PEERMAN said that no decision was being made tonight.

MAYOR RUZZANO clarified that Commissioner Simone asked that any decisions be tabled, but mentioning the name and interviewing the individual was not making a decision. He said that the reason for this meeting was because he did not want to drag this out. He said that if all agreed that they did not want to go outside, but had someone in the room they wanted to be City Manager, the individual could be asked questions pertaining to the position.

VICE MAYOR SCHWARTZ said that if the decision had to wait until Wednesday, the bringing up of the individual's name and interviewing them now could wait as well.

COMMISSIONER CAGGIANO noted that the Commission still had to vote on whether or not to table. He suggested voting on the tabling so that the meeting could move on.

COMMISSIONER PEERMAN did not think it was necessary to table it yet; however, she was in agreement to defer any official vote by the Commission until Wednesday. She agreed with discussing an individual, providing no decision was made. She stated that after giving a name, a discussion of the time period would happen again.

VICE MAYOR SCHWARTZ asked whether the position was going to be opened up for any City employee to apply.

MAYOR RUZZANO said no and suggested Public Works Director Sam May. He stated that Director May had been a Margate resident over 20 years and knew a lot about the City. He said that Director May was a great leader and was respected by everybody. He felt that it would be a disservice to the City not to hire Director May. He felt that Director May was a huge asset and the best candidate for the position.

VICE MAYOR SCHWARTZ still felt that the vote would have to wait until Wednesday; therefore, this could have waited.

COMMISSIONER PEERMAN agreed that the meeting tonight did not need to happen tonight, because there was plenty of time to do it next week; however, she agreed with having the discussion tonight about making Director May the Interim City Manager.

MAYOR RUZZANO said that the Commission could not make the decision tonight.

COMMISSIONER PEERMAN clarified that the Commission could make the decision;

however, they could not make the decision as to when the City Manager was leaving.

COMMISSIONER CAGGIANO said that the Commission was not discussing when the City Manager was leaving, but who was going to replace him.

MAYOR RUZZANO asked whether Director May had any interest in the job.

PUBLIC WORKS DIRECTOR SAM MAY said that he did have an interest in the job; however, he noted that it would be with a very heavy heart that he would leave Public Works. He stated that Public Works held a dear place in his heart.

VICE MAYOR SCHWARTZ suggested he do both jobs.

DIRECTOR MAY said that he could not do both jobs effectively. He stated that though it was a difficult decision, he would accept the position.

VICE MAYOR SCHWARTZ asked whether he knew the full scope of the job.

DIRECTOR MAY said yes. He explained that it was to oversee the administration and implementation of the Budget. He added that the job was to oversee the daily operations and services of the City, to enact legislation and to advise the Commission on policies and procedures. He knew there was a lot more involved as well.

VICE MAYOR SCHWARTZ asked whether he had problems directing or having a heavy hand with those employees who used to be his colleagues.

DIRECTOR MAY explained that he had that type of situation happen to him as he moved his way up through the City. He noted that he started in Engineering and became the Superintendent. He said that as the Superintendent he became the person responsible for handing out discipline. He explained that the same people he was working with became the people he had to give discipline to. He noted that it was more advice than discipline. He stated that he had no problem doing that, but it was probably one of the hardest things he had to do going into management. He noted that he was better at fixing things and making things work, and that he liked doing that. He agreed that dealing with personnel issues was a difficult task; however, it was nothing he did not do or he shied away from.

MAYOR RUZZANO asked how long Director May was in the City and how much more time he could be invested in the City.

DIRECTOR MAY said that he was with the City a little over 28 years and planned to work about 7 more years.

MAYOR RUZZANO said that the average City Manager was 4.2 years.

DIRECTOR MAY said it was 3 to 5 years.

MAYOR RUZZANO said that the next 5 years were going to be the biggest 5 years Margate had in a while because of all that was going on. He felt that because Director May was a long-time resident and employee he could be part of the legacy if he wanted it.

DIRECTOR MAY noted that he was part of Margate for a long time being a Little League Coach, Cub Master for Cub Scout Pack 836, Kiwanis Club President and a lot of other things. He felt that he would fit the role well and knew a lot of residents in the City as

well.

MAYOR RUZZANO agreed that Director May would fit the role well and felt that he was considering accepting the position due to his passion for the City.

COMMISSIONER CAGGIANO said that Director May's comments encapsulated everything when he said he fixed things and made things work. He stated that the Commission wanted an individual who would make sure things were fixed when broken. He added that the Commission also wanted someone who wanted to make the City work. He stated that Director May was being asked to expand his scope.

DIRECTOR MAY noted that there were many Department Heads in the City who were great people with so much experience. He stated that the Staff was tremendous and he loved working with everybody here and that the level of expertise was second to none.

COMMISSIONER PEERMAN said she had not doubt Director May would do his 100 percent best. She stated that she knew she could call Director May prior to becoming a Commissioner. She said that after six months, Director May could let the Commission know how he felt about the position.

DIRECTOR MAY said that he did like the time cushion.

VICE MAYOR SCHWARTZ stated that she knew Director May since 1991 and asked whether he ever had a problem with her as a City Commissioner.

DIRECTOR MAY said that he did not have a prior problem with Vice Mayor Schwartz as a Commissioner or a resident.

VICE MAYOR SCHWARTZ stated that the comments she made before had nothing to do with Director May, but she only felt that it could wait until Wednesday. She said that he was always a pleasure to work with and she never had a problem with a City Manager or a Department Head.

CITY ATTORNEY GONZALES said that he sat in an Interim position a couple of times and he would be happy to share whatever limited knowledge he had with Director May or whoever else was in that position. He noted that Director May would not be alone.

COMMISSIONER PEERMAN agreed that in Margate, no matter who was in whatever office, you were never alone and everybody jumped in and tried to help the new guy. She said that she went through four City Managers since 2011, and she noted that she always asked the same question about whether or not the candidate liked to argue.

VICE MAYOR SCHWARTZ said that was not the image she wanted the public to see about this City.

COMMISSIONER CAGGIANO asked how much time Director May thought he would need to get Public Works in shape and take on the City Manager position, and how long to train.

DIRECTOR MAY said that he learned new things every day and trained for 28 years.

MAYOR RUZZANO asked whether Director May had someone who could take over his position.

DIRECTOR MAY said that he would name Nick Cucunato as the Acting Public Works Director.

VICE MAYOR SCHWARTZ felt that the City Manager needed to remain with the City for 60 days so he could assist with the training.

MAYOR RUZZANO said that there would be two City Managers for the next 60 days.

VICE MAYOR SCHWARTZ agreed that the Interim City Manager would be shadowing the existing City Manager for the 60 days that the existing City Manager was being paid for.

MITCH PELLECCIA, 6890 NW 9th Street, said that Margate was a tough City to work in and he wished the City Manager and his family the best. He stated that as long as there was a quorum, the Commission could do whatever they wanted. He felt that this was a serious discussion. He noted that Sam May was his neighbor who was a fine man and a fine gentlemen. He asked that the Commission make the best decision about the person they felt best suited the City of Margate. He added that the Commission should hire someone who knows the people and wanted to take stock in the community.

MAYOR RUZZANO noted that he only wanted to have this discussion tonight and would not have made a decision without Commissioner Simone being present.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:23 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo

Joseph J. Kavanagh, City Clerk

Date: _____