



City of Margate

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Meeting Minutes City Commission Workshop

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

City Manager Samuel A. May
Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.
City Clerk Joseph J. Kavanagh

Tuesday, June 26, 2018

8:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Samuel A. May
City Clerk Joseph J. Kavanagh

1) PRESENTATION(S)

A. [ID 2018-316](#) CITY ATTORNEY INTERVIEWS.

S. RENÉE NARLOCH & ASSOCIATES, RENÉE NARLOCH introduced the Workshop and laid out the ground rules for the evening. She said that they were doing group interviews with two candidates, with Carrie Sarver scheduled for 8:00pm and Quentin Morgan at 9:00pm. She also explained that they would continue to recruit candidates. She said that the Mayor was appointed to ask the interview questions. She advised that she had not yet done background or reference checks on the candidates.

COMMISSIONER TOMMY RUZZANO asked if they could ask questions about the contract.

MS. NARLOCH explained that both candidates were agreeable to a one year contract and eight weeks severance.

CARRIE SARVER thanked the Commission for selecting her and said that this had been her dream since she was five years old. She outlined her interests and hobbies and said that they would need to be comfortable and trust her. She explained that she started out in private practice in the largest minority owned private law firm. She said that she was offered a job in the City of Fort Lauderdale doing insurance defense and took a pay cut which was the best decision she ever made. She said initially, she did not want to practice in government law but she graduated in Law School and did not know anything about the practice of law. She said that she learned over the past twelve years that government lawyers were the unsung heroes and that you had to be good and know a little bit about everything. She said that it was very hard as you have to have multiple bosses but she loves what she does and works very hard. She said that she worked at Fort Lauderdale for eight years and was charged with working the largest department

being Public Works. She said that she had the pleasure of knowing the current City Manager from overseeing Public Works. She said that it was a beautiful thing when the City Attorney and City Manager can work well together. She explained that there would be a mutual respect between the City Attorney, the City Manager and the Commission when you do not take politics into play. She spoke highly of Margate's City Manager's knowledge and experience. She said that after working eight years at Fort Lauderdale, she created an in-house legal office in central Florida for a local government where she worked approximately for two years. She said thereafter, she was brought back to the City of Pompano Beach. She explained that the plan was to take over as City Attorney but she had to end up leaving that position due to a health issue. She said that was the reason why there was a gap in her resume. She said that she was board certified in local government, she has the experience, the job excites her and she wants it. She said she learned from the previous City Attorney as she had done a lot of research and watched many of the City's meetings. She explained that while she was not afraid to say no, she wants to make sure that there was also a mutual respect and that she had worked incredibly hard for her reputation which she takes seriously. She advised that she has a great relationship with all the other City Attorneys and City Managers and that they would be taking a leap of faith on her which has to happen both ways. She said that her management and leadership style was inclusive and that she has an open door policy. She indicated that she encourages staff to come in sooner rather than later and that an in-house style was preventative and that she tries to solve problems before they occur. She explained that at the City of Pompano Beach, she was the Attorney for the Zoning Board of Appeals and Planning & Zoning Board. She said that she attended four meetings per month at night and worked 15 hour days on the day of the meetings. She explained that she also attended the City Commission meetings with her City Attorney where she would provide him answers to questions by text and that they worked in teams. She said that no one in the office had to be at the meetings but she enjoyed being there. She advised that she was the Attorney who practiced in Land Use at all the Zoning Board of Appeals meetings and that they were all the big development deals which were the meat and potatoes at the City Commission meetings. She advised that she was the City Attorney's back bone. She said that with Code Enforcement, she advised that she had an appeal in the United State Supreme Court as there was a Code Board case that she handled the writ for a fire alarm case at CoFL. She said that she created the in-house legal office for a public utility which was Toho Water Authority. She said that with another work colleague, she created Fort Lauderdale's Waterworks 2011 and put them from septic to sewer. She said that during her eight years, they did approximately \$611,000,000 worth of contracts. She said that at Fort Lauderdale, she was the backup attorney for the Community Redevelopment Agency (CRA) covering two districts. Pertaining to the Sunshine and Open Records Law, she explained that when she was at the CoFL, she created two handbooks and did training for both of her Boards. She advised that the City should provide an annual training on Sunshine Law and Public Records and that they should have the forms that they need to file every year and the voting conflicts and the gift laws. She said that once per year, she provided training to all of the boards and committees and that it was a guide for the Advisory board members and committees. She provided the Commission with an example of her work product through the training manual. She advised that although she had experience, she was not an expert in employment law or bond issues. She said that she had handled negotiations and worked in offices with other employment attorneys but she advised that there was good outside counsel for that. She said that by keeping abreast of current legal issues facing public agencies, she said that she was incredibly active in her local government section of the Florida Bar which she said was critical. She said that she keeps abreast of information from Florida Law Weekly and that she was very active in Florida Association of Women Lawyers and that she was a member of the Tower Club. Pertaining to question six, she said that initially, she would have to get in and evaluate

the complexity of the issues, ask what would be required for legal review and what expertise would be needed to address those issues. She said that she did not know how they have operated with a single attorney and asked whether there was an intent to possibly hire an additional attorney.

COMMISSIONER LESA PEERMAN spoke on the matter pertaining to an Assistant to City Attorney.

MAYOR ARLENE R. SCHWARTZ said that it had not come up.

MS. SARVER said that since they were having this dialogue and asked if the City Attorney handles all of the prosecutions for Margate.

MAYOR SCHWARTZ said it depends on what type of prosecution. She also advised that the City Manager's Assistant was also a Paralegal who had a wealth of information.

COMMISSIONER PEERMAN spoke on this matter.

MS. SARVER asked if there would be dialogue that once they hire the City Attorney, they would receive support after evaluating the workload. She indicated that when it comes to complex litigation and bond counsel, those areas always tend to go to outside counsel. She said that the most critical liability issues facing agencies like Margate were Land Use and Bond Compliance. Pertaining to question seven, she indicated that she spoke about that earlier and that the City Attorney would be telling the City Commission no. She explained that she would not take any political situations and that she did not play favorites. Pertaining to question eight, she said that she touched on it earlier and that she has had an amazing relationship with all the department heads. She also said that she would greet people in the hallways, always be on first name basis and going out to lunch with her colleagues. She advised that would be how you would actually foster the best relationships and as a government attorney, it would be preventative law. Pertaining to question nine, she explained that if there was a room full of constituents, her job would be to take the heat and to give a legal opinion that takes the heat away from the Commission. She said that it would make them feel comfortable calling and talking to her ahead of time. She advised that when there was an open line of communication and the Commission could talk to her and work through it, it would make their life easier. Referring to the ethical dilemma, she said that during her tenure at Fort Lauderdale, there was a large big money contract. She explained that when she went to her City Attorney, she could not sign the contract unless it went back to the City Commission for further action to write the bid. She explained that there was a lot of politics involved and that the contract was over \$30,000,000. She said that as she knows procurement law, she knew she was right in that decision and she knew that the contract was going to get pulled by the Commission on Ethics. She said that you cannot always say no and that you have to provide a solution. She said that she discussed that matter with her newly hired City Attorney and at that time, it was not a good look for her. She said that she could not sign the contract but the City Attorney ended up signing the contract which was hard for her to do which was a tough ethical thing for her. She explained that the City Attorney went out on the limb and made the Commission do the right thing as the contract ended up getting pinched and she thanked her down the road. She said that her biggest challenge would be convincing the Commission that she needs an assistant. She said that she had already discussed her career aspirations. She thanked the Commission for the opportunity and that she was excited and happy to be there.

VICE MAYOR ANTHONY N. CAGGIANO said that it stood out on her resume that she

advised procurement for a design build for a new fire station. He said that it was important to him that she had a history to do that.

COMMISSIONER RUZZANO said that it was great that she was familiar with the Consultant Competitive Negotiation Act (CCNA). He said that he would give her a lot of credit for coming up and speaking her mind and that she watched a lot of the meetings. He also indicated that a City Attorney should have been present at this meeting.

Meeting went into Recess.

Meeting Reconvened.

QUENTIN MORGAN explained that he graduated from the University of Florida Law School in 2000. He said that during that time in Law School, he interned with the Palm Beach County Attorney's Office where he got his start in local government. He said that following graduation, he also graduated with the Master and Public Administration as well as his law degree. He said that he went to work for the City of Orlando where he was in the City Attorney's office for three years where he handled mostly Land Use and Code Enforcement matters. He said at that time, Orlando was a big growth spurt, and that there were a lot annexations, commercial and residential development throughout the City. He said that there was a big army base that was shut down by the government and it turned into a multi-use Baldwin Park. He said that he did a lot of development work with the Florida A&M University College of Law School in 2000 – 2003 and handled the real estate transaction and lease agreement. He said that following that time, he came down to South Florida and worked with Brinkley Morgan who represents local governments namely, Plantation, Wellington and Palm Beach County. He said that his management style was collaborative and that he likes to meet with the subject matter experts within the City and Commission to get an understanding of what their needs were. He said that he would then be able to understand what direction they want to go and then apply the law to those facts. He said that his leadership style was to try to empower the people that he helps and let them understand the law which would come about with training and discussion. Pertaining to Land Use Law, he repeated that he had done many Land Use projects for the cities that he has represented. He advised that he also helped with the redevelopment of Motorola in University Drive, some residential development on 595 and smaller projects on the State Road 7 Corridor. He said that he worked with the Planning and Zoning department at the City to help them achieve their goals. He explained that when he first started practicing, he did Code enforcement and currently represents that department in Plantation. He advised that he also served as a Special Magistrate for the City of Miami Gardens so has sufficient experience. He advised that Code Enforcement was a good tool to help maintain cities aesthetic appearance as well as maintaining the economic viability of the neighborhoods and commercial businesses. He explained that one of the things they did to a severely damaged property was to condemn and remove tenants before a holiday. He advised that he worked with Utility Departments both in Wellington and Plantation in various formats. He said that he helped and had experience of working on many projects with Plantation's CRA which were based between Peters Road to Sunrise on State Road 7. He said that he has worked with the City Clerk in Plantation and Wellington with fulfilling public record requests, educating staff on different laws and cases that may arise. He said that he has assisted the Human Resources (HR) department in Plantation on Employment Law and said that it was important to keep abreast of the law. Pertaining to question four, he said that he would use Liserv, review Florida Law Weekly and that he had been involved in the League of Cities. Pertaining to question five, he said that he had looked at how the current City Attorney's office runs in Margate and that most of the matters could be handled by that person but the ideal situation would be to have another attorney and

support staff dedicated to those two attorneys. He said that he reviewed the type of litigation the City had through the Broward County Clerk of Courts website and said that most could be handled in-house. He said that the most critical liability issue was aging infrastructure within Broward County. Pertaining to question seven, he said that the City Attorney would serve as the Chief Legal Officer of the City representing the Commission's wishes to move forward legislation and obligations of the City. He said that the City Attorney would not have any representation of individual Commissioners in different types of situations and that he would advise them to seek Counsel. He said that the City Attorney would support the City Manager's obligation to carry out the policy direction of the Commission and organization. Pertaining to question eight, he said that he was friendly and liked to get to know and understand people to forge a great working relationship. He said that he would also try and find out the different issues that they had over the past year and how they carried out the will of the Commission. Pertaining to question nine, he explained that there was an ongoing problem in a residential neighborhood and subsequently, an accident happened which resulted in an ambulance being called. He said that eventually, this problem reached to the elected officials. He said that the property needed to be shut down and he advised that the people had property rights and that the City should follow the proper steps and processes in order to effectively remove them and not create any inverse condemnation claims down the road. Pertaining to question ten, he said that one of the bigger things that they face was having processes and documents given to them and not having enough time to review and comment on the same or to digest a situation. He said that he would not sign off on documents that he had not reviewed or needed to comment on. He said that it was also a matter of making sure that the client understood the situation from the advice that he provides and he would ensure that the position would be defensible. He said that his biggest challenge would be providing representation of a municipal client was being able to provide legal advice that you could stand on and said that he would be up for the challenge and help out a community. Pertaining to question 12, he said that he had been working in this area for his entire career and had always wanted the opportunity to be the lead attorney for a municipality. He said that he was in close proximity to City Hall and over the last 14 years, he had seen the growth and removal within the City. He said that he was a part of the community and that he was very familiar with the City. Pertaining to question 13, he asked what type of style they were looking for.

VICE MAYOR CAGGIANO said that they would want advice that they do not have to second guess.

MAYOR SCHWARTZ explained that she was looking for someone who would say that you pay me to give you legal advice and if you do not accept, then that would be on you.

MAYOR RUZZANO asked if he had sat in Plantation's Board meetings. He also asked about the history of Brinkley Morgan's association with Plantation.

MR. MORGAN said that he would be attending a meeting Plantation's Board the following evening and that he had attended in the past. He explained that Brinkley Morgan's Donald Lunny has been the City Attorney for Plantation for a number of years. He said that he did not sit at the meetings of the CRA as it was a separate board. He said that Plantation uses another law firm to negotiate with their Police Department's Union. He advised that Plantation has a volunteer Fire Department. He thanked the Commission for interviewing him.

Discussion ensued about the zip codes for Pompano Beach, Margate and the 911 system.

ANTONIO ARSERIO said that both candidates did a good job interviewing and that he was impressed with the first candidate due to her extensive level of research.

COMMISSIONER RUZZANO said that both candidates were great and the first one was passionate about the job.

HUMAN RESOURCES GENERALIST ERCILIA MESSON explained that they could take the recruitment in whatever direction they wanted. She suggested making one to one interviews so they could get to know who they really were. She said that she could schedule the one to one interviews the following week and conduct them in the same style as the previous interviews. She asked for CONSENSUS.

Discussion ensued.

MAYOR SCHWARTZ asked for CONSENSUS on whether they should have one on one interviews with one candidate or both.

COMMISSIONER PEERMAN said she did not have an opinion.

COMMISSIONER JOANNE SIMONE said that one candidate stood out well above the other and was unsure if she needed a one on one.

COMMISSIONER RUZZANO agreed with Commissioner Simone and said he was okay.

COMMISSIONER JOANNE SIMONE said that at the last City Attorney Workshop, she was leaning towards one candidate from the group but had a change of opinion after having the one on one.

VICE MAYOR CAGGIANO said one on ones for both candidates as quick as possible.

MAYOR SCHWARTZ said one on ones for both candidates as she would like to ask specific questions about specific items.

CONSENSUS to interview both candidates on a one on one basis.

HR GENERALIST MESSON said that they would move in that direction and coordinate schedules.

JENNIFER D. GILTRAP, 399 SW 65TH AVENUE said that they should only interview the candidate who they were interested in. She said that she would like to know what their background was in dealing with cases involving drug houses as there was a problem in Margate and to seek their views on civil forfeiture.

COMMISSIONER PEERMAN said that she put it out the last time that if the public have questions that they want her to ask the candidates during the one on ones, she would be more than happy to do that.

MAYOR SCHWARTZ advised Ms. Giltrap to email her questions to the City Clerk.

MS. NARLOCH said that she advised the candidates that there would be a possibility that they would be asked back for one to one interviews. She said that once they have that date, they would have them back here as soon as possible and would be able to move forward once they make a decision on who they want and any kind of movement would be a contingent on backgrounds and references being checked. She said that she

assumed that the Mayor would be the contact person concerning negotiations and moving forward. She also repeated the parameters of the contract.

COMMISSIONER SIMONE spoke about the candidates asking for an assistant and asked who was responsible for hiring that assistant.

COMMISSIONER RUZZANO said the Commission would be responsible for hiring an assistant to the City Attorney.

MS. NARLOCH said she typically finds with that position, they would report to the City Attorney and that a smart City Attorney would bring the person before the Commission.

Discussion ensued on the process for an Assistant City Attorney, whether they should have had legal representation at the Workshop and the timeline for hiring the City Attorney.

CITY CLERK JOSEPH K. KAVANAGH said that the City Clerk's office would reach out to all the elected officials the following day to check their schedules and arrange one on one interviews.

MS. NARLOCH explained that they check references when they were down to a top two as in the early stages, it would prevent people from talking or reaching out to their networks. She said that they have a tight deadline and when they have selected a candidate, they would start the reference checks. She also spoke about the background process.

Discussion ensued.

ADJOURNMENT

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

Respectfully submitted,

Transcribed by Salene E. Edwards

Joseph J. Kavanagh, 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.

Note

Note