



# City of Margate

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

## Meeting Minutes Regular City Commission Meeting

*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 Jennifer M. Johnson*

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Wednesday, June 15, 2022

7:00 PM

Commission Chambers and Zoom.us  
Webinar ID: 899 8482 8188

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<https://us02web.zoom.us/j/89984828188>

### 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

### MOMENT OF SILENCE - INVOCATION

### PLEDGE OF ALLEGIANCE

### 1) PRESENTATION(S)

- A. [ID 2022-276](#) RECOGNITION OF MARGATE RESIDENTS ARIANNA ROSARIO AND ETHAN LAWRIE FOR THEIR CERTIFICATION FROM THE NATIONAL WILDLIFE FEDERATION AND NATURESCAPE BROWARD
- B. [ID 2022-278](#) PRESENTATION - SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (BCPS) FOR THE "DIVE INTO SUMMER CELEBRATION" FOR BCPS TEACHERS AND STAFF

### EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- C. [ID 2022-254](#) DANIEL HARRIS, TREATMENT PLANT OPERATOR - ENVIRONMENTAL AND ENGINEERING SERVICES - 35 YEARS  
  
ERIN N. BLANTON, POLICE SERGEANT - POLICE DEPARTMENT - 20 YEARS  
  
ERICK REYES, POLICE OFFICER - POLICE DEPARTMENT - 20 YEARS  
  
MICHAEL WALTERS, UTILITY MECHANIC I - ENVIRONMENTAL AND ENGINEERING SERVICES - 20 YEARS

FRANCISCO J. RINCON, POLICE OFFICER - POLICE DEPARTMENT - 15 YEARS

PHILLIP JOHN HORNE, POLICE SERGEANT - POLICE DEPARTMENT - 10 YEARS

DANIEL JAMES SHAW, POLICE OFFICER - POLICE DEPARTMENT - 10 YEARS

SUZANNE M. SCHWEITZER, CASHIER - PARKS AND RECREATION - 10 YEARS

ARTHUR JOSEPH PICOTTE JR., STRUCTURAL PLANS EXAMINER/INSPECTOR - BUILDING DEPARTMENT - 5 YEARS

SONIA ANNE CONVERY, SOCIAL SERVICE COUNSELOR - SENIOR CENTER - 5 YEARS

## 2) PUBLIC DISCUSSION

JULIE JONES thanked Police Sergeant Horne, Police Majors Kriplean and Stransky and Police Lieutenant Druzvik for assistance with a personal matter and Police Lieutenant Kostick for his work on an investigation. She thanked Vice Mayor Caggiano for his speech at the Memorial Day Ceremony.

## 3) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE congratulated and appreciated all the listees on the Employee Recognition for Years of Service. She thanked Parks and Recreation and the City Manager's Communication and Marketing team for their work on the Broward County Teacher Appreciation event. She was sorry to learn that Finance Director Beazley was retiring in August. She highlighted that their Advance Life Support (ALS) team came fifth in yesterday's First There, First Care, competition and wished them well in another competition for this Friday. She was happy to announce that Florida State Governor, Ronald DeSantis, approved the legislative funding request of \$275,000 for the Northwest Focal Point Senior Center (NWFPSC) and \$500,000 for their stormwater and canal bank restoration. She spoke about the Juneteenth federal holiday, listed the events for the Fourth of July Extravaganza, National Night Out and advised the public to keep hydrated during the heat.

COMMISSIONER ARLENE R. SCHWARTZ sent Happy Father's Day greetings. She referenced that children were out of school and reminded vehicle owners to stop parking over the apron of the sidewalks. She highlighted that there would be a teacher from Rise Academy singing the Star Spangled Banner before the fireworks at the Margate Fourth of July Extravaganza.

COMMISSIONER SIMONE advised that freedom week, a sales tax holiday, commenced on July 1st.

COMMISSIONER SCHWARTZ discussed buying supplies for the Hurricane season.

COMMISSIONER TOMMY RUZZANO discussed Utility Mechanic I Walters' speech

during Presentations and appreciated what he did for the City. He advised people to watch the children during the school holidays. He said that the City Manager's Communication and Marketing team were incredible for the Broward County Teacher Appreciation event and referenced a letter received by Angel Gomez. He discussed a credit card fraud incident involving Bank of America.

COMMISSIONER SCHWARTZ continued the discussion pertaining to credit card fraud.

COMMISSIONER RUZZANO had concerns if residents would experience the same problem and asked if there was a policy about credit card fraud such as the offender being penalized by paying a fee.

INTERIM CITY ATTORNEY, DAVID N. TOLCES, completely empathized with this issue and said that the whole process was very heavily regulated by the federal government but he was not aware of a City penalty. He informed that they would review and report back.

Discussion ensued on credit card fraud against the City Commission.

COMMISSIONER RUZZANO requested swimming classes for children in Margate and Cardiopulmonary resuscitation (CPR) classes. He wished everyone a blessed week.

MAYOR ANTONIO V. ARSERIO referenced a concealed weapons class which was previously discussed at a City Commission meeting and suggested doing a safety week which would incorporate firearms, self-defense, swimming and CPR classes.

VICE MAYOR ANTHONY N. CAGGIANO encouraged everyone to attend the City's Fourth of July Extravaganza. He discussed the meaning behind Juneteenth.

MAYOR ARSERIO said that he would like to see a future City event to commemorate Juneteenth. He thanked lobbyist, Ron Book and staff, for preparing for the appropriations assigned to the NWFPS and for stormwater management and said it was mainly for the canal bank and renourishment project in the City. He advised that he was the only City Commissioner to visit Tallahassee last year during the height of the pandemic. He discussed the administrative fees for Republic Services.

CITY MANAGER CALE CURTIS explained that Republic Services' numbers were not finalized but they provided the documentation to show that they mitigated the issue in a timely fashion.

MAYOR ARSERIO continued to discuss Republic Services and advised that there had been an uptick in complaints. He indicated that he would like to find a way to get some portion of the administrative fees returned to the residents. He wished everyone a happy July 4th and hoped to see them at the parade.

Discussion ensued on Republic Services.

#### **4) CITY MANAGER'S REPORT**

CITY MANAGER CURTIS said that DEES Director Keyser informed him that Republic Services had three new trucks entering the City tomorrow which they thought may eliminate the majority of the complaints currently received of broken carts. He thanked Public Works Director Batista and Assistant to the City Manager, Popick, for writing up the legislative requests. He welcomed City Manager's Internship Coordinator, Netburn.

CITY MANAGER'S INTERNSHIP COORDINATOR, HARRISON J. NETBURN, introduced

himself and advised that he was at the City to put together a formal internship program by next summer, for all different departments in Margate that required one. He hoped one day to work in local government.

MAYOR ARSERIO welcomed Mr. Netburn onboard to the City.

Discussion ensued.

INTERIM CITY ATTORNEY TOLCES requested a Shade session to discuss litigation strategy in the case of David McLean vs. City of Margate. He listed the potential attendees and expected it to last no more than two hours. He explained the definition of a Shade meeting. He also advised that he had been in contact with the attorney for the former Chief of Police, Jonathan Shaw and explained that they have asked for four elements as part of this resolution:

- Mr. Shaw's attorney presented an offer to the City to resolve any issues relating to the alleged failure to be compensated for approximately 440 hours of personal leave that Mr. Shaw had accumulated during his time at the City of Margate.

- As Mr. Shaw was terminated last year and his contract did not provide for payment of items such as personal leave he was claiming approximately \$75,000 for that personal leave as well as his attorney's fees. Mr. Tolces explained that the only way he can revert back to Mr. Shaw's attorneys was to have a conversation with the City Commission at a public meeting to see if there was any counter offer that they would like to make.

- Requested a copy of the written findings of the report that were done as a result of Internal Affairs (IA) which was provided, a public statement advising the charges were not sustained and that Mr. Shaw was not terminated for cause which Mr. Tolces believed was not needed as Mr. Shaw was terminated by the City Commission.

- Retirement credentials and that would enable Mr. Shaw to carry his firearm interstate which a current concealed weapons did not allow for. Mr. Tolces indicated that they were waiting to hear if Florida Department of Law Enforcement (FDLE) would do anything before they made a determination of issuing those retirement credentials.

He advised at this time, he was fully prepared to respond to three of those elements but the amount of any compensation that the City Commission may want to pay in recognition of this accrued leave that was not part of this contract was something that they needed a direction from the City Commission. He advised that they have completed some preliminary calculations with the assistance of the City Manager and Human Resources (HR) and the estimated amount was in the \$30,000 range which those 440 hours may add up to.

Discussion ensued on Mr. Shaw's request for compensation.

A poll was conducted on whether to give Mr. Shaw compensation:

Commissioner Simone – No.  
Commissioner Schwartz – No.  
Commissioner Ruzzano – No.  
Vice Mayor Caggiano – No.  
Mayor Arserio – No.

CONSENSUS was given by the City Commission not to counteroffer/offer compensation

with respect to former Chief of Police Jonathan Shaw.

INTERIM CITY ATTORNEY TOLCES thanked the City Commission for their direction and confirmed that he would report to Mr. Shaw's attorneys. He said that he hoped to see them on July 4th.

COMMISSIONER RUZZANO referenced the credentials and questioned what the FDLE's rules if a Police Officer had sexual liaisons on the job.

INTERIM CITY ATTORNEY TOLCES confirmed that he could not speak for the FDLE and read an extract from their statute pertaining to separating from service on good standing.

Discussion ensued.

CHIEF OF POLICE, JOSEPH GALASKA said that according to their policy in the Police Department, it was at the discretion of the Chief of Police as to whether somebody received credentials. He advised that although that did not include the Chief of Police, with the legal opinion of the Interim City Attorney Tolces, he thought it would be up to the City Commission as he reported to them and as it was not something that was required by the State.

Discussion ensued on fraternization policies within the Police Department.

## 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.

- A. [ID 2022-275](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: MAY 11, 2022  
CITY COMMISSION WORKSHOP

### Approval of the Consent Agenda

**A motion was made by Vice Mayor Caggiano, seconded by Commissioner Schwartz, to approve the Consent Agenda. The motion carried by the following vote:**

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

## 6) RESOLUTION(S)

- A. [ID 2022-261](#) RESOLUTION - APPROVING PURCHASE OF EQUIPMENT AND SUPPLIES, NOT TO EXCEED \$60,000 FOR USE BY LAW ENFORCEMENT PERSONNEL AND TO SUPPORT LAW ENFORCEMENT ACTIVITIES; AND PREVENTION/AWARENESS PROGRAMS PROVIDING FOR FUNDING FROM THE STATE LAW ENFORCEMENT TRUST FUND; PROVIDING FOR EFFECTIVE DATE.

MAYOR ARSERIO questioned if the Law Enforcement Trust fund was what they confiscated.



CITY MANAGER CURTIS explained that the funds that were approved at the last City Commission meeting were from the impact fee funding.

Discussion ensued.

**A motion was made by Vice Mayor Caggiano, seconded by Commissioner Schwartz, that this Resolution, should be discussed.**

CITY MANAGER CURTIS explained that there was no itemized list but the funds were asked for approval for the Chief of Police to use at his discretion and referenced some of the funds being used for active-shooter/killer training for schools and for City Hall.

Discussion ensued.

**The motion carried by the following vote:**

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

- B. [ID 2022-262](#)** RESOLUTION - APPROVING THE PARTIAL FUNDING OF THE NATIONAL NIGHT OUT EVENT TO BE HELD AUGUST 2, 2022, TO PROMOTE COMMUNITY INVOLVEMENT IN CRIME PREVENTION AND POLICE-COMMUNITY NEIGHBORHOOD SPIRIT AND POLICE COMMUNITY RELATIONS, AND TO ENCOURAGE NEIGHBORHOOD CAMARADERIE AS PART OF THE FIGHT FOR SAFER STREETS; APPROVING WAIVING OF BIDDING FOR POLICE AWARENESS PROMOTIONAL ITEMS; PROVIDING FOR FUNDING NOT TO EXCEED \$35,000 FROM THE STATE LAW ENFORCEMENT TRUST FUND; PROVIDING FOR ADDITIONAL FUNDING FROM GENERAL FUND AND DONATIONS.

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

MAYOR ARSERIO explained that this was an incredible event.

Discussion ensued.

POLICE SERGEANT HORNE spoke on this Item.

**The motion carried by the following vote:**

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

## 7) DISCUSSION AND POSSIBLE ACTION

### A. ID 2022-259 MARGATE 50 YEAR RESIDENT AWARD

COMMISSIONER RUZZANO thought that once per month, it would be nice to recognize a 50 year resident of Margate. He suggested placing a sign on their property together with a \$50 gift card and advised that he had a vendor available if the City did not want to pay for this.

VICE MAYOR CAGGIANO indicated that he would like them to tell a story of how Margate was 50 years ago.

MAYOR ARSERIO thought it was a great idea and would vote in favor of it. He reminded everyone that the Veteran program which Commissioner Simone initiated was approved and in the works. He requested the City to promote the Home of the Month and suggested when the budget arose, he wanted to see if he could request a small amount where each City Commissioner could use it for initiatives.

CONSENSUS was given by the City Commission to go forward with the 50 year Resident Award program.

COMMISSIONER SCHWARTZ suggested that they should review the resident's background in terms of Code issues prior to any presentation.

## ADJOURNMENT

There being no further business, the meeting adjourned at 8:34pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

  
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Jennifer M. Johnson, City Clerk

Date: 7/18/22

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.

Members of the public are invited to view this meeting through Zoom using Webinar ID: 899 8482 8188 or can listen 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](http://www.MargateFL.com) and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.

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