



City of Margate

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

Meeting Minutes Regular City Commission Meeting

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

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

Wednesday, July 5, 2023

7:00 PM

Commission Chambers and Zoom.us
Webinar ID: 876 5105 2885

<https://us02web.zoom.us/j/87651052885>

CALL TO ORDER

ROLL CALL

- Present:** 4 - Commissioner Antonio V. Arserio, Vice Mayor Tommy Ruzzano, Mayor Anthony N. Caggiano and Commissioner Joanne Simone
- Not Present:** 1 - Commissioner Arlene R. Schwartz

Commissioner Schwartz arrived at 7:01 pm

5) PUBLIC HEARING(S)

This Item was heard before 1) Public Comments.

- A. [ID 2023-209](#) PUBLIC HEARING AND RESOLUTION - RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MARGATE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF MARGATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING TIME OF 7:00 P.M.

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this Resolution, should be approved.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B said that he had previously questioned why the Fire Assessment did not apply to the Aztec community.

CITY MANAGER CALE CURTIS explained that many of the new structures had certification of occupancy's (CO) as single family homes and they were being assessed at \$300. He explained that if they did not qualify under that, they were assessed a square footage rate based on the structure that was in place which could be in excess of \$300.

Discussion ensued.

The vote carried as follows:

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

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

1) PUBLIC COMMENTS

JULIE JONES referenced Police Major Stransky and said that he introduced her to feeding the homeless. She advised that some money had become available and she would be feeding the homeless from two restaurants which would be honored in Police Major Stransky's name. She said that during a recent trip to Jamaica, she spoke to elected officials in Jamaica and discussed the same.

DONNA L. FELLOWS, 6108 NW 9TH COURT, voiced her concerns on topics discussed under Public Comments.

JANETA M. REID, 7601 NW 29TH STREET, highlighted concerns over parking in her neighborhood in Carolina.

CITY MANAGER CURTIS requested Ms. Reid to leave her contact information. He informed that the City could go out and assess the area, see the parking conditions and try to address them in that manner.

Discussion ensued.

COMMISSIONER ANTONIO V. ARSERIO responded to Ms. Reid's question.

Discussion ensued.

JONATHAN A. KRALJIC, 7357 FLORES WAY, read a statement that the two back-to-back City Commission meetings must come to an end.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B provided feedback to Ms. Reid. He referenced public speaking and said that he would continue to give quotes by Justice Louis D. Brandeis.

2) COMMISSION COMMENTS

COMMISSIONER ARSERIO wished everybody a Happy 4th of July/Independence Day and said that the City staff and Community Redevelopment Agency (CRA) did an incredible job with the Fourth of July Parade and Fireworks event.

VICE MAYOR TOMMY RUZZANO said that he agreed with public speakers, Ms. Fellows and Mr. Zucchini and that they should allow the public to speak and referenced the First Amendment. He said that he was not a fan of the two back-to-back meetings.

INTERIM CITY ATTORNEY, DAVID N. TOLCES, explained that he was providing advice based on the City's procedures.

MAYOR ANTHONY N. CAGGIANO responded to Vice Mayor Ruzzano's comments.

Discussion ensued.

MAYOR CAGGIANO was glad for the support for those who attended the Fourth of July Parade and Fireworks event and highlighted next month's National Night Out Against Crime.

COMMISSIONER ARLENE R. SCHWARTZ explained that prior to her election in July 2016, they never did have the first two City Commission meetings in July and the last two City Commission meetings in August and it would never bother her to have two separate meetings. She thanked and appreciated everybody including the Police Department and Parks and Recreation who participated in the Fourth of July Parade and Fireworks event. She referenced animals and veterans and inquired whether the City would consider drones as an alternative to fireworks.

COMMISSIONER JOANNE SIMONE highlighted drones, Light Emitting Diode (LED) and 'silent' fireworks as an alternative to the conventional display which she would support. She wished that everyone stayed well and hydrated.

3) CITY MANAGER'S REPORT

CITY MANAGER CURTIS echoed everybody's congratulations and thanked all staff including the Fire Department, Parks and Recreation and the Police Department who assisted in the Fourth of July Parade and Fireworks event. He informed that the City would look into different options for firework displays and that he looked forward to the Police Department's National Night Out Against Crime.

INTERIM CITY ATTORNEY TOLCES said it was great seeing everybody at yesterday's 4th of July Parade.

4) 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.

- A. [ID 2023-207](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: MAY 17, 2023 REGULAR CITY COMMISSION MEETING AND JUNE 7, 2023 REGULAR CITY COMMISSION MEETING

APPROVED

- B. [ID 2023-215](#) RESOLUTION - APPROVING AN AGREEMENT FOR PARTIAL FUNDING OF TWO (2) SCHOOL RESOURCE OFFICER IN MARGATE ELEMENTARY

SCHOOL & MARGATE MIDDLE SCHOOL (SUMMER SCHOOL SESSION) FOR JUNE 20, 2023 THROUGH JULY 27, 2023; PROVIDING FOR EFFECTIVE DATE.

APPROVED

- C. [ID 2022-505](#) A RESOLUTION ACCEPTING THE UTILITY AND ACCESS EASEMENTS FOR WATER INFRASTRUCTURE LOCATED AT 6350 NW 18 STREET (A/K/A ST. VINCENT CATHOLIC CHURCH), AND APPROVE THE EASEMENTS THAT ARE REQUIRED FOR CITY MAINTENANCE OF WATER FACILITIES.

APPROVED

- D. [ID 2023-226](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE FIRST AMENDMENT AND THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE FOR PARTICIPATION IN THE CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM AND THE FIRST AMENDMENT AND SECOND AMENDMENT TO THE REGIONAL INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE PROVIDING FOR COOPERATIVE PARTICIPATION IN A REGIONAL PUBLIC SAFETY INTRANET; PROVIDING FOR RENEWAL; PROVIDING FOR ENGAGEMENT PROCESS WITHOUT A WRITTEN AGREEMENT; PROVIDING FOR EFFECTIVE DATE.

APPROVED

Approval of the Consent Agenda

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

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

6) RESOLUTION(S)

- A. [ID 2023-182](#) AUTHORIZING EXPENDITURES FOR BOND RELATED PROJECTS AT SOUTHEAST TO INCLUDE CONVERSION OF TWO (2) ARTIFICIAL TURF SOCCER FIELDS, UTILIZING ESTABLISHED GOVERNMENTAL CONTRACT PRICING; SHALL NOT EXCEED \$2,444,355

A motion was made by Commissioner Arserio, seconded by Commissioner Schwartz, that this Resolution should be discussed.

COMMISSIONER SCHWARTZ expressed her concerns about the heat element to AstroTurf but she understood that it was still the best idea possible.

VICE MAYOR RUZZANO questioned that if this Resolution passed, whether they could erect a 4 x 8 notice advising the public what this project entailed. He highlighted previous

problems on the wear and tear, condition and safety of the grass. He said that when the bond money had been completed, he would like to return to these budgets as a comparison where he believed that the expenditure would be twice the amount in today's money. He was in favor of this Resolution.

MR. KRALJIC read a statement opposing the change to convert the two grass fields at Southeast Park to artificial turf and referenced that he had sent the City Commission an email outlining the cons of the same.

MR. ZUCCHINI agreed with installing AstroTurf and made reference that the public should be able to make comments on the 9/11 system.

TRACY VAN WINKLE, 1020 SW 61ST AVENUE, discussed her granddaughter being upset when playing soccer on the real grass at Southeast Park as she preferred the AstroTurf.

COMMISSIONER SIMONE questioned if there were any staff members who could address some of the issues that were brought up by the residents as to the kind of turf that the City used and how it was different to what Mr. Kraljic was referencing in some of the articles.

CITY MANAGER CURTIS explained that there were articles that provide pros and cons of each one and anticipated that it would be difficult to convince Mr. Kraljic one way or the other.

Discussing ensued on AstroTurf.

COMMISSIONER ARSERIO responded at length to Mr. Kraljic's comments on AstroTurf.

Discussion ensued on AstroTurf.

PARKS AND RECREATION DIRECTOR, MICHAEL A. JONES, wanted to clarify that at 12" - 18", the heat dissipated, especially with the South Florida breeze. He explained that the one thing that was not done as a study was that Washington State Department of Health investigated the link to carcinogens and synthetic turf with the University of Washington. He advised that it went through the courts and it was found that the synthetic turf field with crumb rubber was no more dangerous than someone eating meat from a BBQ grill.

The motion carried by the following vote:

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

- B.** [ID 2023-221](#) RESOLUTION - APPROVING A THREE PERCENT (3.0%) COST OF LIVING ADJUSTMENT (COLA) FOR THE PERIOD FROM OCTOBER 1, 2023 THROUGH SEPTEMBER 30, 2024 AND ONE-TIME \$2,500.00 ECONOMIC IMPACT PAYMENT FOR FISCAL YEAR 2023, FOR ALL NON-BARGAINED PERSONNEL; PROVIDING FOR EFFECTIVE DATE.

A motion was made Commissioner Arserio, seconded by Commissioner Schwartz, that this Resolution, should be approved.

COMMISSIONER SIMONE explained that she did not fully agree with this Resolution especially the \$2,500 Economic Impact Payment (EIP) as this should have been done from the get-go. She explained that as the EIP had to do with the Coronavirus disease 2019 (COVID-19) relief money, every employee should be treated equally and receive the same amount of money. She expressed that she was strictly a person of principle.

VICE MAYOR RUZZANO questioned whether every City employee would receive the full \$7,500 EIP.

CITY MANAGER CURTIS clarified that the EIP was for non-bargaining employees and at the moment, not all employees would receive the full amount of \$7,500.

Discussion ensued.

COMMISSIONER ARSERIO agreed with Commissioner Simone. He repeated his request which he asked for approximately one year ago that they should give the employees, the union, the Police and Fire Departments "what they want" which he still stood by.

COMMISSIONER SIMONE indicated that two of the groups had already received money twice from the State so they were over and above the \$7,500 EIP.

MR. KRALJIC agreed with some of the comments made by the City Commission and that the amount of bonus should not be determined whether an employee belonged to a union. He said that as it was a bonus, it should be equal among all employees regardless if they were part of a union.

MAYOR CAGGIANO believed that this would be equaled out as all the employees would receive the same EIP.

INTERIM CITY ATTORNEY TOLCES explained that give or take, there were different factors and circumstances with each respective contract and that all of these items were included as part of the negotiations with the various unions.

MS. FELLOWS explained that the Fire and Police Departments deserved a lot more than what the City paid them as they risked their lives.

This carried by the following vote:

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

- C.** [ID 2023-227](#) RESOLUTION - APPROVING STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT (LUMP SUM); PROVIDING FOR WATER MAIN RELOCATION ON COPANS ROAD AS PART OF BROWARD COUNTY MOBILITY ADVANCEMENT PROGRAM (MAP) PROJECT - COPANS ROAD FROM SR7/US 441 TO N.W. 49TH TERRACE; IN AN AMOUNT NOT TO EXCEED \$370,626.60; PROVIDING FOR EFFECTIVE DATE.

A motion was made by Commissioner Simone, seconded by Commissioner Arserio, that this Resolution, should be approved.

COMMISSIONER SCHWARTZ highlighted her concerns with the Florida Department of Transportation (FDOT) and alleged that they wanted to do something which would charge the City as they wanted to go over their water mains. She believed that FDOT should be responsible for the costs if they were going to break up the City's roads.

CITY MANAGER CURTIS clarified that FDOT was not just breaking the roads but were coming in and improving their roads. He explained that Broward Metropolitan Planning Organization (MPO) and FDOT have partnered in a mobility project which starts in Coconut Creek that extends through to Margate along Copans Road and currently, it ends at State Road 7/441. He expected that the MPO would continue this \$2,500,000 project along Royal Palm Boulevard and then probably into Coral Springs. He said that it would provide a pedestrian walk at 8 feet - 10 feet wide which would provide room for walkers and bicycles to use. He said that they would also receive drainage improvements along those areas as well as at the intersection of State Road 7/441/Copans Road.

Discussion ensued including a question and answer session between the City Commission and City Manager Curtis.

This motion carried by the following vote:

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

7) ORDINANCE(S) - SECOND READING

- A. [ID 2023-216](#)** AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION," CHAPTER 11, "DRAINAGE AND WATERWAY STRUCTURES," AND CHAPTER 35, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES;" REPEALING CHAPTER 31, "PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS;" CREATING CHAPTER 40 "LAND DEVELOPMENT CODE"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

CITY MANAGER CURTIS recapped on this Ordinance – First Reading which was passed at the last City Commission meeting.

CALVIN, GIORDANO & ASSOCIATES (CG&A), INC., DIRECTOR OF PLANNING, JIM HICKEY, presented a PowerPoint presentation and said that he wanted to focus on the changes that he had made from the First Reading and explained the difference between Phase 1 and Phase 2. He outlined the areas that were changed under Phase 1 in Chapters 2, 11 and 35. He referenced the Dock Regulations and provided alternative options to the original code that a dock, pier or piling on the canal could not exceed more than 10% of the canal. He discussed a couple of other options where they could add a maximum width up to a maximum of 10 feet. He explained that the third option would be

to have a maximum of 500 square footage.

Discussion ensued on the size of the dock and parking boats in the backyard.

VICE MAYOR RUZZANO confirmed his preference to have a maximum of 1,000 square feet for the dock.

Discussion ensued.

INTERIM CITY ATTORNEY TOLCES clarified that the dock should not exceed 1,000 square feet or extend more than 10% of the waterway. He advised that the code also prohibited finger piers.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY, said that they would remove "up to a maximum of 10 feet width" and replace it with "up to a maximum of 1,000 square feet."

Discussion ensued including setbacks, property lines and adjacent properties.

MAYOR CAGGIANO reiterated that it was 10%, a maximum of 1,000 square feet with 10 feet on each side.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY continued with his PowerPoint presentation and referenced Chapter 35 which pertained to streets, sidewalks and other public places. He referred to previous discussions where he received feedback for Margate not to require the adjacent property owner to make changes to the sidewalk and he had updated the language on the same. He concluded his presentation and said that he would be returning in late Summer/early Fall, to do a workshop on Phase 2.

A motion was made by Commissioner Schwartz, seconded by Commissioner Simone, to approve this Ordinance - Second Reading, with an amendment to line 1533, to provide for a maximum of 1,000 square feet for the dock up to 10% of the width of the canal adjacent to the property.

MR. ZUCCHINI said that there were a lot to unpack from this Ordinance and explained some of the changes which were not discussed.

The motion carried by the following vote:

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

B. [ID 2023-200](#) TRANSIT ORIENTED CORRIDOR (TOC) CODE AMENDMENT

CITY MANAGER CURTIS advised that this Ordinance passed at First Reading at the last City Commission meeting and he did not recall any specific direction or receive any changes or recommendations that were required.

A motion was made by Commissioner Arserio, seconded by Commissioner Simone, that this Ordinance - Second Reading, should be approved.

COMMISSIONER SCHWARTZ referenced Section 9.9's list of uses that "were not permitted to be located within a building containing residential use" and questioned whether they should add pawn shops, auto mechanics and charter schools to the same.

DEVELOPMENT SERVICES SENIOR PLANNER, CHRIS GRATZ, explained that pawn shops were not permitted and mechanic shops were also not permitted in this quarter zoning districts and charter schools were only allowed on a free standing property that had to meet the size of the school board.

COMMISSIONER ARSERIO discussed the importance of applying special exceptions.

Discussion ensued on pawn shops being grandfathered-in, the importance of special exceptions and massage parlors.

INTERIM CITY ATTORNEY TOLCES confirmed that unless something was stated, it was not going to be allowed.

Discussion ensued.

MR. KRALJIC questioned Commissioner Schwartz's comments on mixed use.

COMMISSIONER SCHWARTZ responded to Mr. Kraljic's question.

MR. KRALJIC continued to read a statement pertaining to this Ordinance.

The motion carried by the following vote:

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

- C. [ID 2023-199](#)** ORDINANCE - CITY FEES COLLECTED FOR PLANNING AND ZONING RELATED APPLICATIONS, AMENDING CHAPTER 2 - ADMINISTRATION; CHAPTER 31 - PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS; AND APPENDIX A ZONING; PROVIDING FOR THE REMOVAL OF ALL SAID FEES FROM THE CODE OF ORDINANCES AND CREATING A FEE SCHEDULE TO BE ADOPTED BY RESOLUTION BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA; PROVIDING FOR REPEAL, PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION.

CITY MANAGER CURTIS explained that this Ordinance passed at First Reading and that it had now removed the fees from the Code of Ordinances. He advised that if it passed its Second Reading, they would look at 8)A. (ID 2023-204) which was the Resolution that adopted the fee schedule.

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this Ordinance, Second Reading, should be approved. This carried by the following vote:

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

8) RESOLUTION(S) CONTINUED

A. ID 2023-204 A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE FEE SCHEDULE FOR FEES COLLECTED BY THE DEVELOPMENT SERVICES DEPARTMENT FOR PLANNING AND ZONING RELATED APPLICATIONS AS PROVIDED FOR BY THE CODE OF ORDINANCES OF THE CITY MARGATE; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Simone, seconded by Commissioner Arserio, that this Resolution, should be approved. This carried by the following vote:

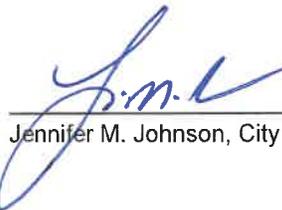
Yes: 5 - Commissioner Arserio, Vice Mayor Ruzzano, Mayor Caggiano, Commissioner Schwartz and Commissioner Simone

ADJOURNMENT

There being no further business, the meeting adjourned at 8:46pm.

Respectfully submitted,

Transcribed by Salene E. Edwards


Jennifer M. Johnson, City Clerk

Date: 8/28/2023

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: 876 5105 2885 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 and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.

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