



# 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*

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Wednesday, November 15, 2023

7:00 PM

Commission Chambers and Zoom.us

Webinar ID: 825 7961 4563

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<https://us02web.zoom.us/j/82579614563>

### CALL TO ORDER

### ROLL CALL

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

Mayor Anthony N. Caggiano was present by telephone when the Roll Call was made and entered City Chambers at 7:17 pm.

### MOMENT OF SILENCE - INVOCATION

### PLEDGE OF ALLEGIANCE

### 1) PRESENTATION(S)

#### ATHLETES OF THE MONTH

Item 1) B. and C. were heard before 1) A.

**B.** [ID 2023-381](#) GOLF: CALVIN MILLER, 12 YEARS OLD (Margate Middle School Golf Team)

#### EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

**C.** [ID 2023-369](#) SANDRA WILLIAMSON, OFFICE SPECIALIST II - POLICE DEPARTMENT - 30 YEARS

MANUEL A. GONZALEZ, FIRE CAPTAIN - FIRE DEPARTMENT - 20 YEARS

TIFFANY A. HARRIS, CODE COMPLIANCE OFFICER I - BUILDING DEPARTMENT - 5 YEARS

**RESOLUTION(S)**

**A. [ID 2023-307](#) ELECTION OF MAYOR**

**A motion was made by Commissioner Arserio, seconded by Commissioner Schwartz, to nominate Vice Mayor Ruzzano as Mayor.**

JONATHAN A. KRALJIC, 7357 FLORES WAY, read a statement pertaining to the Mayor position and spoke in favor of electing Commissioner Simone.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B disagreed with public speaker's Mr. Kraljic's statement on his support for Commissioner Simone. He thanked Mayor Caggiano for his term and questioned his accomplishments in that position.

ELSA J. SANCHEZ, 6930 NW 15TH STREET, agreed with Mr. Kraljic's comments about selecting Commissioner Simone as Mayor.

JULIE JONES supported Vice Mayor Ruzzano as Mayor.

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

**Yes:** 4 - Commissioner Arserio, Vice Mayor Ruzzano, Mayor Caggiano and Commissioner Schwartz

**No:** 1 - Commissioner Simone

**B. [ID 2023-308](#) ELECTION OF VICE MAYOR**

**A motion was made by Mayor Caggiano, seconded by Commissioner Simone, for Commissioner Simone to be Vice Mayor.**

**A motion to amend was made by Commissioner Arserio, seconded by Vice Mayor Ruzzano, to select Commissioner Schwartz as the Vice Mayor.**

MR. KRALJIC read a statement about the amendment to the motion for Vice Mayor.

MAYOR ANTHONY N. CAGGIANO explained why he selected Commissioner Simone as Vice Mayor.

VICE MAYOR TOMMY RUZZANO explained why he did not support Commissioner Simone as Vice Mayor.

COMMISSIONER ANTONIO V. ARSERIO explained why he supported Commissioner Schwartz as Vice Mayor.

COMMISSIONER JOANNE SIMONE confirmed that she did not accept the phone allowance and explained what occurred leading up to the 2022 election and events that took place that day. She asked for the vendetta against her since 2012 to be stopped.

COMMISSIONER ARLENE R. SCHWARTZ addressed Commissioner Simone's comments.

COMMISSIONER ARSERIO addressed Commissioner Simone's comments.

MAYOR CAGGIANO reiterated that he wanted to make Commissioner Simone Vice Mayor before her term ends.

VICE MAYOR RUZZANO addressed Commissioner Simone's comments.

MS. SANCHEZ discussed the City Commissioner's attack on Commissioner Simone and repeated her support for her.

VICE MAYOR RUZZANO responded to Ms. Sanchez's comments.

Discussion ensued.

MARGATE RESIDENT, SHAWN JOHNSON, alleges that he only sees three City Commissioners on a regular basis at Margate's events.

JULI VAN DER MEULEN, 2913 NW 68 LN., addresses comments about the City Commission job being 'part time' and spoke in favor of Commissioner Schwartz.

MR. ZUCCHINI discussed Commissioner Simone.

MS. JONES referenced City Commissioners' behavior during elections.

TRACY VAN WINKLE, 1020 SW 61ST AVENUE, discussed the City Commission's conduct.

LAUREN BERACHA, 6950 NW 14TH PLACE, agreed with Mayor Caggiano that City Commissioner Simone should be given the opportunity to be Vice Mayor before she leaves.

DONNA L. FELLOWS, 6108 NW 9TH COURT, discussed comments made about the noise at the Fair at Margate.

COMMISSIONER SCHWARTZ responded to Ms. Fellows' comments.

BROWARD TEACHERS UNION, ANNA FUSCO, indicated that criticism was a time for reflection and that the City Commission should take care of their constituents.

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

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

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

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

**1) PRESENTATION(S) CONTINUED**

**A.** [ID 2023-306](#) PRESENTATION TO OUTGOING MAYOR ANTHONY N. CAGGIANO AND OUTGOING VICE MAYOR TOMMY RUZZANO

Item 1) A. was heard after 1) C.

MAYOR ANTHONY N. CAGGIANO said thank you.

VICE MAYOR RUZZANO apologized if anybody was offended by previous comments made and thanked friends, family and associates as Mayor as well as the City Commission for electing him.

**RECESS - Refreshments will be served****2) PUBLIC COMMENTS**

MAYOR CAGGIANO explained the protocol for speaking under Public Comments and the Consent Agenda.

MR. KRALJIC, 7357 FLORES WAY, read a statement on the Fair at Margate referencing trespassing and animal acts.

MS. JONES suggested that the City Commission could purchase tickets for The Broward Partnership for their Breakfast of Champions charity on December 1st.

MS. VAN WINKLE discussed the two Veterans' Day event held in Margate. She discussed an increase in accidents in Margate and thanked the Fire and Police Department for their amazing work.

RONALD B. ROBERTS, 7340 LAKE CIRCLE DR #104, discussed the alleged exploitation of animals at the Fair at Margate and requested the City Commission not to allow the pig races.

HUMANE EDUCATOR AT ANIMAL RIGHTS FOUNDATION OF FLORIDA, JAMES WILDMAN, read a statement on the alleged exploitation of animals at the forthcoming Fair at Margate.

MS. FELLOWS explained that from her past experiences of attending fairs and carnivals, she did not believe that the pigs were being neglected or abused at fairs.

JUDITH, RESIDENT OF OAKLAND PARK was extremely appalled about the pig races scheduled for the forthcoming Fair at Margate and requested that it be shut down.

MS. SANCHEZ thanked Mayor Caggiano for nominating Commissioner Simone but was sorry for the backlash. She supported Vice Mayor Ruzzano and Commissioner Schwartz but highlighted her disapproval at some of the City Commission's actions.

MR. ZUCCHINI read a statement in favor of the pigs appearing at the Fair at Margate.

OAKLAND HILLS SOCIAL CENTER BOARD MEMBER, TONI HILLS, read a statement on behalf of the residents in her community pertaining to the lack of Police and Code Enforcement Officers in their community, cars speeding down 51st Avenue where she asked for the consideration of installing speed bumps.

MAYOR CAGGIANO requested Ms. Hills to provide some information to the Chief of Police.

### 3) COMMISSION COMMENTS

COMMISSIONER ARSERIO thanked Commissioner Caggiano as his time of Mayor and congratulated Vice Mayor Ruzzano and Commissioner Schwartz on their new respective positions.

VICE MAYOR RUZZANO congratulated Mayor Caggiano on doing a good job and thanked the City Commission. He apologized to Ms. Sanchez and for the heated moments. He announced that Fire Inspector Kelleher received the Fire Inspector of the Year Award. He discussed the Margate Baseball League being evaluated and he hoped that the teachers received what they deserved.

COMMISSIONER SIMONE thanked Mayor Caggiano for serving the City to the best of his ability. She spoke out against the pig racing at the forthcoming Fair at Margate and requested that Animal Control should monitor the animals every single day and referenced adequate shelter in heated areas. She also requested if Holiday Springs Boulevard could be reviewed for speeding and asked for Police presence.

COMMISSIONER SCHWARTZ referenced the good, the bad and the ugly and said that was what made the City great. She indicated that she had no problem with working with the City Commission and appreciated the vote. She thanked Mayor Caggiano and stated that they both practically attended all the same events. She appreciated the Mayor elect, Vice Mayor Ruzzano and wished everybody a happy thanksgiving. She forewarned drivers to be careful and reminded them that the windshield and lights should be switched on when raining which was a state law. She highlighted next month's Winterfest.

MAYOR CAGGIANO believed that Florida teachers were underpaid which he said needed to be improved. He confirmed that Animal Control would be attending the Fair at Margate and discussed the same. He welcomed civil spirited debates in the future and thanked the public for their opinions. He thanked City staff and congratulated Tommy Ruzzano as the new Mayor.

COMMISSIONER ARSERIO said that the attorney firm had been pretty effective and said that he was very happy with Weiss Serota Helfman and would like to make their appointment permanent.

MAYOR CAGGIANO concurred with Commissioner Arserio's suggestion and said that he had also discussed this with the Interim City Attorney Tolces who he believed had done a good job. He asked for Mayor Ruzzano to put this Item on a future Agenda so that a permanent appointment could be made.

Discussion ensued.

### 4) CITY MANAGER'S REPORT

CITY MANAGER CALE CURTIS congratulated Mayor Caggiano on a successful year and

congratulated Vice Mayor Ruzzano and Commissioner Schwartz on their new respective positions. He informed that the City would be conducting the administration and registration of Margate Recreational Baseball. He explained that he had discussed the amnesty program for the local business tax receipts (LBTR) with the City Commission. He advised that approximately 100 businesses that were past-due for over two years were accruing monthly penalties and there were state statute fines totaling approximately \$37,000. He also informed that a total of approximately 350 businesses that were currently one year past-due where the penalty phase kicked in last October and the fees accruing were approximately \$7,000. He explained that their goal was to get all businesses in Margate to come into compliance and he would like to offer an amnesty program that would allow the businesses to apply for their LBTR with a proper inspection completed. He advised that if it was completed within that time period, they would waive the penalties that had accrued over that time. He continued to discuss the amnesty program process and sought CONSENSUS from the City Commission to move forward from December 2023.

Discussion ensued.

COMMISSIONER SCHWARTZ questioned how much the LBTR cost.

DEVELOPMENT SERVICES DIRECTOR, ELIZABETH TASCHEREAU, explained that an average LBTR cost would range anywhere between \$100 - \$300 per year which would depend on the number of occupants for the warehouse or retail units.

Discussion ensued including why the business owner would let the LBTR lapse and the software that they had proposed to track the late payments.

COMMISSIONER ARSERIO said that he was all for the amnesty but was concerned on how it got to this point. He suggested that they should hire a third party to use the Artificial Intelligence (AI) technology to find every LLC, Inc., trust, etc. that was registered in Florida and have them do the right thing and sign up for a LBTR. He referenced the Building Department but believed that they should not be doing the rental registration program inhouse and recommended that it should be conducted by a third party.

CITY MANAGER CURTIS said that he would be happy to look into obtaining further software.

DEVELOPMENT SERVICES DIRECTOR TASCHEREAU, said that Director of Building & Building Code Services, Nixon, was doing a really good job of finding entities that did not have an LBTR license and that her department would be working closer together to do the monitoring and follow-up with the recourses they have.

Discussion ensued.

VICE MAYOR RUZZANO applauded whoever came up with the amnesty program and explained the processes he performed as a contractor on an annual basis.

CITY MANAGER CURTIS said it was Assistant to the City Manager who initiated the amnesty program.

Discussion ensued.

CITY MANAGER CURTIS confirmed that he heard support (CONSENSUS) by the City Commission pertaining to moving forward with the amnesty program.

INTERIM CITY ATTORNEY DAVID N. TOLCES requested two Shade sessions for Lozano vs. City of Margate, et al and the Quality of Life vs. City of Margate for late November 2023. He thanked Mayor Caggiano and Vice Mayor Ruzzano and congratulated the soon to be Mayor and Vice Mayor. He appreciated the kind comments pertaining to making the position of Interim City Attorney permanent. He wished everyone a Happy Thanksgiving.

## 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.

- A. [ID 2023-385](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, AWARDED RFP 2023-014 CORAL GATE TANK REHABILITATION TO THE RAZORBACK LLC AS THE LOWEST BIDDER, PROVIDING FOR THE REQUESTED CONSTRUCTION SERVICES AND COMPLETE WATER STORAGE TANK REHABILITATION IN THE AMOUNT OF \$178,790; PROVIDING FOR AN EFFECTIVE DATE

**APPROVED**

- B. [ID 2023-376](#) RESOLUTION - APPROVING THE RECLASSIFICATION OF THE POSITION OF SYSTEMS ANALYST SUPERVISOR TO TECHNICAL SUPPORT SPECIALIST; PROVIDING FOR AN EFFECTIVE DATE

**APPROVED**

## Approval of the Consent Agenda

**A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, 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)

- C. [ID 2023-315](#) A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE, ON AN ANNUAL BASIS, THE MARGATE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN (PTASP) WITH BROWARD COUNTY

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

COMMISSIONER SCHWARTZ highlighted that yesterday, a meeting took place of the Florida Department of Transportation (FDOT) to discuss the improvements that they were going to make to Copans Road and Royal Palm Boulevard/State Road 7/441 which would commence in the Summer of 2025.

Discussion ensued about the forthcoming changes to Royal Palm Boulevard.

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

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

INTERIM CITY ATTORNEY TOLCES advised that Resolutions 6) A. and B. were the Items for Mayor and Vice Mayor.

- D.** [ID 2023-375](#) RESOLUTION - APPOINTING THE LAW OFFICES OF JOHN J. HEARN, PA, AS SPECIAL MAGISTRATE FOR AN INDEFINITE TERM; PROVIDING FOR COMPENSATION; PROVIDING AN EFFECTIVE DATE

**A motion was made by Commissioner Arserio, seconded by Mayor Caggiano, that this Resolution, should be approved. This carried as follows:**

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

INTERIM CITY ATTORNEY TOLCES thanked Mr. Ansbro for his service as the City's former Special Magistrate who had accepted a position at the City of Fort Lauderdale.

## 7) ORDINANCE(S) - SECOND READING

- A.** [ID 2023-371](#) AMENDING FISCAL YEAR 2023 BUDGET (ORDINANCE NUMBERS 2022-12 AND 2022-13); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

**A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this Ordinance, Second Reading, should be approved. This carried as follows:**

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

- B.** [ID 2023-372](#) AMENDING FISCAL YEAR 2024 BUDGET (ORDINANCE NUMBER 2023-6); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

**A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this Ordinance, Second Reading, should be approved. This carried as follows:**

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

- C.** [ID 2023-380](#) PHASE II OF THE CODE UPDATE PROJECT: AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 40 "LAND



DEVELOPMENT CODE;" REPEALING CHAPTER 23 "LANDSCAPING;" REPEALING APPENDIX A "ZONING"; REPEALING APPENDIX C "LAND DEVELOPMENT CODE"; PROVIDING FOR NEW DEFINITIONS, NEW DEVELOPMENT STANDARDS, NEW REGULATIONS, AND INCORPORATING THE PROVISIONS FROM CHAPTER 23 "LANDSCAPING" AND APPENDIX "A" ZONING INTO CHAPTER 40 "LAND DEVELOPMENT CODE."

**A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this Ordinance, Second Reading, should be approved. This carried as follows:**

**Yes:** 4 - Commissioner Arserio, Vice Mayor Ruzzano, Mayor Caggiano and Commissioner Schwartz

**No:** 1 - Commissioner Simone

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:38pm.

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.

Members of the public are invited to view this meeting through Zoom using Webinar ID: 825 7961 4563 or can listen via telephone by calling one of the following phone numbers: US: +1 312 626 6799 or +1 929 205 6099.

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