



# City of Margate

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

## Meeting Minutes Regular City Commission Meeting

*Mayor Tommy Ruzzano*

*Vice Mayor Arlene R. Schwartz*

*Commissioners:*

*Antonio V. Arserio, Anthony N. Caggiano, Joanne Simone*

*City Manager Cale Curtis*

*City Attorney Weiss Serota Helfman Cole & Bierman*

*City Clerk Jennifer M. Johnson*

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Wednesday, November 6, 2024

6:30 PM

Commission Chambers and Zoom.us

Webinar ID: 889 6380 8322

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<https://us02web.zoom.us/j/88963808322>

### CALL TO ORDER

### ROLL CALL

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

### MOMENT OF SILENCE - INVOCATION

### PLEDGE OF ALLEGIANCE

A. [ID 2024-364](#) DANIELLE HAYLES, 5TH GRADE, PHYL'S ACADEMY

### 1) PRESENTATION(S)

A. [ID 2024-283](#) MAYOR'S CHOICE FOR MARGATE EMPLOYEE OF THE YEAR

MAYOR TOMMY RUZZANO announced the 2024 winner as Parks and Recreational Maintenance Worker I, Junior Conrad Jaglal.

PARKS AND RECREATIONAL (P&R), MAINTENANCE WORKER I, JUNIOR CONRAD JAGLAL spoke on this Item.

Discussion ensued including the City Commission praising P&R Maintenance Worker, Jaglal.

PARKS AND RECREATION DIRECTOR, MICHAEL A. JONES, spoke on this Item.

### STUDENTS AND TEACHERS OF THE MONTH

B. [ID 2024-347](#) ABUNDANT LIFE CHRISTIAN ACADEMY: MABELIS OBED NUNEZ REYES (STUDENT), LORETTA CAMACHO (TEACHER), (Ms. Latoya Dean, Principal and/or Ms. Ana Rodriguez, High School Principal Assistant)

BROWARD MATH AND SCIENCE SCHOOLS: I'MONET RICHARDSON (STUDENT), CORIETA MCGLASHEN (TEACHER), (Mr. Hasan Kose, Principal and/or Ms. Fabricia Santos Maraclo, Assistant Principal)

LIBERTY ELEMENTARY: JULIAN BETANCOURT LOPEZ (STUDENT), JILL CREELMAN (TEACHER), (Ms. Vicki Flournoy, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: ARABELLA PIERRE (STUDENT), DR. R. WENDY SCHAAL (TEACHER), (Mr. Thomas Schroeder, Principal and/or Ms. Donna Rucker, Assistant Principal)

MARGATE MIDDLE: JAMES OCTAVIUS (STUDENT), LUCAS MATHEWS (TEACHER), (Ms. Sabine Phillips, Principal and/or Ms. Krystal Coke, Assistant Principal)

PHYL'S ACADEMY PREPARATORY SCHOOL: KHORAN WALLACE (STUDENT), IAN BINNS (TEACHER), (Ms. Afua Baptiste, Principal and/or Ms. Jalaja Cooke, Elementary Director)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: JONATHAN ADGAR (STUDENT), NATALEE WHYTE (TEACHER), (Dr. Adriana Guerra, Principal)

WEST BROWARD ACADEMY: GERSON LOPEZ (STUDENT), ANA ABARCA (TEACHER), (Mr. Derrick Hugue, Principal and/or Ms. Rossana Padron, Assistant Principal)

Meeting went into Recess.

Meeting Reconvened.

## 2) PUBLIC DISCUSSION

MAYOR RUZZANO explained the protocol for submitting comments to Public Discussion.

ELSA SANCHEZ discussed her experience at the election polls. She congratulated Commissioner Caggiano and Mayor Ruzzano on their election and thanked Mrs. Ruzzano. She explained that she felt proud and honored to have campaigned for Vice Mayor Schwartz.

RICH ALIANIELLO, 7631 NW 23RD STREET, congratulated the incumbent City Commissioners on their recent election results. He praised the City for erecting American flags along Margate Boulevard.

## 3) COMMISSIONER COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO referenced Ms. Sanchez's comments. He thanked the public for re-electing him and said that he would continue earning their faith and trust.

COMMISSIONER JOANNE SIMONE congratulated the three incumbents and she thanked Development Services' Business Development Coordinator, Robinson, after

receiving a positive feedback from a resident pertaining to the Community Redevelopment Agency (CRA) Grant Improvement program. She highlighted that it was Veterans' Day next Monday.

COMMISSIONER ANTONIO V. ARSERIO congratulated the three incumbents for their reelection and commended those who ran for office. He discussed the behavior at the election polls.

VICE MAYOR, ARLENE R. SCHWARTZ, congratulated her two colleagues for being re-elected and appreciated those who came out to support and vote. She hoped to do a good job and continue to earn the public's respect.

MAYOR RUZZANO highlighted the forthcoming events in the City. He congratulated everyone who ran in the elections and the process as well as discussing the misinformation on Facebook.

CITY ATTORNEY, DAVID N. TOLCES, offered his congratulations to the three incumbents on their successful re-elections. He advised that on December 11th via Zoom, his firm would be hosting a four hour ethics training.

CITY CLERK, JENNIFER M. JOHNSON, congratulated the three incumbents on their reelection.

#### 4) CITY MANAGER'S REPORT

CITY MANAGER, CALE CURTIS, congratulated the three incumbents on their re-elections and that the City looked forward to continuing their work with them in this next term. He congratulated the City Commission, Department of Environmental and Engineering Services (DEES) Director Keyser and his team for their efforts they put into getting the revenue bond passed.

COMMISSIONER ARSERIO requested City Manager Curtis to explain the next steps in terms of the Water and Wastewater Improvement Revenue Bond (WIRB) and wanted a section on the City website to provide regular updates on the same.

CITY MANAGER CURTIS explained the next steps for the (WIRB) which was expected to hit the ground running next January.

Discussion ensued.

#### 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 2024-359](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: OCTOBER 16, 2024 REGULAR CITY COMMISSION MEETING @ 6:30PM

**APPROVED**

- B. [ID 2024-030](#) RESOLUTION - ACCEPTING THE UTILITY EASEMENT DEEDS AND BILL OF SALE FOR ACCESS AND MAINTENANCE OF THE CONNECTED WATER FACILITIES AT 5203 - 5231 AND 5233-5281 COCONUT CREEK PARKWAY; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR AN EFFECTIVE DATE.

**APPROVED**

- C. [ID 2024-350](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE WAIVER OF BIDDING REQUIREMENTS FOR THE COMPLETE REPAIR OF THE EAST ACCELATOR TANK USED IN THE WATER TREATMENT PROCESS, AND AWARDING THE CONTRACT TO TITANS PROTECTIVE COATINGS, LLC, FOR LABOR AND MATERIALS AT A COST OF \$671,535.00 PLUS FIVE PERCENT CONTINGENCY; PROVIDING FOR TIMELY AND COST EFFECTIVE REPAIRS

**APPROVED**

- D. [ID 2024-351](#) RESOLUTION - APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MARGATE AND BROWARD COUNTY SWIM CENTRAL FOR PROVIDING WATER SAFETY EDUCATION INSTRUCTION AT CALYPSO COVE

**APPROVED**

- E. [ID 2024-352](#) RESOLUTION - AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF MARGATE AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A GRANT SUBMISSION OF \$200,000 FOR ROYAL PALM PARK AND FURTHER AUTHORIZING AN AMOUNT OF \$200,000 AS THE CITY'S MATCHING FUNDS

**APPROVED**

- F. [ID 2024-354](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE MULTIPLE AWARD OF BID NO. 2024-015- AUTOMOTIVE PAINT AND BODY WORK SERVICES TO A1 TRUCK AND RV CENTER LLC AND IRONMONGERY AUTO PAINT AND COLLISION LLC; PROVIDING FOR RATES AS PROPOSED IN THE BID SUBMITTALS OF BOTH FIRMS; PROVIDING FOR AN INITIAL THREE-YEAR TERM AND FOR TWO ADDITIONAL ONE-YEAR RENEWAL OPTIONS SUBJECT TO ADMINISTRATIVE APPROVAL WITHOUT FURTHER COMMISSION ACTION; PROVIDING FOR AN EFFECTIVE DATE

**APPROVED**

- G. [ID 2024-366](#) RESOLUTION - APPROVING AND ACCEPTING AN AGREEMENT AND FUNDING FROM THE OFFICE OF THE ATTORNEY GENERAL, BUREAU OF ADVOCACY AND GRANTS MANAGEMENT, VICTIMS OF CRIME ACT (VOCA) GRANT IN THE AMOUNT OF \$51,530.00 FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, THROUGH SEPTEMBER 30, 2025, TO FUND THE CITY OF MARGATE POLICE DEPARTMENT'S FULL-TIME VICTIM ADVOCATE POSITION; AND PROVIDING FOR AN EFFECTIVE DATE

**APPROVED****Approval of the Consent Agenda**

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

vote:

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

## 6) ORDINANCE(S) - FIRST READING

- A. [ID 2024-360](#) AMENDING FISCAL YEAR 2024 BUDGET (ORDINANCE NUMBERS 2023-6 AND 2023-8); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

**A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, that this Ordinance, First Reading, be approved. This carried as follows:**

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

- B. [ID 2024-361](#) AMENDING FISCAL YEAR 2025 BUDGET (ORDINANCE NUMBER 2024-2); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

**A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, that this Ordinance, First Reading, be approved. This carried as follows:**

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

## 7) ORDINANCE(S) - SECOND READING

- A. [ID 2024-358](#) AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, RELATED TO PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, OR HIGH SCHOOLS, AMENDING CHAPTER 40- "THE MARGATE UNIFIED LAND DEVELOPMENT CODE," DIVISION 2, "SPECIFIC USE REGULATIONS," SECTION 40.620, "PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, OR HIGH SCHOOLS" OF THE CITY OF MARGATE CODE OF ORDINANCES; PROVIDING FOR REVISIONS TO ACCESS, LOCATION, PARCEL SIZE REQUIREMENTS, AND TO REFLECT REVISIONS TO FLORIDA STATUTES FOR PRIVATE SCHOOLS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

Development Services Senior Planner, Chris Gratz, advised that there were no comments or changes to the Ordinance on the First Reading so he had nothing further to provide for this Item.

**A motion was made by Commissioner Arserio, seconded by Commissioner Caggiano, that this Ordinance, Second Reading, be approved.**

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

**No:** 1 - Commissioner Simone

**8) DISCUSSION AND POSSIBLE ACTION**

- A. [ID 2023-198](#) DISCUSSION AND POSSIBLE ACTION - PROVIDING RETROACTIVE COMPENSATION IN THE AMOUNT OF \$51,383.62 TO VICE MAYOR ARLENE R. SCHWARTZ DUE TO THE NON-RECEIPT OF THE ELECTED OFFICERS' CLASS RETIREMENT BENEFIT DURING HER SERVICE AS A CITY OFFICIAL FROM 1997 THROUGH 2004, AS WELL AS FROM 2016 THROUGH 2021; PROVIDING FOR DIFFERENTIAL FORMULA; PROVIDING FOR DEPOSIT INTO EXISTING 457 DEFERRED COMPENSATION PLAN

CITY ATTORNEY TOLCES, advised how Vice Mayor Schwartz could partake in this Item.

**A motion was made by Commissioner Caggiano, seconded by Commissioner Simone, that this Item, should be discussed.**

COMMISSIONER SIMONE explained that after her Agenda review, there was a possibility that both she and former Commissioner, Lesa Peerman, could also be involved in this Item.

MAYOR RUZZANO indicated that he had a similar question to Commissioner Simone and also questioned that if this Item was approved, would other past City Commissioners up to 30 years ago be considered.

CITY ATTORNEY TOLCES advised that there was a self-explanatory memorandum in the back-up from his law partner, Milton Collins and he was available on Zoom to answer questions pertaining to this Item.

WEISS SEROTA HELFMAN COLE & BIERMAN, PARTNER, MILTON R. COLLINS, responded to Mayor Ruzzano's question and informed him that although it was a case by case basis, theoretically speaking, so long as the circumstances were similar and it was post-1997 when the Resolution was initially adopted, they could possibly have a claim but it was based on the facts.

VICE MAYOR SCHWARTZ said that there was no one other than the three past and present City Commissioners who would fall under this as there was no one that ever worked for the City and that it was also part of the Florida Retirement System (FRS) who sat on the dias.

MAYOR RUZZANO questioned what the numbers would be for Commissioner Simone and former Commissioner Peerman if they were entitled to it.

CITY MANAGER CURTIS advised that Commissioner Simone's principle amount including lost earnings was \$34,542.08 and the principle amount and lost interest for former Commissioner Peerman was \$75,772.34. He informed that there was no money put away for Vice Mayor Schwartz and that in 2021 going forward, they corrected it by providing the differential to Vice Mayor Schwartz and Commissioner Simone in a 457 account. He explained that this Discussion and Action Item was to look at providing the same differential benefit for their prior years of service before 2021. He informed that the City Commission could direct both him and the City Attorney to return with a Resolution that would take care of this and address it in the future. He explained that if

somebody was elected and if they were part of another FRS employer and were not eligible for the elected officers class, the City Commission could authorize the difference in the contribution rates to that elected official into a separate 457 account. He was unaware of any other City having this issue.

COMMISSIONER ARSERIO questioned whether this Item needed to be tabled or notice it as a package deal for the three past and present City Commissioners.

CITY ATTORNEY TOLCES advised that compensation matters had to be directed through a Resolution and if the City Commission direct the City Manager and his office, they would revert with a Resolution at their next City Commission meeting to provide for those payments and the necessary findings as outlined in Mr. Collins' memorandum.

COMMISSIONER ARSERIO referenced an ethics training renewal and said that there was a state's statute which allowed for City Commissioners to approve their salaries and questioned whether this would be part of that or was it considered a benefit.

CITY ATTORNEY TOLCES interpreted this Item as being related to one of the City Commissioners but if they were going to be looking at more, then it may be categorized under compensation where the City Commissioner would have to recuse herself from voting on that Resolution.

COMMISSIONER ARSERIO said that he had given this Item a lot of thought and a part of him did not want to do it but said that he was leaning towards it and referenced that those past and present City Commissioners were in the pension plan. He continued to discuss the effects of the pension and investment plan for someone in his position and recommended looking at the entire benefit package for the City Commission pertaining to this Item. He said that he wanted to know the procedure for other cities and believed that in terms of fairness, the City Commission should receive a certain amount into a 457 every year.

Discussion ensued.

MAYOR RUZZANO concurred with Commissioner Arserio's comments and believed that the benefit package needed to be revamped. He said that he could probably go for a resolution this evening where all three past and present City Commissioners would receive something and moving forward, the City Commission would all receive the 457.

VICE MAYOR SCHWARTZ informed that there was now something in writing.

Discussion ensued.

CITY MANAGER CURTIS explained that the FRS required a blended contribution regardless of whether you were in the investment or the pension plan, the City contributed the same amount for each individual. He said that the individual in the investment plan did not receive the full 40% and would only receive 8%. He explained from the City's and his perspective, it would be impossible to try to make sure all the City Commissioners were all equal when it came to retirement and all that they could do was to ensure that the contribution rate was the same. He also explained investment, what the City Commission's individual situation was and how it would determine what their final benefit was.

Discussion ensued.

COMMISSIONER CAGGIANO discussed a retiring Fire Chief who he alleged was handed a \$50,000 departure check which he believed was not part of his contract and said that the current discussion was in the minutes of a meeting and that it was a

promise made and a promise not kept. He indicated that the discussion this evening was different to what was previously promised while he continued to compare the situation with the former retired Fire Chief.

Discussion ensued.

MAYOR RUZZANO repeated his concerns on this Item and said it was a tough one to swallow.

Discussion ensued.

COMMISSIONER SIMONE's understanding was that the City made retirement contributions for everybody but as the three past and present City Commissioners were already retired, Margate still paid for them but they did not receive anything whereas the City was paying for others. She explained that when she first got elected, she had to freeze her pension for six months as both the School Board and City were FRS.

COMMISSIONER ARSERIO responded to Commissioner Simone's comments and said that the City was paying but he was not benefiting from it as it was not going into his retirement account. He also questioned why former Commissioner Peerman's amount was higher.

Discussion ensued.

LESA B. PEERMAN, 6921 NW 4TH PLACE, explained that at the time, the City Commission put it in the budget and said that Coconut Creek gave a stipend for the health insurance and said that two City Commissioners did not receive it and alleged that Mayor Ruzzano made the motion which she seconded which was voted upon. She believed that it was the State that changed to allow an elected and therefore, it was never voted upon by that City Commission. She vaguely remembered that she mentioned in one of the budget meetings of the City Commission taking a vote to give Commissioners Simone and Schwartz a 457 difference. She explained that somewhere between 2016 and 2018 when the City Commission voted upon it, she alleged that the City must not have put that money away for the two Commissioners and that was what was owed to them. She informed that she had to have her pay voted upon so that she could take a reduced salary. She said that if it was not voted upon and if they were elected after 2004, that City Commission voted no and she did not believe it was promised in any kind of paperwork or paper trail. She was informed by George McNeil when she was voted in office that she would need to receive 1.6% or 3% as the elected and she agreed to 1.6%. She questioned that if Vice Mayor Schwartz was going back to 2016, why was she not receiving it as it had opened the door and set the precedent. She said for the record, there were many School Board employees who were elected officials who made the same exact decision of accepting the 1.6%.

Discussion ensued.

VICE MAYOR SCHWARTZ said that she did not ask to go back to 2016 and requested it from 1997 - 2004.

CITY MANAGER CURTIS indicated that it would include those years.

Discussion ensued.

ELSA SANCHEZ did not understand all of the legal jargon contained in the back up for this Item but interpreted that it was something that was promised and it was never given and that the City should fix it and do it right.



MAYOR RUZZANO questioned what Vice Mayor Schwartz's money was before the compounded interest.

CITY MANAGER CURTIS explained that they were basing the annual rate of return from a Lost Earnings Calculation on the Department of Labor's website and confirmed the following:

Vice Mayor Schwartz:

\$25,011.01 - Principle amount

\$26,372.61 - Lost earnings

Commissioner Simone:

\$25,000 - Principle (approximate figure)

\$10,000 - Interest (approximate figure)

Former Commissioner Peerman:

\$50,805 - Principle

\$24,967 - Interest

Discussion ensued.

CITY ATTORNEY TOLCES explained that the next steps was to direct the City to draft a Resolution to bring it back or approve it but recommended that it should be brought back to be able to see all the numbers.

MS. PEERMAN said that she did not have a clue and that the City should take back the interest as she did not want it.

Discussion ensued.

MAYOR RUZZANO recommended that in terms of fairness, that whatever City Commissioners were here that were entitled to this, they would need to work out the years of service, give them \$3,000 per month and come back and revisit it as there would be no compounded interest. He indicated that the total amount of \$150,000 was on a promise which would be a tough sell to the residents.

CITY MANAGER CURTIS referenced that at \$3,000 per year from 1998, the total amount of principle due was \$1,200.

Discussion ensued.

TRACY VAN WINKLE said that the City needed to make it right as Margate promised it.

CITY ATTORNEY TOLCES referenced his colleague, Mr. Collins' memorandum and said that it was important to get the numbers right and that their potential Internal Revenue Service (IRS) issues with respect to how much could be placed in an individual 457 plan on an annual basis. He repeated that from his perspective, if there was a desire from the City Commission that they draft a Resolution for those three individuals, revert with the numbers and with the appropriate contributions to the appropriate accounts, so that they knew what they were voting on.

Discussion ensued.

LAUREN BERACHA, PARADISE GARDENS III, discussed the FRS.

RICH ALIANIELLO said that the situation was similar to when he worked for the airlines and believed that Vice Mayor Schwartz's Item should be taken care of today and that the others cases should be reviewed.

Discussion ensued on what plans the City Commission took from 2016 and the next steps.

CITY MANAGER CURTIS confirmed that there was CONSENSUS to bring back the Resolution that provided retroactive differential for Vice Mayor Schwartz, Commissioner Simone and former Commissioner Peerman (Vice Mayor Schwartz abstained from consenting).

CITY MANAGER CURTIS said that there was CONSENSUS for Resolution/Discussion and Possible Action to review/proposal to establish a 457 account for the respective City Commission. He advised that he would work on the language for the Resolution for Vice Mayor Schwartz and Commissioner Simone.

Discussion ensued.

CITY ATTORNEY TOLCES would double check with regard to Vice Mayor Schwartz and Commissioner Simone that they were clear with any voting on the Resolution pertaining to the benefits.

COMMISSIONER ARSERIO believed that all City Commissioners should all be able to vote upon the revised benefits.

## ADJOURNMENT

There being no further business, the meeting adjourned at 8:51pm.

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.

[Unified Land Development Code – Section 40.300(C)] 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 Boards may be in attendance and may participate at the meeting.

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