



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, June 21, 2023

7:00 PM

Commission Chambers and Zoom.us

Webinar ID: 873 7990 3128

<https://us02web.zoom.us/j/87379903128>

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

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

1) PRESENTATION(S)

- A. [ID 2023-202](#) CITY OF MARGATE POLICE DEPARTMENT CIVILIAN OF THE YEAR - OFFICE SPECIALIST III, DENISE ZABARSKY

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- B. [ID 2023-169](#) KEVIN E. DELACOVA, FIRE LIEUTENANT - FIRE DEPARTMENT - 20 YEARS

FABIAN MARRERO, DRIVER/ENGINEER - FIRE DEPARTMENT - 20 YEARS

KRIS A. MILLER, POLICE INVESTIGATOR ASSISTANT - POLICE DEPARTMENT - 20 YEARS

DAVID M. NYENBRINK, DRIVER/ENGINEER - FIRE DEPARTMENT - 20 YEARS

NICOLE ONEILL, FIREFIGHTER/PARAMEDIC - FIRE DEPARTMENT - 20 YEARS

INDERDEW DEWKAL, VAN DRIVER - SENIOR CENTER - 15 YEARS

GUSTAVO CORONADO, UTILITY TECHNICIAN - ENVIRONMENTAL & ENGINEERING SERVICES - 10 YEARS

NIVENSON MOISE, MECHANIC III - PUBLIC WORKS - 5 YEARS

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that Item 8A be moved up before Item 2) Public Comments.

Discussion ensued on whether moving Items up warranted a motion.

This carried as follows:

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

8) DISCUSSION AND POSSIBLE ACTION

- A. [ID 2023-180](#)** WAIVING OF RENTAL FEES AND LABOR FEES FOR THE USE OF THE MARGATE SPORTS COMPLEX COVERED FIELD IN AN AMOUNT NOT TO EXCEED \$1,150 FEE WAIVED REQUEST BY GIDEON'S MOTORCYCLE CLUB

MAYOR ANTHONY N. CAGGIANO thought that although it was a good idea to distribute the book bags, he preferred to hold the event at Veterans' Park.

VICE MAYOR TOMMY RUZZANO indicated that there could be a problem with parking and congestion if the event was held at Veterans' Park but he had no problem with them using the Margate Sports Complex.

COMMISSIONER ARLENE R. SCHWARTZ did not know if parking would be a problem as motorcycles would be in use.

Discussion ensued.

COMMISSIONER JOANNE SIMONE was in favor of Veterans' Park and indicated that it could be similar to the Tree Giveaway where they would pull-in and the backpack could be placed in their car.

Discussion ensued.

CITY MANAGER CALE CURTIS recommended a representative of Gideon's Motorcycle Club (GMC) speak on this Item as it would involve children's activities and he was unsure if Veterans' Park would be able to facilitate the same.

GMC, ANAGRACE MENDEZ, thanked the City for giving them the opportunity for attending tonight's meeting. She explained last year's event was not a drive-thru and spoke of the importance of her organization getting to know and give back to the

community which she hoped to repeat again this year. She also spoke about the shower bus.

VICE MAYOR RUZZANO applauded GMC for all they did and questioned if the City would be partnering with them as a sponsor and whether this could be promoted on the City's website.

CITY MANAGER CURTIS advised that if it was the wish of the City Commission, they could sponsor the event.

A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Arserio, to leave this event at the Margate Sports Complex and the City of Margate partners with Gideon's Motorcycle Club to enable to promote the event.

COMMISSIONER SCHWARTZ referenced that at GMC's last City of Margate event, they had two other groups with them.

GMC, ANAGRACE MENDEZ explained that they would be partnering with My Non-Profit.

Discussion ensued.

COMMISSIONER SIMONE explained the reason why she would vote against this Item and suggested that the City should have a workshop to discuss future contributions and informed her preference to diminish all future waivers. She announced that after today's outcome, she would no longer be voting for any waiver on their Margate Sports Complex.

Discussion ensued on the current waiver policy and future waivers.

COMMISSIONER ANTONIO V. ARSERIO thanked GMC for all they did and that he was looking forward to this year's event. He said that although he would support this Item, he agreed with Commissioner Simone that they should have some type of workshop to amend whatever policy the City currently had.

DONNA L. FELLOWS, 6108 NW 9TH COURT, spoke in support of this Item and said that they should receive the waiver.

COCONUT CREEK RESIDENT, explained that she was one of the entertainers for GMC and highlighted the lack of funding for children. She emphasized that GMC were more than just a motorcycle club group and that they had a mission in their heart and that it was needed for the community.

MAYOR CAGGIANO responded to the Coconut Creek resident.

COMMISSIONER SCHWARTZ suggested that organizations could complete a form for donations up to \$1,000.

The motion carried by the following vote:

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

No: 1 - Commissioner Simone

Meeting went into Recess.

Meeting Reconvened.

2) PUBLIC COMMENTS

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

MS. FELLOWS thanked the City for the donation made towards her Grandson and Shyanne. She continued to discuss matters pertaining to the bowling tournament.

MAYOR CAGGIANO responded to Ms. Fellows.

RICH ALIANIELLO, 7631 NW 23RD STREET, questioned the grand total spent on the new fire house 58.

JONATHAN A. KRALJIC, 7357 FLORES WAY, read a statement alleging that the City Commission had repeatedly violated State Statute Title 19, Chapter 286, Section 1.14, subsection 5, regarding public meetings for a reasonable opportunity to be heard.

MARGATE RESIDENT, MATTHEW FLORY, distributed programs from his musical band to the City Commission and read a statement on the same.

DISTRICT 96 – FLORIDA STATE REPRESENTATIVE CHRISTINE HUNSCHOFSKY provided an update on the full legislative session and said that the local projects for the City of Margate all survived the veto pen. She highlighted Chief of Police Galaska's recent accolade in Tallahassee. She explained that as a legislative body, their only constitutional duty actually was to pass a balanced budget which they completed on time on May 5th. She discussed the bills that were placed into law including House Bill 33 for the Psychology Interjurisdictional Compact.

A question and answer session ensued between the City Commission and Florida State Representative Hunschofsky.

MR. FLORY played a solo instrumental piece.

3) COMMISSION COMMENTS

COMMISSIONER ARSERIO wished everybody a happy 4th of July/Independence Day and highlighted the City's parade and firework event. He thanked the two residents that approached the City Commission about the Property Improvement Grant Program (PIP) money they had received and he appreciated their feedback. He congratulated the Fire and Police civilians of the year

VICE MAYOR RUZZANO congratulated the Flory family. He read a letter from Brandon Paulson who praised Building Department Chief Structural Inspector, Valentino and Director of Building & Building Code Services, Nixon. He discussed Mr. Alianiello's question about Firehouse 58 pertaining to the price. He said that everyone should have a great 4th of July and he would see everyone at the City's Parade and Firework Extravaganza.

MAYOR CAGGIANO reiterated the Fourth of July Extravaganza. He repeated his request to start preparing for the Hurricane season.

COMMISSIONER SCHWARTZ thanked all the employees for their Years of Service. She congratulated the Building Department. She referenced children playing and requested no parking over the sidewalk. She wished everybody a happy 4th of July.

COMMISSIONER SIMONE extended her congratulations to Chief Structural Inspector, Valentino and Director of Building & Building Code Services, Nixon and the entire Building Department's team for the exceptional report back from the Department of Building and Regulations. She advised that to date, the Building Department had reported 197 cases of possible unlicensed contractor activity and/or contractor fraud. She said that she looked forward to seeing everybody at the Fourth of July Parade.

4) CITY MANAGER'S REPORT

CITY MANAGER CURTIS provided two meeting updates pertaining to Margate Executive Golf Course and the Budget Workshop. He advised that the Finance Department released the proposed budget books today for Fiscal Year 2024. He thanked Chief of Police Galaska who had his department patrolling neighborhoods and helping with parking issues in the area.

INTERIM CITY ATTORNEY TOLCES wished everybody a happy 4th of July.

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.

No items under Consent Agenda.

6) RESOLUTION(S)

- A. [ID 2023-188](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, DESIGNATING A VOTING DELEGATE AND AN ALTERNATE FOR THE FLORIDA LEAGUE OF CITIES' 97TH ANNUAL CONFERENCE BEING HELD IN ORLANDO, FLORIDA FROM AUGUST 10-12, 2023; PROVIDING FOR AN EFFECTIVE DATE.

Discussion ensued.

A motion was made by Commissioner Schwartz, seconded by Commissioner

Arserio, to insert the name, Anthony N. Caggiano, as Delegate and Antonio V. Arserio as Alternate. This carried as follows:

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

- B. [ID 2023-203](#) APPROVING COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL #3080 FOR THE PERIOD FROM OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2025; PROVIDING FOR EFFECTIVE DATE.

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 read through the agreement and explained that there were no specific provisions or mention for Post-traumatic Stress Disorder (PTSD).

COMMISSIONER SIMONE said that all of the City employees were valued and deserved to be treated equally and she made reference to stimulus money.

COMMISSIONER SCHWARTZ questioned whether all of the City's employees were entitled to attend the Employee Assistance Program (EAP) which carried no stigma.

CITY MANAGER CURTIS confirmed Commissioner's Schwartz's question was correct.

The motion carried by the following vote:

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

No: 1 - Commissioner Simone

7) ORDINANCE(S) - FIRST READING

- A. [ID 2023-173](#) 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.

A motion was made by Commissioner Schwartz, seconded by Commissioner Simone, that this Ordinance, First Reading, should be approved.

CITY MANAGER CURTIS explained that there was a short presentation and advised that this Ordinance at First Reading was simply to start the process for removing the fees from the Code.

DEVELOPMENT SERVICES (DS) SENIOR PLANNER, CHRIS GRATZ, gave a PowerPoint presentation on the proposal for a fee schedule amendment.

A question and answer session ensued between the City Commission and DS Senior Planner, Gratz, which included the proposed fee on the land use amendment and special exception and variances.

INTERIM CITY ATTORNEY TOLCES clarified that the City Commission were not adopting the fees as that would return at a separate meeting.

Discussion ensued.

MR. ZUCCHINI requested that when the fees are reviewed, the City needed commercial development to help alleviate some of burden on single family homeowners.

The motion carried by the following vote:

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

- B. [ID 2023-197](#)** 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.

MAYOR CAGGIANO thanked Mr. Hickey for attending this meeting.

CALVIN, GIORDANO & ASSOCIATES INC (CG&A), DIRECTOR, JIM HICKEY gave a PowerPoint presentation on parts of the code that they were changing. He highlighted the importance of the Comprehensive Plan and placing certain areas into one section which would be more user friendly to a developer or resident. He gave an overview on Phase 1 which incorporated the administration in Chapters 2 and removed matters that were directly related to land development. He also informed on eliminating Chapter 31 and placing it in Chapter 40.

MAYOR CAGGIANO questioned Mr. Hickey whether the revised Codes would have the districts on the top and the requirements on the side through a listed checklist.

CG&A DIRECTOR, HICKEY indicated that they would also be using tables for Regulations. He advised that the districts along State Road 7/441 were a little more complex but they would endeavor to get those in together with adding foot notes. He informed that Chapter 11 would stay in its location. He informed that they reviewed the boat docks information and they made it 10% of the canal.

VICE MAYOR RUZZANO questioned whether a total maximum square footage for the dock was still in effect and also referenced previous questions pertaining to going up to the property lines of neighbors, etc.

CG&A DIRECTOR, HICKEY said they added in that "the dock should not exceed closer than 10 feet of the property line of the adjacent property."

Discussion ensued on the docks.

CG&A DIRECTOR, HICKEY discussed major changes to Chapter 31 which pertained to platting, subdivision and other Land Use Regulations and it also helped understand the site plan process which would be moved into Chapter 40. He discussed Chapter 35 which were streets, sidewalks and other public places and the responsibility for driveway approaches.

CITY MANAGER CURTIS read an extract from line 3452 pertaining to inspections on sidewalks. He recommended retaining language if the abutting property owner was engaging in some sort of active activity driving heavy machinery or installing something that would damage the sidewalk, they would be responsible for the repairs to that sidewalk. For issues such as trees, it would be difficult to determine whether or not that property owner even planted those trees or if it was the original developer, the City would not hold that property owner accountable for that damage, potentially moving that item from the Code section.

Discussion ensued.

VICE MAYOR RUZZANO questioned who would be responsible if someone tripped on a sidewalk.

INTERIM CITY ATTORNEY TOLCES said that there was not a black or white answer to this. He indicated that if it was the City that installed the sidewalk and they had notice of the condition, then the Plaintiff would allege that it was the City's responsibility. He said that it would also depend on who constructed the sidewalk, whether they conveyed it to the City or did the City have notice of the fact that there was a defect.

Discussion ensued on the responsibility of a trip and fall incident at a sidewalk.

CITY MANAGER CURTIS thought that Margate did not have any process in place if a contractor constructed a driveway or a sidewalk when it was completed it got conveyed to the City. His thoughts would be if a contractor did that or if a City hired a contractor and the sidewalks were completed if it got inspected, it then reverts back to City owned sidewalk and the responsibility for that lies with the City as long as the contractor did not build it with some sort of defect.

Discussion ensued on the responsibility and maintenance of a sidewalk.

CG&A DIRECTOR, HICKEY referenced line 3772 which went through the new Chapter 40 and identified why the code was there and what was its purpose and with Phase 2, this would populate with the rest of the codes and would be one Chapter that would have all this information. He said that there would be one location for definitions and the information moved from Chapter 2 would be incorporated into Chapter 40. He said that the radius would stay at the 1,500 and they had talked about the two family zoning districts which would be 400. He outlined the changes in zoning determinations and how they would eliminate duplicative and outdated regulations. He advised that at the back of

the information, there was an Annotated Outline which showed where it was in the Code to where it was moving to. He read through the timeline for completion and said that the goal was to get this completed and adopted by the end of the calendar year.

INTERIM CITY ATTORNEY TOLCES explained the reason for having one effective date.

CG&A DIRECTOR, HICKEY clarified the use of both culverts and bridges which were incorporated into the Chapters.

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, with the amendment to remove line 3452 relating to the Owner's responsibility for damage to sidewalks that were damaged by trees.

INTERIM CITY ATTORNEY TOLCES questioned the City Manager if they wanted to remove language regarding the pressure cleaning responsibility with sidewalks.

COMMISSIONER SCHWARTZ questioned whether there was an Ordinance covering how often the driveway had to be pressured cleaned.

CITY MANAGER CURTIS indicated that there should be clear language for maintaining some community aesthetics in terms of driveways and sidewalks.

Discussion ensued on pressure cleaning driveways.

MR. ZUCCHINI listed a number of talking points on this Ordinance.

MS. FELLOWS questioned the responsibility of her sidewalk and the maintenance of it.

TRACY VAN WINKLE, 1020 SW 61ST AVENUE, advised that the trees around the City needed to be trimmed during the hurricane season. She discussed pressure cleaning and the responsibility of maintaining sidewalks.

MR. KRALJIC suggested publishing a sidewalk maintenance responsibility map and that the City should distinguish the difference between maintenance and repairs.

The motion carried by the following vote;

Yes: 4 - Commissioner Arserio, Mayor Caggiano, Commissioner Schwartz and Commissioner Simone

No: 1 - Vice Mayor Ruzzano

C. [ID 2023-185](#) TRANSIT ORIENTED CORRIDOR (TOC) CODE AMENDMENT

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

DS SENIOR PLANNER, GRATZ, gave a brief PowerPoint presentation where he explained that the Transit Oriented Corridor (TOC) amendment for multi-family development specifically residential development fronting directly on State Road 7/441 and Multiple-family dwellings as a permitted use. He said that the recommendation would be to remove allowance of the one and two family dwellings and allow multi-family developments fronting directly on State Road 7. He also discussed the Development Standards which included Residential Building Heights and Setbacks in TOC-Gateway (TOC-G) District, Setback from Major Roads and Massing and also Mixed-Use. He explained that their recommendation would be to have no new one-family detached dwellings and two-family dwellings in the TOC-G and TOC-C Districts.

COMMISSIONER ARSERIO referenced the Shooster property and agreed that it was a massive setback and that there were very large oak trees. He also said that he would not want a multi-family residential building such as Arbor View so close to the road. He explained that he was in favor of the Special Exception remaining in place.

COMMISSIONER SCHWARTZ referenced a 10 feet landscaping buffer, a sidewalk and another 10 feet landscaping buffer and she did not understand the purpose of the first one.

DS SENIOR PLANNER, GRATZ said that the idea was to put some landscaping in between the pedestrian and sidewalk to make it a much more comfortable environment to walk through and highlighted US 1 in Pompano Beach as an example.

Discussion ensued on Special Exception.

INTERIM CITY ATTORNEY TOLCES advised that one of the criteria were that if the City Commission found that the granting of the application would be in Margate's best interests.

Discussion ensued.

VICE MAYOR RUZZANO informed that the reason why nobody was notified was that the code was on 500ft notification and the City changed that due to that reason. He said that he was never a fan of the TOC. He was in favor of the 10 feet sidewalks and that he was not a fan of bicycles riding on the road and was in agreement with nice landscaping which would buffer the area. He questioned whether they went by property lines as he noted that the samples were from the end of the curb. He was not a big fan of the housing on State Road 7/441 but referenced some developments South of Atlantic Boulevard which were setback.

DS SENIOR PLANNER, GRATZ, confirmed that the TOC did not go by property lines.

Discussion ensued on property lines and setbacks.

DS SENIOR PLANNER, GRATZ continued with his PowerPoint presentation and advised that their recommendation was to remove 75' feet setback and keep massing pertaining to the setback from major roads. He informed that the staff's recommendation for mixed use would be for vertical mixed-use in all of the TOC with minimum of four stories with Special Exception.

COMMISSIONER ARSERIO sought an explanation on mixed-use.

Discussion ensued on mixed-use and vertical mixed-use.

A question and answer session ensued between the City Commission and DS SENIOR PLANNER, GRATZ.

MR. ZUCCHINI agreed with Commissioner Arserio on the Special Exception and said that he would like to see the setbacks, at least the suggestion of hard-coded, in as much as could possibly be done. He also discussed a previous City Commission meeting about submitted projects for application where they said that the software would be shared to the City Commission.

The motion carried as follows:


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

ADJOURNMENT

There being no further business, the meeting adjourned at 9:52pm.

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.

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