



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

Wednesday, August 21, 2024

7:00 PM

Commission Chambers and Zoom.us
Webinar ID: 810 6842 2115

<https://us02web.zoom.us/j/81068422115>

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 BY PASTOR JEFF ROWLES, ABUNDANT LIFE CHURCH

PLEDGE OF ALLEGIANCE

5) RESOLUTION(S)

MAYOR TOMMY RUZZANO brought forward Item 5) C. before Public Discussion.

- C. [ID 2024-253](#) RESOLUTION- APPROVING THE EMPLOYMENT AGREEMENT BETWEEN MICHAEL PALMA AND THE CITY OF MARGATE FOR EMPLOYMENT AS CHIEF OF POLICE; PROVIDING FOR EFFECTIVE DATE

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

MAYOR RUZZANO explained why this Item had arose.

COMMISSIONER ANTONIO V. ARSERIO congratulated Interim Chief of Police (CoP), Palma. He explained that he reviewed the contract with City Manager Curtis on a number of occasions and was content on how the same was presented.

MAYOR RUZZANO advised that he had also reviewed the contract and recommended that all City Commission hires should also have their contracts reviewed. He indicated that Fire Chief Lorenzo should possibly have a pay increase. He wished Interim CoP Palma the best.

INTERIM CoP, MICHAEL PALMA, thanked his colleagues, the City Commission and residents for their support.

ELSA SANCHEZ apologized for not attending the City Commission meeting in person and expressed her support for Interim CoP Palma and his whole team.

The motion carried as follows:

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

CoP PALMA, expressed his gratitude.

Discussion ensued.

1) PUBLIC DISCUSSION

TRACY VAN WINKLE discussed parking issues in her area and sought an explanation as to why she received a ticket.

CITY ATTORNEY, DAVID N. TOLCES, advised that Ms. Van Winkle's citation should be dealt with through the Police Department as it was out of the realm of what had already happened.

COMMISSIONER ARSERIO responded to Ms. Van Winkle's comments and voiced his concerns with the American with Disabilities Act (ADA) pertaining to residential parking.

Discussion ensued.

MAYOR RUZZANO questioned whether there was something that could be implemented as he disagreed with the parking policy.

Discussion ensued on residential parking and the ADA.

VICE MAYOR ARLENE R. SCHWARTZ explained that the parking situation arose in her neighborhood 20 years ago as they were looking for the people who lived there as opposed to people who were just visiting.

Discussion ensued.

DONNA FELLOWS continued to discuss the issues concerning residential parking and the ADA rules.

OSNAK MERCIVAL discussed issuing tickets outside business hours.

2) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO referenced Hurricane Ernesto which affected Bermuda and explained that the Dutch Pot Jamaican Restaurant chain was accepting a donation of goods for that island. He was ecstatic that his daughter started college and

an internship.

COMMISSIONER JOANNE SIMONE congratulated the new CoP, Palma and thanked his colleagues in the Police Department for their dedication and commitments for keeping the safety of the City's residents and businesses their top priority. She highlighted the forthcoming grand openings including the Bagel Time Bakery and Konekt Club. She wished everyone to continue to be safe.

COMMISSIONER ARSERIO explained that he had spoken to City Manager Curtis about parking issues and indicated that some were abusing the system. He believed that the City needed to set certain policies and boundaries and referenced that some residents were renting out their driveways and he also discussed boats and trailers. He advised that the City needed a clearer definition of commercial vehicles. He was aware that there was an Ordinance against people living in recreational vehicles (RV) and suggested implementing a policy pertaining to this. He did not agree with non-Margate residents parking vehicles in the City.

VICE MAYOR SCHWARTZ advised that the City had rules pertaining to boats and commercial vehicles but indicated that they were not always enforced until it becomes too much of an issue.

Discussion ensued.

COMMISSIONER CAGGIANO believed that the City was enforcing the parking rules.

Discussion ensued.

VICE MAYOR SCHWARTZ said that Margate's National Night Out Against Crime was amazing. She discussed the Legacy Closet's Community Giveback Event which she participated in and highlighted the kind generosity of donations from well known organizations and volunteers of all ages. She indicated that they needed to come and discuss the homeless issue.

MAYOR RUZZANO questioned who wrote parking tickets within the City.

CITY ATTORNEY, DAVID N. TOLCES, advised that both the Police Department and Building Code Compliance could write tickets. He explained that there was due process and people had the right to challenge the citation.

MAYOR RUZZANO discussed parking issues in Margate.

COMMISSIONER ARSERIO believed that the City did not need to be proactive about parking and matters should be dealt with on a case by case basis.

VICE MAYOR SCHWARTZ forewarned the City against not enforcing parking restrictions pertaining to ADA or discussing this matter.

CITY ATTORNEY TOLCES said that nobody had advised not to enforce any federal, state or local laws and believed that the City was just discussing the laws that currently exist on parking. He repeated Vice Mayor Schwartz's comments that there was a history of individuals who would file lawsuits against cities and businesses for not taking steps to improve curbs, walkways, access and restrooms.

Discussion ensued on parking issues in the City.

MAYOR RUZZANO encouraged children to sign up to the City's sports programs. He indicated that the Legacy Closet's Community Giveback was an incredible event which helped a lot of families and he was glad that the City waived the fees to use Margate's Sports Complex. He also praised the volunteers who participated. He advised that Fire Station 58 would be having its grand opening soon. He said that Margate Elementary School was named an "A" school. He congratulated the new CoP Palma. He discussed being closer to the vision of the City's Community Redevelopment Agency (CRA) where Requests for Proposals (RFP) were received from developers nationwide and he also provided an update of new businesses.

CITY ATTORNEY TOLCES said that it was good to be back. He congratulated the new CoP Palma and that he looked forward to continuing to work further with his department.

3) CITY MANAGER'S REPORT

CITY MANAGER, CALE CURTIS, congratulated the new CoP Palma and that he supported him 100%.

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 2024-223](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: JULY 3, 2024 REGULAR CITY COMMISSION MEETING, JULY 9, 2024 CITY COMMISSION BUDGET WORKSHOP AND JULY 10, 2024 REGULAR CITY COMMISSION MEETING
- APPROVED**
- B. [ID 2024-243](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DIVISION OF ARTS AND CULTURE CULTURAL FACILITIES PROGRAM REQUESTING \$133,300 FOR THE MARGATE COMMUNITY CENTER PROJECT AND FURTHER AUTHORIZING AN AMOUNT OF \$266,600 AS THE CITY'S MATCHING FUNDS
- APPROVED**
- C. [ID 2024-246](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, AUTHORIZING A WAIVER OF BIDDING REQUIREMENTS FOR THE ACQUISITION OF SOLE SOURCE LIGHTNING PROTECTION SYSTEMS AND SERVICES FROM THE AVANTI COMPANY FOR THE CITY FACILITIES; AUTHORIZING THE EXPENDITURE OF \$95,994.00 FOR PROTECTION OF WATER AND WASTEWATER TREATMENT PLANTS
- APPROVED**
- D. [ID 2024-249](#) RESOLUTION - APPROVING A LETTER OF SUPPORT FOR THE DISTRIBUTION OF \$432,599.00 OF SURPLUS FEDERAL FISCAL YEAR

2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT-COUNTYWIDE (JAG-C) PROGRAM FUNDS TO BROWARD COUNTY; PROVIDING FOR EFFECTIVE DATE

APPROVED

E. [ID 2024-252](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, SUPPORTING THE METROPOLITAN PLANNING ORGANIZATION'S FINAL 2050 METROPOLITAN TRANSPORTATION PLAN; PROVIDING FOR EFFECTIVE DATE

APPROVED

F. [ID 2024-259](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING AND ACCEPTING ASSIGNMENT OF THE AUDITING SERVICES AGREEMENT AUTHORIZED UNDER RESOLUTION 2023-063 BETWEEN KEEFE, MCCULLOUGH & CO., LLC (KMC) AND THE CITY OF MARGATE TO CITRIN COOPERMAN & COMPANY, LLP; PROVIDING FOR AN EFFECTIVE DATE

APPROVED

Approval of the Consent Agenda

A motion was made by Vice Mayor Schwartz, 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

5) RESOLUTION(S) (Continued)

A. [ID 2024-195](#) APPROVING APPOINTMENT OF _____ TO THE CIVIL SERVICE BOARD FOR THE TERM COMMENCING AUGUST 26, 2024, THROUGH AUGUST 25, 2026

Discussion ensued.

A motion was made by Commissioner Caggiano, seconded by Commissioner Arserio, to insert the name of Pierre Basquin.

MAYOR RUZZANO said that if this Resolution did not pass, he would like to see Lauren Beracha on the board.

The motion failed as follows:

Yes: 1 - Commissioner Caggiano

No: 4 - Commissioner Simone, Commissioner Arserio, Vice Mayor Schwartz and Mayor Ruzzano

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Arserio, to insert the name, Lauren Beracha. This carried as follows:

The motion carried by the following vote:

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

- B. [ID 2024-245](#)** APPROVING A RENEWAL OF THE AGREEMENT WITH INFRAMARK LLC TO PROVIDE FOR DISCONNECTIONS, RESTORATIONS AND ADDITIONAL SERVICES; PROVIDING AN ANNUAL FLAT RATE PRICING; PROVIDING FOR EFFECTIVE DATE

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

VICE MAYOR SCHWARTZ questioned whether there had been any problems with the meters.

CITY MANAGER CURTIS indicated that as far as he knew, there were no problems and that the City had been quite happy with this company.

This motion carried by the following vote:

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

- D. [ID 2024-256](#)** RESOLUTION - APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL #3080 (IAFF LOCAL #3080) MODIFYING ARTICLE 16 - DEPARTMENTAL STAFFING OF THE COLLECTIVE BARGAINING AGREEMENT FOR THE PERIOD FROM OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2025; PROVIDING FOR A DAILY MINIMUM DUTY COMBAT FORCE OF NINETEEN (19) STATE CERTIFIED FIREFIGHTERS; PROVIDING FOR THE MOU TO BECOME EFFECTIVE JUNE 1, 2025 SUBJECT TO RATIFICATION; PROVIDING FOR EFFECTIVE DATE

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

VICE MAYOR SCHWARTZ believed that in the long run, this Resolution would provide better service as they would no longer have to send out five people and two trucks to cover what three people could do.

COMMISSIONER ARSERIO thanked Mayor Ruzzano for bringing forward this Resolution and explained that it had been long overdue.

COMMISSIONER CAGGIANO thought that this Resolution would lead to less injuries.

MAYOR RUZZANO congratulated Fire Chief Lorenzo and encouraged people to see the video of the Margate Fire Department on the City's website.

The motion carried by the following vote:

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

- E. [ID 2024-257](#)** RESOLUTION - APPROVING AN AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE FOR OPTIONAL COUNTY SERVICES; UTILIZING THE HOUSEHOLD HAZARDOUS WASTE AND ELECTRONICS PROGRAMS FOR AN INITIAL TERM ENDING SEPTEMBER 30, 2026; PROVIDING FOR AUTOMATIC EXTENSION; PROVIDING FOR RATE; PROVIDING FOR ANNUAL ESCALATION AND QUARTERLY INCREASE; PROVIDING FOR EFFECTIVE DATE

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

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

- F. [ID 2024-248](#)** APPOINTMENT TO THE BROWARD MPO CITIZENS' ADVISORY COMMITTEE

COMMISSIONER ARSERIO explained that he was the current voting member for the Metropolitan Planning Organization (MPO) and expressed that it had been tough over many years to get projects going in the City but they had seen progress. He informed that there were several projects in the City that were in the pipeline for the MPO. He said that this position was similar to a Planning and Zoning advisory for citizens to serve and each City had a representative. He informed that this Resolution was technically his appointment as a MPO position but as a courtesy, he wanted to have it formalized at the City Commission meeting and if it was approved, they could send a letter to that organization.

A motion was made by Commissioner Arserio, seconded by Commissioner Caggiano, to insert name, Joao Brandao.

Discussion ensued.

This 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 2024-258](#) ORDINANCE - AMENDING CHAPTER 33 - POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE 1 - OFFENSES, MISCELLANEOUS PROVISIONS, ADDING NEW SECTION 33-34 PUBLIC CAMPING OR SLEEPING PROHIBITED; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

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

COMMISSIONER CAGGIANO questioned City Attorney Tolces if this Ordinance was identical to the State Laws.

CITY ATTORNEY TOLCES explained that it was not necessarily matching that of the State Law and advised that in this legislative session, the Florida legislator and Florida State Governor DeSantis signed a bill. He informed that the bill provided for a new provision in Florida law that could potentially impose civil liability on a municipality for failing to enforce or prevent individuals from engaging in public camping or sleeping on any public property including any public right of way under the jurisdiction of the City. He advised that in reviewing this current City Code, there were no provisions relating to public camping or sleeping prohibitions. He explained that his office worked with the Police Department in drafting some code provisions that would be able to be used as a defense by the City. He said that the Ordinance that they were presenting was consistent with Florida law as well as the recent case decided by the United States Supreme Court that found that it was not cruel and unusual punishment to jail someone who was camping or sleeping in public.

VICE MAYOR SCHWARTZ expressed her sadness and that regardless of political party, she said that they had legislators who saw a problem but did not offer a solution other than criminalizing people who were homeless and making it a problem that was not easy to solve as there were not enough shelters to start with.

COMMISSIONER ARSERIO said that the State identified an issue and came up with no solution which the cities had to work out. He advised that the City would have to pay for the prosecution and the public defender but said that an arrest should be a last resort. He informed that some people would hold the City accountable if they did not enforce the State's rules. He explained that he had received complaints from mothers at City parks

with their children that there were homeless people during the day sleeping and bathing in the kids splash pads which made them feel uncomfortable. He recommended finding common ground but not to send people to jail. He said that some homeless people were displaced and questioned if the American Rescue Plan Act (ARPA) could be used to provide a bus ticket so they could use it to get home.

VICE MAYOR SCHWARTZ believed that they were going to find a lot of people who could not afford their new insurance and the reserves which they have to fund in their condos.

COMMISSIONER CAGGIANO explained that at a recent meeting, they had residents from Palm Springs and that 51 units were already in foreclosure as they could not pay their Homeowners Association (HoA) fees. He expressed his dismay of having to make this rule to protect the City against lawsuits.

Discussion ensued.

MAYOR RUZZANO summarized by explaining that the City was putting together this Ordinance to protect the City. He said that the community needed to work together on this Ordinance and perhaps seek funds from Broward County as Margate did not have the revenue to house everyone.

Discussion ensued.

THE LEGACY CLOSET'S MARGI BRE advised that for the last three years, she handled most of the homeless population in the City and explained her role. She questioned whether the City had a budget for homeless outreach in the City.

MAYOR RUZZANO did not believe the City had a specific budget but thought their Police Department had some sort of involvement.

THE LEGACY CLOSET'S BRE understood Margate's plan to send the homeless to a shelter but informed that there was no availability for the same in Broward County due to a waiting list. She also highlighted that if the homeless went to the task force, there may be availability for a compassion stay but they would be asked to leave the facility at 5:30am and then they were back out on the street. She forewarned that the City could be sued if they leave the homeless in another City and explained that the City of Tamarac bought housing vouchers to house the homeless in other cities.

VICE MAYOR SCHWARTZ said that she would donate her accumulative \$2,000 allowance for the Legacy Closet to use for the homeless in the City of Margate.

Discussion ensued.

The motion carried by the following vote:

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

7) ORDINANCE(S) - SECOND READING

- A. [ID 2024-250](#) AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, ADOPTING AMENDMENTS TO THE CITY OF MARGATE, FLORIDA'S COMPREHENSIVE

PLAN; AMENDING ELEMENT III, "SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER AND NATURAL GROUND WATER, AQUIFER RECHARGE"; AMENDING PART 1, "POTABLE WATER" IN ORDER TO ADOPT THE UPDATED TEN-YEAR WATER SUPPLY FACILITIES WORK PLAN, PURSUANT TO SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMERCE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, that this Ordinance, Second Reading, should be approved.

MS. VAN WINKLE questioned if this Ordinance had to do with the water plant.

CITY MANAGER CURTIS explained it was legal language updates that pertain to their Comprehensive Plan which was required to take place every 10 years.

Discussion ensued.

The motion carried by the following vote:

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

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: 9/19/2024

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.

Members of the public are invited to view this meeting through Zoom using Webinar ID: 810 6842 2115 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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