



City of Margate

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

Meeting Minutes Regular City Commission Meeting

Mayor Antonio V. Arserio
Vice Mayor Anthony N. Caggiano
Commissioners:

Tommy Ruzzano, Arlene R. Schwartz, Joanne Simone

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

Wednesday, July 13, 2022

7:00 PM

Commission Chambers

<https://us02web.zoom.us/j/86556159348>

CALL TO ORDER

ROLL CALL

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

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

1) PRESENTATION(S)

- A. [ID 2022-277](#) PRESENTATION BY JOHN SULLIVAN, CHIEF COMMUNICATIONS AND LEGISLATIVE AFFAIRS OFFICER - SCHOOL BOARD OF BROWARD COUNTY
- BROWARD COUNTY SCHOOLS (BCS), GOVERNMENTAL AFFAIRS AND COMMUNICATIONS COORDINATOR, IVIANI V. FIGUEROA, thanked the City for partnering with BCS which she said had been a huge benefit to students, especially, the safety and SRO programs. She read a statement pertaining to Secure the Next Generation Referendum Renewal.
- A question and answer session ensued between BCS Governmental Affairs and Communications Coordinator Figueroa and the City Commission.
- B. [ID 2022-305](#) PRESENTATION OF 4TH OF JULY PARADE WINNERS PRIVATE BUSINESS: MOLIVOLEIBOL, USA, MARGATE FAMILY: VICKI AND JEFF BERTRAM, NON-PROFIT: MARGATE ELEMENTARY PTA

ATHLETES OF THE MONTH

- C. [ID 2022-310](#) BASEBALL: ELAINA SEAMAN, 8 YEARS OLD
(Orioles-Spring, Broward All Stars-Summer)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- D. [ID 2022-255](#) PETER O'LAUGHLIN, TREATMENT PLANT OPERATOR -
ENVIRONMENTAL AND ENGINEERING SERVICES - 35 YEARS

BARRY A. ESHBACH, TREATMENT PLANT OPERATOR -
ENVIRONMENTAL AND ENGINEERING SERVICES - 15 YEARS

MAYOR ANTONIO V. ARSERIO paused the meeting for approximately 30 seconds.

CONSENSUS was given by the City Commission to move Item 8) A. ID2022-318 before
Public Discussion.

8) DISCUSSION AND POSSIBLE ACTION

- A. [ID 2022-318](#) DISCUSSION AND POSSIBLE ACTION - APPROVAL OF A REQUEST TO
WAIVE FEES BY GIDEON'S MOTORCYCLE CLUB FOR A BACKPACK
GIVEAWAY AND FAMILY ACTIVITIES AT THE MARGATE SPORTS
COMPLEX.

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

COMMISSIONER TOMMY RUZZANO discussed this Item and said that he did not have a
problem with it.

GIDEONS MOTORCYCLE CLUB, ANAGRACE MENDES, introduced herself and read a
statement pertaining to the organization. She explained that their goal was to impact the
homeless and better the lives of children in the community. She requested Margate
Sports Complex's rental fee of \$750 to be waived.

Discussion ensued.

FREDERICK T. BOURDIN, 6323 HARBOR BEND, expressed that it was wonderful to see
this comradery which made him very proud to be a Margate resident.

DONNA L. FELLOWS, 6108 NW 9TH COURT, indicated that biker groups had a bad
reputation but believed that the fee should be waived for this Item as it was for their kids
and future.

JULIE JONES referenced a BBQ invitation that this organization held every Friday night
and said that the comradery was unbelievable. She invited everyone to her husband's
surprise party at Gideons Motorcycle Club on September 16th.

The motion carried by the following vote:

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

MAYOR ARSERIO paused the meeting again for approximately 30 seconds.

2) PUBLIC DISCUSSION

MAYOR ARSERIO explained the protocol for submitting a Public Discussion.

MELISSA WILSON, 6500 SOUTHGATE BOULEVARD, read a letter and explained that they were the owners of 6500 Southgate Boulevard. She referenced a utility lien on their property and sought a release of lien.

INTERIM CITY ATTORNEY, DAVID N. TOLCES, advised that if Ms. Wilson required a paper release from the City, which was not legally required, the City would be happy to provide one in return for the payment of the City's lien of \$3,500.

COMMISSIONER RUZZANO discussed Ms. Wilson's comments and suggested that the City waive the fee.

Discussion ensued including certifying properties in Margate.

ELSA J. SANCHEZ, 6930 NW 15TH STREET, thanked Police Sergeant Horne and Chief of Police Galaska and said that they were always there when needed. She requested an answer from the last City Commission meeting pertaining to signs being posted against what they believed, was City Code.

MR. BOURDIN commented and had empathy for Ms. Wilson's public discussion.

MS. JONES discussed community policing and complimented those who initiated the Margate Police Department's ice cream truck.

MS. FELLOWS referenced a problem with her Ring bell and thanked Chief of Police Galaska for ensuring that her property was okay while she was on vacation.

JONATHAN KRALJIC, 7357 FLORES WAY, referenced not being able to speak via Zoom and explained that it was important for him to have the people who governed Margate follow the rules and Code of the City pertaining to election signs. He read an extract from the City Ordinance Code 39.7, for non-residential districts.

3) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE congratulated the July 4th winners and said that they did a great job and thanked all who participated. She also congratulated the employee listees for their Years of Service. She welcomed new HR Specialist, Sterling and highlighted the forthcoming National Night Out Against Crime.

COMMISSIONER ARLENE R. SCHWARTZ referenced that Mr. Reynolds was in attendance and suggested moving Item 6) E. ID 2022-317 up. She wished everyone a good summer vacation and reminded people not to park over the sidewalk on the

driveways.

CONSENSUS was given to move Item 6) E. ID 2022-317 up after City Manager's Comments.

COMMISSIONER RUZZANO repeated his request to waive the Release of Liens fee of \$3,500 for Ms. Wilson. He referenced the City Commission Budget Workshop and advised that they agreed not to raise Margate's millage rate. He wished everyone a great and safe summer and that the City Commission's meetings would resume at the end of August.

MAYOR ARSERIO clarified that the City Commission set the millage cap. He advised that the operating millage stayed the same but the overall millage had actually decreased.

VICE MAYOR ANTHONY N. CAGGIANO, thanked everyone for the Fourth of July Extravaganza and highlighted Margate's 20th Annual National Night Out Against Crime. He wished everyone a safe Summer.

MAYOR ARSERIO appreciated Commissioner Ruzzano's passion and said that he would ask staff to review the lien on Ms. Wilson's property and continued to discuss the same. He discussed for City's Commission's summer break from meetings but informed that the City was still open and working hard for everyone.

4) CITY MANAGER'S REPORT

CITY MANAGER CURTIS had no report at this time.

INTERIM CITY ATTORNEY TOLCES referenced the sign issue and said that he had been working with staff and hoped to have direction to provide to the City this week.

6) RESOLUTION(S)

- E. [ID 2022-317](#) RESOLUTION - APPROVING SETTLEMENT OF THE CLAIM OF DAVID MCLEAN AGAINST THE CITY OF MARGATE FOR \$330,000 FOR ATTORNEY'S FEES AND COSTS; PROVIDING FOR BUDGET AMENDMENT; PROVIDING FOR EFFECTIVE DATE.

ROBERTS, REYNOLDS, BEDARD & TUZZIO, PLLC (RRBT), PARTNER, LYMAN H. REYNOLDS Jr. announced that he was an outside litigation Counsel and it was his strong recommendation that the settlement be approved by the City Commission.

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

COMMISSIONER SCHWARTZ stated for the record, it was being suggested that the City should settle a claim for which they had absolutely no involvement in. She explained that the United States Government chose to prosecute someone and put him into the wrong Court. She said that it was unfortunate that the City still had to pay that bill even though he was then prosecuted in the appropriate Court and found guilty. She continued to

discuss her disappointment at this decision.

INTERIM CITY ATTORNEY TOLCES informed that pursuant to the settlement, the funds would be paid to the law firm's trust account.

(RRBT) PARTNER, REYNOLDS Jr. confirmed that this claim was for the attorney's fees and costs and the check would be made payable to the law firm's trust account.

Discussion ensued.

MR. BOURDIN thanked the lawyer for negotiating on this case and made comment on the litigation fees.

MS. JONES agreed with Commissioner Ruzzano's comments.

COMMISSIONER SCHWARTZ responded to Mr. Bourdin.

The motion carried by the following vote:

Yes: 3 - Commissioner Simone, Vice Mayor Caggiano and Mayor Arserio

No: 2 - Commissioner Schwartz and Commissioner Ruzzano

5) CONSENT AGENDA

This was heard after Item 6) E. ID 2022-317.

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. Anyone wishing to comment on any item on the Consent Agenda should approach the podium now. Each speaker is limited to three (3) minutes.

- A.** [ID 2022-280](#) APPROVING FY 2021-2022 LAND AND WATER CONSERVATION FUND (LWCF) \$1,000,000 GRANT AGREEMENT: LW748 ORIOLE PARK PROJECT WITH A CITY MATCH OF \$1,000,000; PROVIDING FOR AN EFFECTIVE DATE.

APPROVED

- B.** [ID 2022-313](#) ~~A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, CREATING TWO- (2) NEW, SEASONAL, NON BARGAINED POSITIONS OF DEES TREATMENT PLANT OPERATOR IN TRAINING; PROVIDING FOR AN EFFECTIVE DATE.~~

Approval of the Consent Agenda

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

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

6) RESOLUTION(S) (CONTINUED).

- A. [ID 2022-292](#) APPROVING - THIRD AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE ET. AL. VS. BROWARD COUNTY*; PROVIDING FOR EFFECTIVE DATE.

CITY MANAGER CALE CURTIS referenced the old Alpha 250 site and the delayed sale of that property. He explained that Broward County (BC) and participating cities would decide on what to do in terms of a County-wide solid waste solution. He indicated that the previous Amendment had expired and BC asked the City to enter into a third Amendment which would delay the sale further.

Discussion ensued.

A motion was made by Vice Mayor Caggiano to approve this Resolution but failed for a lack of second.

Discussion ensued.

A motion was made by Commissioner Schwartz, seconded by Vice Mayor Caggiano, to table this Item to August 31st, 2022. This carried as follows:

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

- B. [ID 2022-295](#) RESOLUTION OF THE CITY OF MARGATE, FLORIDA, AWARDING CONTRACT ENTITLED "8" FM REPLACEMENT NW 11TH STREET & WEST RIVER DRIVE " TO SOUTHERN UNDERGROUND INDUSTRIES INC. IN THE AMOUNT OF \$267,170.00.

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

COMMISSIONER RUZZANO raised questions on this Resolution.

The motion carried by the following vote:

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

- C. [ID 2022-301](#) RESOLUTION OF THE CITY OF MARGATE, FLORIDA AWARDING

CONTRACT ENTITLED "LIFT STATION NO. 7 RENOVATION" TO SOUTHERN UNDERGROUND INDUSTRIES INC. IN THE AMOUNT OF \$968,365.00.

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

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

- D.** [ID 2022-316](#) APPROVING AMENDING THE PAY GRADE FOR THE NON-BARGAINING POSITION OF CRA COORDINATOR; PROVIDING FOR AN EFFECTIVE DATE

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

COMMISSIONER SIMONE questioned what the changes were.

CITY MANAGER CURTIS explained that the current Coordinator did many of those duties but the job description did not necessarily define those. He advised that in the revised job description, they were including those duties.

Discussion ensued.

The motion carried by the following vote:

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

7) ORDINANCE(S) - FIRST READING

- A.** [ID 2022-297](#) AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING chapter 15 fire protection and prevention SECTIONS 15-10 BUREAU OF FIRE PREVENTION TO ENFORCE REGULATIONS FOR PREVENTION AND PROTECTION FROM FIRE, 15-11 FIRE INVESTIGATIONS, 15-15 PERMIT FEES ESTABLISHED; ADDING NEW SECTION 15-26 FIRE INSPECTION ELECTRONIC REPORTING; PROVIDING FOR SCHEDULE OF FEES TO BE APPROVED BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

MAYOR ARSERIO questioned the City Manager who would this Item primarily be affecting.

CITY MANAGER CURTIS said that it was primarily commercial organizations and multi-family buildings.

Discussion ensued.

MR. BOURDIN commented on his approval of this Ordinance.

This carried by the following vote:

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

ADJOURNMENT

There being no further business, the meeting adjourned at 8:39pm.

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: 865 5615 9348 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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