



# 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, December 7, 2022

7:00 PM

Commission Chambers and Zoom.us

Webinar ID: 898 0619 9355

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<https://us02web.zoom.us/j/89806199355>

### 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) PUBLIC DISCUSSION

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

MAYOR ANTHONY N. CAGGIANO explained the protocol for submitting comments at Public Discussion.

INTERIM CITY ATTORNEY DAVID N. TOLCES stipulated that Public Discussion also included Items on the Consent Agenda.

MAYOR CAGGIANO forewarned that he would not stand for people attacking City Commissioners.

NATIONAL FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES, NATIONAL PRESIDENT, DANIEL D. REYNOLDS discussed the contract between their members and the City pertaining to Coronavirus disease 2019 (COVID-19) Economic Impact Payment (EIP) paid to City employees. He advised that they lost 40 members to COVID-19. He referenced negotiations and explained that he met and discussed with City Manager Curtis, who advised that Margate was only authorized to offer up to \$5,000 for the people he represented but he understood that they had offered \$7,500 to both the Fire and Police Departments respectively.

EXECUTIVE DIRECTOR OF THE NATIONAL FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES, WALTER J. BROWNE, referenced Mr. Reynolds' public discussion and

said that he lost a Sister to COVID-19. He indicated that employees made sacrifices when working during the height of the pandemic and believed that they should receive more than \$7,500 of EIP. He also believed that staff who worked at the City who retired and were not fired should also receive the same compensation as everyone contributed. He urged the City to treat everyone the same as there was no distinction.

COMMISSIONER ARLENE R. SCHWARTZ sent her condolences to Mr. Browne's Sister's passing.

VICE MAYOR TOMMY RUZZANO thanked the two representatives and said that he worked diligently with City Manager Curtis to keep the City going during the height of the pandemic. He indicated that City Manager Curtis did an incredible job and said that the representatives had a Memorandum of Understanding (MoU) with the City which changed his opinion and he indicated that everyone should receive the same amount of money.

COMMISSIONER ANTONIO V. ARSERIO echoed the comments of Vice Mayor Ruzzano. He referenced the unions who represented their members and repeated that within reason, the City should give everybody what they want to ensure that Margate stayed competitive and confirmed that they had his support. He explained that the City had implemented initiatives such as paid family leave and he indicated that the \$7,500 across the board was a very reasonable ask.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B, discussed an abandoned golf course in Margate which he alleged was offered to the City for free.

COMMISSIONER SCHWARTZ responded to Mr. Zucchini's comments.

JONATHAN A. KRALJIC, 7357 FLORES WAY, read a statement pertaining to Margate's recent Carnival. He also discussed Margate's festive lights along Margate Boulevard and the Winter Festival event.

PHILLIP TOWNSEND, FORMER EMPLOYEE AND MARGATE RESIDENT, questioned why he would be exempt from receiving the EIP if employees were retired or terminated.

INTERIM CITY ATTORNEY TOLCES responded to Mr. Townsend's question.

ELSA J. SANCHEZ, 6930 NW 15TH STREET, questioned City Manager Curtis for information on the fair and referenced assistance required that was from the City of Coconut Creek for an incident on November 24th, 2022. She thanked the Police Department for their work on the fair. She discussed the Vice Mayor and Mayor positions from the last City Commission meeting.

INTERIM CITY ATTORNEY TOLCES responded to Ms. Sanchez's comments pertaining to the fair.

LAUREN BERACHA, 6950 NW 14TH PLACE, thanked members of the Police Department with assistance in retrieving her phone from a Lyft car. She repeated her request for residents to speak on Zoom and said that the speeding on Margate Boulevard was horrendous.

RICH ALIANIELLO, 7631 NW 23RD STREET, discussed the completed road work on Rock Island Road and Royal Palm Blvd. He wished everybody a Merry Christmas and a Happy New Year.

## 2) COMMISSION COMMENTS

COMMISSIONER ARSERIO thanked everyone for attending this evening's meeting and wished everybody a Happy Hanukkah, a Merry Christmas and a very happy and healthy New Year. He also highlighted the forthcoming City's Winter Festival and reminded that emails addressed to personnel were public record. He also said that he could be contacted at any time by email or telephone and that they could submit a Public Records Request (PRR).

VICE MAYOR RUZZANO discussed the COVID-19 funds and said that he was okay with the \$7,500.

MAYOR CAGGIANO believed that the City was contracted into negotiations.

CITY MANAGER CALE CURTIS explained that although the City was offering a benefit, they had to offer and open it up for impact bargaining in which the Union had to agree and if they did, it would come back before the City Commission for ratification.

Discussion ensued on negotiations.

VICE MAYOR RUZZANO informed that as far as he was aware, the City did not receive any money from the Carnival and that the Police Department would be paid. He said that the Community Redevelopment Agency (CRA) was given money. He also mentioned that the City was partnering with the Margate Baseball League this week which started on Friday. He discussed a recent incident which the Police Department took care of. He wished everyone a Merry Christmas and a Happy New Year.

COMMISSIONER SCHWARTZ repeated that she had no problem with people speaking via Zoom on the provision that they could be seen. She attended NorthWest Focal Point Senior Center (NWFPSC) on Monday for their holiday party and wished everyone a Happy Hanukkah. She spoke about the negotiations pertaining to the COVID-19 money.

COMMISSIONER JOANNE SIMONE addressed a couple of issues pertaining to the Property Improvement Grant Program (PIP). She requested a Workshop on the sign codes. She wished a Merry Christmas, a Happy Hanukkah and a Happy Kwanzaa. She highlighted the grand opening for the lights at the Dog Park.

MAYOR CAGGIANO referenced contract negotiations and wished everybody a safe and Happy Christmas. He said that it was imperative to research questions before providing answers and it would be his goal to have City Manager Curtis provide this information. He forewarned people to be careful with their driving during the New Year period.

COMMISSIONER SIMONE asked to pull 4B from the Consent Agenda.

CONSENSUS was provided to pull 4B from the Consent Agenda.

## 3) CITY MANAGER'S REPORT

CITY MANAGER CURTIS provided a quick status update on the PIP. He informed that to date, the City processed over \$860,000 in grants where they met their maximum in terms of applications and that there had been a number of denials for various reasons. He indicated that there would be a potential that additional funds would be freed up and that they would be able to open it back up at some point in time. He thanked Assistant to the City Manager, Popick and Business Development Coordinator, Robinson, for the work

they were doing in processing the applications. He sent Season's Greetings and wished everyone a Happy New Year.

INTERIM CITY ATTORNEY TOLCES wished everyone a Merry Christmas and a Happy Hanukkah/Kwanzaa/New Year.

#### 4) CONSENT AGENDA

Item 4B. was pulled from the 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 2022-465](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: OCTOBER 19, 2022 REGULAR CITY COMMISSION MEETING AT 7:30 PM AND NOVEMBER 2, 2022 REGULAR CITY COMMISSION MEETING

**APPROVED**

- C. [ID 2022-475](#) RESOLUTION - APPROVING INTERLOCAL AGREEMENT BETWEEN THE CITY OF MARGATE AND THE MARGATE COMMUNITY REDEVELOPMENT AGENCY FOR CONTRIBUTION, SERVICES AND COMPENSATION; PROVIDING FOR TERM; PROVIDING FOR COMPENSATION RATE INCREASE ON AN ANNUAL BASIS; PROVIDING FOR COMPENSATION FOR THE 2022-2023 FISCAL YEAR FROM THE MARGATE COMMUNITY REDEVELOPMENT AGENCY IN THE AMOUNT OF \$1,596,345.00; PROVIDING FOR EFFECTIVE DATE.

**APPROVED**

#### Approval of the Consent Agenda

**A motion was made by Commissioner Schwartz, seconded by Commissioner Simone, 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

- B. [ID 2022-474](#) APPROVING AN INDEMNIFICATION AND HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF MARGATE, FL AND SPLASHTACULAR, LLC. PROVIDING FOR AN EFFECTIVE DATE.

This Item was pulled from the Consent Agenda.

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

COMMISSIONER ARSERIO referenced a status quo pertaining to the company asking

for a hold harmless agreement.

CITY MANAGER CURTIS indicated that the company was not requesting but the State who performed inspections of the pool were asking for it and that they would not pass their annual inspection unless they have this agreement formalized.

VICE MAYOR RUZZANO explained the difference in the height recommendation for the water slide and stated that it should stay at 42 inches.

COMMISSIONER SIMONE indicated that the manufacturer recommended a height specification for safety reasons. She said that they would have performed numerous studies on slides and believed that was the reason why they made the recommendation of 48 inches as opposed to 42 inches. She informed that a safety standard had to be observed and she questioned why they would want to put children's safety at risk by keeping it at an unsafe level according to the manufacturer. She said that when the slide was installed in 2017 that it was 48 inches. She questioned why the City would want to assume any liability and said that she would not want it on her conscience if the City went against the manufacturer's recommendation. She advised that there was an oral agreement at the time that the City would assume responsibility with that slide being lowered and that the manufacturer's requested it in writing. She stated that she was totally against it and hoped that this Item failed.

COMMISSIONER SCHWARTZ read the manufacturer's safety guidelines on liability to which she agreed with.

Discussion ensued on safety procedures and the manufacturer's guidance on whether the slide should be 42 inches or 48 inches.

MR. KRALJIC discussed the height requirements.

MS. SANCHEZ did not believe that the City had the right to decide and indicated that they had to adhere to the law.

COMMISSIONER ARSERIO clarified the State's requirements.

NINA CULVER, MARGATE RESIDENT agreed with the 42 inches and advised that Broward County offered free swimming lessons for a particular age group through their website, SWIMCentral.

MR. ALIANIELLO had questions pertaining to this Item.

TRACY VAN WINKLE, 1020 SW 61ST AVENUE, discussed this Item and said that some form of rule needed to be implemented.

Discussion ensued on the motion.

**The motion failed as follows:**

**Yes:** 2 - Commissioner Arserio and Vice Mayor Ruzzano

**No:** 3 - Mayor Caggiano, Commissioner Schwartz and Commissioner Simone

## 5) PUBLIC HEARING(S)

- A. [ID 2022-470](#) RESOLUTION - APPROVING THE ISSUANCE OF NOT EXCEEDING \$20,000,000 PUBLIC FINANCE AUTHORITY EDUCATIONAL FACILITIES REVENUE BONDS (GENESIS CHRISTIAN ACADEMY, INC. PROJECT) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND SECTION 66.0304(11)(a) OF THE WISCONSIN STATUTES; AND PROVIDING AN EFFECTIVE DATE

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

MAYOR CAGGIANO read a statement and opened the Public Hearing.

PRESIDENT OF GENESIS CHRISTIAN CHURCH, OWEN FACEY, 1490 BANKS ROAD, introduced his team and read a statement on the organization and sought approval for the tax exempt bonds.

A question and answer session ensued between the City Commission and President Facey.

INTERIM CITY ATTORNEY TOLCES advised that the City Commission were having the public hearing and were being asked to approve the method of financing. He informed that there was no concurrent approval regarding any use as it was already operating. He advised that he did have discussions with President Facey's attorney and they did agree, as part of their financing documents, to include further indemnification of the City from any potential liability that could happen but he did not foresee that there would be and advised that the language should be included as part of the motion.

Discussion ensued including whether the City should incorporate the additional information to the motion.

**A motion to amend was made by Commissioner Simone, seconded by Commissioner Arserio, to include the language of indemnification.**

BOND ATTORNEY FOR THE PUBLIC FINANCE AUTHORITY, MORRIS G. "SKIP" MILLER, PARTNER OF GREENSPOON MARDER, 525 OKEECHOBEE BOULEVARD, SUITE 900, WEST PALM BEACH introduced himself to the hearing.

A question and answer session ensued between the City Commission and Bond Attorney Miller.

MR. KRALJIC referred to an Item that was discussed at a previous City Commission meeting pertaining to a school and indicated that it was not highlighted that it was up for sale and advised that when special exceptions were requested, the City needed to know what its purpose was.

ABUNDANT LIFE CHRISTIAN ACADEMY, PRINCIPAL, STACY L. ANGIER, 1913 NW 79TH TER, said that she had been a Margate resident for 45 years and an employee for the organization for 32 years. She responded to Mr. Kraljic and advised that they were trying to correct a plat note that was incorrect for a number of years and was out of compliance. She continued to talk about Abundant Life Christian Academy including staffing concerns. She asked the City Commission that they should consider going forward with this Item.

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

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

INTERIM CITY ATTORNEY TOLCES clarified that the Resolution was approved with the additional condition.

## 6) RESOLUTION(S)

- A. [ID 2022-446](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING REGULAR CITY COMMISSION MEETING DATES FOR CALENDAR YEAR 2023.

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

MR. KRALJIC recommended that the City Commission should conduct a separate meeting for recognitions and presentations on a different day to avoid the session overrunning.

COMMISSIONER SCHWARTZ responded to Mr. Kraljic's comments.

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

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

- B. [ID 2022-469](#) RESOLUTION - ADOPTING A PRIMARY CITY LOGO; PROVIDING FOR ONGOING UTILIZATION AND PHASING OUT OF CURRENT CITY LOGO; PROVIDING FOR PROHIBITION ON USE OF BOTH CITY LOGOS AND TAGLINE; PROVIDING FOR EFFECTIVE DATE.

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

COMMISSIONER SCHWARTZ questioned if everything was going to be rebranded or whether the City was going to use the various materials before they ran out.

CITY MANAGER CURTIS clarified that unless they were ordering new material, they would wait until they were phased out.

MR. KRALJIC read a statement indicating that this Item was an unnecessary expense.

MAYOR CAGGIANO responded to Mr. Kraljic's comments.

MS. SANCHEZ spoke against this Item and questioned how much would it involve.

COMMISSIONER ARSERIO responded to Ms. Sanchez's comments.

Discussion ensued including leased vehicles.

VICE MAYOR RUZZANO provided a quick history of the City's logo.

MAYOR CAGGIANO discussed the City's logo and seal.

Discussion ensued on the City's seal.

**The motion carried as follows:**

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

Meeting went into Recess.

Meeting Reconvened.

- C.** [ID 2022-472](#) RESOLUTION - RATIFYING COLLECTIVE BARGAINING AGREEMENT WITH THE BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION (LIEUTENANTS AND CAPTAINS) FOR THE PERIOD FROM OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING FOR EFFECTIVE DATE.

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

COMMISSIONER SIMONE outlined her reasons for not supporting this Item and believed that all employees should be paid the same.

MR. ALIANIELLO was in agreement of staff receiving a retroactive pay.

MAYOR CAGGIANO questioned Mr. Alianiello.

COMMISSIONER ARSERIO explained that he hoped this motion passed and said that he was in favor of revisiting the \$7,500 for non-bargaining employees.



TRACY VAN WINKLE, 1020 SW 61ST AVENUE, believed that the Police Department should receive retro and anything that they wanted as they put their lives on the line.

**The motion carried as follows:**

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

**No:** 1 - Commissioner Simone

**D.** [ID 2022-473](#) RESOLUTION - RATIFYING COLLECTIVE BARGAINING AGREEMENT WITH THE BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION (OFFICERS AND SERGEANTS) FOR THE PERIOD FROM OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024; PROVIDING FOR EFFECTIVE DATE.

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

COMMISSIONER ARSERIO indicated it was the same as the last Resolution and hoped that it passed.

**This carried by the following vote:**

**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 10:01pm.

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: 898 0619 9355 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](http://www.MargateFL.com) and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.

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