



City of Margate

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

Meeting Minutes Regular City Commission Meeting

Mayor Arlene R. Schwartz
Vice Mayor Antonio V. Arserio
Commissioners:
Anthony N. Caggiano, Tommy Ruzzano, Joanne Simone

City Manager Cale Curtis
City Attorney Janette M. Smith
City Clerk Joseph J. Kavanagh

Wednesday, April 21, 2021

7:00 PM

Zoom Virtual Meeting
Webinar ID: 821 2171 3632

<https://us02web.zoom.us/j/82121713632>

CALL TO ORDER

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 3 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone and Mayor Arlene R. Schwartz
Absent: 2 - Commissioner Tommy Ruzzano and Vice Mayor Antonio V. Arserio

CITY CLERK JOSEPH J. KAVANAGH explained the protocol for submitting a Public Discussion.

1) PRESENTATION(S)

ATHLETES OF THE MONTH

A. ID 2021-182 BASEBALL: NOAH SCHWEITZER, 7 YEARS OLD
(AA Margate Rays)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

B. ID 2021-142 MICHAEL P. DUNBAR, FIREFIGHTER/PARAMEDIC - FIRE DEPARTMENT - 20 YEARS

DANIEL RODRIGUEZ, DIVISION CHIEF - FIRE DEPARTMENT - 20 YEARS

JONATHAN C. VALENTI, FIREFIGHTER/PARAMEDIC - FIRE DEPARTMENT

- 20 YEARS

ANGEL JOSE MALDONADO, POLICE OFFICER - POLICE DEPARTMENT - 15 YEARS

MARTIN ANDERSON, SERVICE WORKER - PARKS AND RECREATION - 5 YEARS

JOHN MARTIAL DELALEU, SERVICE WORKER - PUBLIC WORK - 5 YEARS

SILVIA BAERGA PALLANTE, CASHIER - PARKS AND RECREATION - 5 YEARS

2) PUBLIC DISCUSSION

CITY CLERK KAVANAGH explained the protocol for submitting a Public Discussion. He read a letter from Mitchell Pellecchia of 6890 NW 9th Street pertaining to civil rights of Margate residents in the wake of Governor DeSantis' Riot Bill that was signed this week. He also requested the City Commission to rethink two Consent Agenda Items pertaining to disposition of law enforcement trust fund dollars.

MAYOR SCHWARTZ stated that Chief of Police Shaw was not a Charter Officer and he reported to the City Manager.

JULIE JONES, 7871 NW 1ST STREET read a statement pertaining to law enforcement officers and thanked them for serving and protecting the public.

3) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO said that Commissioner Ruzzano's family was in their thoughts. He expressed good wishes to those in the community celebrating Ramadan. He highlighted the City's Tree Giveaway event.

COMMISSIONER JOANNE SIMONE congratulated staff listed on the Employee Years of Service and also Assistant City Clerk Jennifer M. Johnson for being appointed to the International Institute of Municipal Clerks (IIMC) 2021/2022 Education and Professional Development Committee. She thanked Public Works for the plexiglass dividers. She apologized that she may not be able to attend Southgate Park's grand opening this weekend due to a prior commitment.

MAYOR SCHWARTZ discussed Southgate Park's grand opening. She highlighted the type of trees available at the City's Tree Giveaway and was advised that there were 350 trees excluding anything that was donated. She informed that Margate's Walmart would be giving Coronavirus disease 2019 (COVID-19) Moderna vaccinations. She sent heartfelt wishes to the Ruzzano family and also Vice Mayor Arserio's family. She forewarned that she may ask for some Agenda Items to be pulled from the Agenda as she felt it was inappropriate due to the absence of two City Commissioners.

Discussion ensued on the Tree Giveaway.

4) CITY MANAGER'S REPORT

CITY MANAGER CURTIS highlighted the ribbon-cutting event at Southgate Park for this Saturday. He referenced that Broward County had lifted restrictions on pools and

reminded the public that Calypso Cove reopened recently for use at the weekends. He said that they were excited about their new magazine, Our Margate.

COMMISSIONER CAGGIANO highlighted two upcoming events of Drug Enforcement Administration (DEA) National Prescription Drug Take Back Day event and the Household Hazardous Waste and Electronics Disposal.

MAYOR SCHWARTZ said there was a new sign being erected at David Park.

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. 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 2021-153](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: FEBRUARY 17, 2021 - REGULAR CITY COMMISSION MEETING; MARCH 3, 2021 - REGULAR CITY COMMISSION MEETING; MARCH 17, 2021 - REGULAR CITY COMMISSION MEETING

APPROVED

- B. [ID 2021-171](#) MOTION - WAIVING OF RENTAL AND LABOR FEES FOR THE USE OF OUR MOBILE STAGE FOR MARGATE MIDDLE SCHOOL'S 2021 GRADUATION CEREMONY, IN AN AMOUNT NOT TO EXCEED \$720.

APPROVED

- C. [ID 2021-143](#) RESOLUTION - APPROVING A DONATION OF \$5,000.00 TO "THE FLORIDA POLICE CHIEF'S EDUCATION AND RESEARCH FOUNDATION"; PROVIDING FOR FUNDING FROM THE LAW ENFORCEMENT TRUST FUND.

RESOLUTION 21-026

APPROVED

- D. [ID 2021-164](#) RESOLUTION - APPROVING A DONATION OF \$1,000.00 TO THE "FLORIDA MISSING CHILDREN'S DAY FOUNDATION INC.", PROVIDING FOR FUNDING FROM THE LAW ENFORCEMENT TRUST FUND.

RESOLUTION 21-027

APPROVED

COMMISSIONER CAGGIANO explained that he would look into Mr. Pellecchia's opinion in the near future.

Approval of the Consent Agenda

A motion was made by Commissioner Simone, seconded by Commissioner

Caggiano, to approve the Consent Agenda. The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

6) RESOLUTION(S)

- A. [ID 2021-168](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, AUTHORIZING THE SALE OF BEER, WINE, AND WINE SMOOTHIES AT CALYPSO COVE AQUATIC FACILITY AQUATIC FACILITY LOCATED AT 6200 ROYAL PALM BOULEVARD; PROVIDING FOR LICENSE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Caggiano, seconded by Mayor Schwartz, to table this Item to the next City Commission meeting on May 5, 2021. This carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

CITY CLERK KAVANAGH advised that there was a public comment received by email which would be read into the record when the Item was heard at the next City Commission meeting.

- B. [ID 2021-169](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE SCHEDULE OF FEES AND CHARGES FOR PARKS AND RECREATION FACILITIES, PROGRAMS, SERVICES, AND EQUIPMENT PURSUANT TO SECTION 27-7 OF THE MARGATE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 21-029

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

COMMISSIONER SIMONE referenced Special Events and noted that there was a 100 percent increase for non-residents.

Discussion ensued.

The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

C. [ID 2021-172](#) APPROVING APPOINTMENT(S) OF:

TO THE FIVE MEMBER MARGATE BOARD OF ADJUSTMENT FOR A TERM COMMENCING APRIL 8, 2021 - MARCH 24, 2022.

RESOLUTION 21-028

MAYOR SCHWARTZ explained why this appointment had returned.

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

COMMISSIONER CAGGIANO indicated that JOEY RUIZ was one of the applicants missing from the original selection and he inserted his name in place of the person who did not apply for that position.

Discussion ensued.

A motion was made by Commissioner Caggiano, seconded by Commissioner Simone, to appoint Joey Ruiz as a member of the Board of Adjustment.

CITY CLERK KAVANAGH explained that the City Clerk's Office contacted the previous appointee and understood the situation. He said he was still excited to serve the City in the future.

The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

7) ORDINANCE(S) - FIRST READING

- A. [ID 2021-116](#) ORDINANCE - AMENDING CHAPTER 9- BUILDINGS, ADDING NEW SECTION 9-6. CONSTRUCTION HOURS OF OPERATION; AMENDING CHAPTER 33 - POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VIII - NOISE CONTROL CODE, SECTION 33-79 - SPECIFIC PROHIBITIONS, SUBSECTION (g)CONSTRUCTION NOISE; AMENDING CHAPTER 35 - ARTICLE I - IN GENERAL, ADDING NEW SECTION 35-0.6 CONSTRUCTION HOURS OF

OPERATION IN RIGHT-OF-WAY; PROVIDING FOR CONSTRUCTION OPERATING HOURS; PROVIDING FOR SPECIAL PERMIT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

COMMISSIONER CAGGIANO explained the importance of this Item and thanked City Attorney Smith and staff for adding an exemption.

MAYOR SCHWARTZ discussed this Item and referenced the approval of a new storage facility in front of Fiesta Food Market. She expressed her concerns on the proposed weekend's operational hours.

CITY MANAGER CURTIS said that he would see if he could adjust the permitted hours during the week.

Discussion ensued including a permit from the construction company for the storage facility for extended hours for 4:00 a.m. - 4:00 p.m. to include the weekend and warn nearby residents.

JULI VAN DER MEULEN, 2913 NW 68 LN. expressed her reaction to a cement pour at 4:00 a.m. at the weekend and said that it was absolutely wrong.

The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

- B. [ID 2021-166](#)** ORDINANCE - AMENDING CHAPTER 33 - POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VI - TRAFFIC CONTROL, SECTION 33-69.50 REGULATING TOWING OF VEHICLES FROM PRIVATE PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADOPTION OF TOWING COMPANY LICENSING AND REGULATING ORDINANCE OF BROWARD COUNTY; PROVIDING FOR UPDATED RATES; PROVIDING FOR RETRIEVAL OF VEHICLES; PROVIDING FOR DECEPTIVE AND UNFAIR TRADE PRACTICES; PROVIDING FOR ADDITIONAL NONCONSENT TOWING REQUIREMENTS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

COMMISSIONER CAGGIANO provided comment pertaining to the organization.

CITY MANAGER CURTIS said that this Ordinance gave the City's Police Department a few more tools to keep the towing companies in check.

Discussion ensued.

The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

8) ORDINANCE(S) - SECOND READING

- A. [ID 2021-122](#) AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER 9- BUILDINGS, ARTICLE III.-FEES, SECTION 9-21. - SCHEDULE OF PERMIT FEES; PROVIDING FOR FEES AND PENALTIES TO BE SET BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2021-3

A motion was made by Commissioner Caggiano, seconded by Mayor Schwartz, that this Ordinance, Second Reading, should be approved. This carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

9) RESOLUTION(S)

- A. [ID 2021-123](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING A SCHEDULE OF FEES PURSUANT TO CHAPTER 9- BUILDINGS, ARTICLE III - FEES, SECTION 9-21; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 21-030

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

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

10) DISCUSSION AND POSSIBLE ACTION

- A. [ID 2021-158](#) DONATION REQUEST - MARGATE BASEBALL & SOFTBALL LEAGUE, INC.

CITY MANAGER CURTIS explained this Item.

NICOLE COLLINS 6671 SW 16TH COURT said that her request for a financial donation was to help 13 players go to Pigeon Forge. She said that donations had become difficult due to the COVID-19 pandemic.

COMMISSIONER SIMONE asked for confirmation that the requestor looked at other sources of funding for the event.

MS. COLLINS confirmed reaching out to several different companies for funding and received no support as of yet.

COMMISSIONER SIMONE appreciated the requestor reaching out to other organizations for funding.

Discussion ensued.

A motion was made by Commissioner Caggiano, seconded by Commissioner Simone, to approve a donation request for \$1,000 to Margate Baseball Softball League, Inc.

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

- B. [ID 2021-180](#)** EXPENDITURES FOR THE AREA AGENCY ON AGING OF BROWARD COUNTY 37TH ANNUAL DR. NAN S. HUTCHINSON BROWARD SENIOR HALL OF FAME VIRTUAL LUNCHEON RECOGNIZING MARGATE INDUCTEE OLEAN PRIDGEN.

MAYOR SCHWARTZ read a tribute to Olean D. Pridgen.

CITY CLERK KAVANAGH explained the nature of the event.

Discussion ensued.

A motion was made by Commissioner Caggiano, seconded by Mayor Schwartz, to purchase a Gold Sponsorship for \$1,000.

Discussion ensued.

The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

- C. [ID 2021-173](#)** ADDITIONAL PERSONNEL IN THE CITY ATTORNEY'S OFFICE

A motion was made by Commissioner Caggiano, seconded by Commissioner Simone, to table this Item to the May 5, 2021 Regular City Commission meeting. This carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Mayor Schwartz

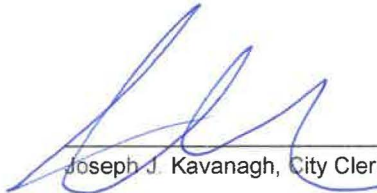
Absent: 2 - Commissioner Ruzzano and Vice Mayor Arserio

ADJOURNMENT

There being no further business, the meeting adjourned at 8:14pm.

Respectfully submitted,

Transcribed by Salene E. Edwards



Joseph J. Kavanagh, City Clerk

Date: 5/20/2021

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.

Per the unanimous approval of Emergency Ordinance 2021-2 on March 17, 2021, the City Commission authorized the City Manager to provide for the City Commission, members of the various Boards, Committees, Magistrate, staff, and the public to be able to attend meetings electronically during a declared public health emergency, pursuant to the City's Charter, Chapter 252, Florida Statutes, Section 4 D of Governor DeSantis' Executive Order 20-52, and the City's home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes.

Consistent with the authority contained in the Emergency Ordinance, and in order to ensure the health, safety, and welfare of the City of Margate's residents and employees, the City of Margate finds that it is in their best interests to hold this virtual public meeting.

- Therefore, the City of Margate will be holding this virtual meeting through the use of electronic communication. Members of the public are invited to join the City of Margate meeting by accessing the meeting through Zoom using Webinar ID: 821 2171 3632 or can call in 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 Virtual Meeting is posted on www.MargateFL.com and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.

- Any comments related to any item on the agenda can be submitted to the City of Margate via the following e-mail address: JKKAVANAGH@margatefl.com.

THROUGH THE CITY'S WEBSITE:

Go to www.margatefl.com

Go to "Agendas & Minutes" > Find the respective meeting date and click "Agenda Summary" to view the agenda items and see the Zoom meeting website address

PRIOR to the start of the meeting, email Public Comments to JKKAVANAGH@margatefl.com (all public comments that are three (3) minutes or less will be read into the record.)

ALTERNATE OPTION FOR VIEWING AND PARTICIPATING IN THE MEETING:

THROUGH ZOOM TECHNOLOGY:

Instructions for Attendees\Participants:

Topic: "Virtual Meeting - Margate Regular City Commission"

Enter the following link to join the webinar: <https://us02web.zoom.us/j/82121713632>

Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099

Webinar ID: 821 2171 3632

To virtually raise hand and be acknowledged to speak:

1. Users who call in can dial *9 to raise their hand and dial *6 to toggle mute/unmute
2. If going through mobile (phone\tablet) app, to raise hand select "Participants", then see option to raise hand.
3. On the computer users should click "Participants" then see option to raise hand
4. Once you have been selected to speak, you will be prompted to unmute your device or stay muted.