



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, May 5, 2021

6:30 PM

Virtual Meeting
Webinar ID: 832 2189 7496

<https://us02web.zoom.us/j/83221897496>

CALL TO ORDER

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Commissioner Caggiano attended in person.

Commissioner Simone attended in person.

Commissioner Ruzzano attended in person.

Vice Mayor Arserio attended via Zoom.

Mayor Schwartz attended in person.

City Manager Curtis attended in person.

City Attorney Smith attended in person.

City Clerk Kavanagh attended in person.

7) ORDINANCE(S) - FIRST READING

- A. ID 2021-203** EMERGENCY ORDINANCE - AUTHORIZING THE CITY MANAGER TO MAKE PROVISIONS FOR PUBLIC MEETINGS BY USE OF COMMUNICATION MEDIA TECHNOLOGY AND FOR ATTENDANCE BY USE OF SUCH TECHNOLOGY BY ELECTED, APPOINTED OFFICIALS, STAFF, AND PUBLIC DURING PERIODS WHEN THE CITY MANAGER

DETERMINES AND DECLARES A LOCAL PUBLIC HEALTH EMERGENCY OR OTHER CIRCUMSTANCES IN WHICH THE CITY COMMISSION DETERMINES IT IS NECESSARY TO PROTECT THE HEALTH AND SAFETY OF CITY OFFICIALS, CITY STAFF, AND THE PUBLIC, FOR A 60 DAY PERIOD; PROVIDING FOR TWO-THIRDS AFFIRMATIVE VOTE REQUIRED FOR ADOPTION PURSUANT TO SECTION 3.19 - EMERGENCY ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

This item was heard immediately after the ROLL CALL.

MAYOR ARLENE R. SCHWARTZ amended this Item pertaining to the Executive Order regarding meetings to the public and the reopening of City Hall.

CITY MANAGER CALE CURTIS referenced Governor DeSantis' Executive Order and advised that they would no longer need to pass this Emergency Ordinance. He requested that they strike that Ordinance from the Agenda.

A motion was made by Commissioner Simone, seconded by Commissioner Caggiano, to strike this Item from the Agenda.

COMMISSIONER ANTHONY N. CAGGIANO questioned whether the public could continue to watch the City Commission meetings on Zoom.

CITY MANAGER CURTIS confirmed that for the foreseeable future, he thought that they would continue and that they would keep it as a new normal or transition fully back without it.

CITY ATTORNEY JANETTE M. SMITH suggested that they could bring back the rules of procedure and add it to the City's rules of procedure.

Discussion ensued.

The motion carried by the following vote:

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

MAYOR ARLENE R. SCHWARTZ asked if they could move up 1H under Presentation.

The City Commission gave CONSENSUS.

1) PRESENTATION(S)

PRESENTATION

H. [ID 2021-198](#) FAREWELL TO FORMER IT DIRECTOR JAMES "JIM" WILBUR

CITY MANAGER CALE CURTIS gave a speech and played a tribute video to former Information Technology (IT) Director, James A. Wilbur and provided him with a plaque.

FORMER IT DIRECTOR JAMES A. WILBUR spoke on this Item and wished everybody the best of luck.

COMMISSIONER TOMMY RUZZANO asked about moving an Item up.

CITY MANAGER CURTIS confirmed that the Items to move would be 8A., 8B. and 9A.

Discussion ensued.

A. [ID 2021-179](#) PRESENTATION TO CITY OF MARGATE'S 2021 DROP SAVERS CONTEST WINNERS

AJAY PAWAR - RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY - DIVISION 1 CITY WINNER

EMMITT GARBERINO- MARGATE ELEMENTARY SCHOOL - DIVISION 1 SCHOOL WINNER

OBED JOSEPH - WEST BROWARD ACADEMY - DIVISION 1 SCHOOL WINNER

DOVBER LEVY - LUBAVITCH HEBREW ACADEMY - DIVISION 1 SCHOOL WINNER

CHANA CROITURO - LUBAVITCH HEBREW ACADEMY - DIVISION 2 CITY WINNER

KARYSSA M. GABRIEL - ABUNDANT LIFE CHRISTIAN ACADEMY - DIVISION 2 SCHOOL WINNER

ANDRES MARTINEZ - WEST BROWARD ACADEMY - DIVISION 2 SCHOOL WINNER

CALVIN MILLER - MARGATE ELEMENTARY SCHOOL - DIVISION 2 SCHOOL WINNER

KAIDEN T. SKEEN - PHYL'S ACADEMY PREPARATORY SCHOOL - DIVISION 2 SCHOOL WINNER

FAIGY GLASSMAN - LUBAVITCH HEBREW ACADEMY - DIVISION 3 CITY WINNER

ELIF OZDENCANLI - RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY - DIVISION 3 SCHOOL WINNER

JOELLYN MENDOZA - MARGATE ELEMENTARY SCHOOL - DIVISION 3 SCHOOL WINNER

LAUREN WILSON -- ABUNDANT LIFE CHRISTIAN ACADEMY - DIVISION 3 SCHOOL WINNER

SAYYID ZABAR - WEST BROWARD ACADEMY - DIVISION 3 SCHOOL WINNER

JAHNIA JACOBS - MARGATE MIDDLE SCHOOL - DIVISION 4 CITY WINNER

JUSTAN CAMPBELL - WEST BROWARD ACADEMY - DIVISION 4 SCHOOL WINNER

MICHAEL LAWRENCE - PHYL'S ACADEMY PREPARATORY SCHOOL - DIVISION 4 SCHOOL WINNER

DEVORAH LEAH - LUBAVITCH HEBREW ACADEMY - DIVISION 4 SCHOOL WINNER

JOCELYN PEREZ - RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY - DIVISION 4 SCHOOL WINNER

SAMANTHA SILVA - ABUNDANT LIFE CHRISTIAN ACADEMY - DIVISION 4 SCHOOL WINNER

ABIGAIL DIAZ - MARGATE ELEMENTARY SCHOOL - DIVISION 5 CITY WINNER

CITY MANAGER CURTIS introduced Department of Environmental and Engineering Services (DEES), Sustainability Coordinator Tauber.

DEES' SUSTAINABILITY COORDINATOR, AARON TAUBER, explained that in recognition of National Drinking Water Week, they held an annual Drop Savers Water Conservation Poster Contest which was in its ninth year. He announced the school and City winners and wished all of the teachers a very Happy Teacher Appreciation Week 2021.

MAYOR SCHWARTZ thanked those who participated and to the teachers and parents that helped with the drawings.

STUDENTS AND TEACHERS OF THE MONTH

- B. [ID 2021-174](#) ABUNDANT LIFE CHRISTIAN ACADEMY: BIANCA VERLY (Student); GIAVANTE GRIFFIN (Teacher), (Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: NADYELIS ORTIZ (Student); FELECIA

LOPEZ (Teacher), (Mrs. Shereen R. Reynolds, Principal and Dr. Latonya Cooper, Assistant Principal)

LIBERTY ELEMENTARY: LOGAN SASSER (Student); SUSAN COCCIA (Teacher), (Mr. Matthew Whaley, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: MARIAH DEMEO (Student); CARRIE PAGLEY (Teacher), (Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: TREYVAUN SWANN (Student); JORGE MEJIA (Teacher), (Mrs. Sabine Phillips, Principal and/or Assistant Principal)

PHYL'S ACADEMY PREPARATORY SCHOOL: JOSHUA BUSH (Student); FRANCO COLEMAN (Teacher), (Dr. Jan Codling, Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: JENITHA JEROME (Student); CINDY GUISHARD-BALDWIN (Teacher), (Dr. Adriana Guerra, Principal)

WEST BROWARD ACADEMY: ARIADNA CAMILO PENA (Student); CLAUDIA ALVARADO (Teacher), (Mr. Derrick Hugue, Principal and/or Assistant Principal Ms. Rossana Padron)

PROCLAMATION(S)

- C. [ID 2021-175](#) KIDS TO PARKS DAY - MAY 15, 2021 (presented to Mike Jones, Director - Parks and Recreation)
- PARKS AND RECREATION DIRECTOR MICHAEL A. JONES thanked the City Commission and the public for continuing to support the parks in Margate. He congratulated the City Commission and referenced a conversation with the State Association who thought it was phenomenal to keep the children healthy and active when the City sponsored the registration fees for children's team sports during the pandemic.
- D. [ID 2021-176](#) MENTAL HEALTH AWARENESS MONTH - MAY, 2021 (presented to Laura De Arce Diaz, NAMI Broward Advocate)
- E. [ID 2021-177](#) MUNICIPAL CLERKS WEEK - MAY 2 - 8, 2021 (presented to Joseph J. Kavanagh, City Clerk)
- CITY CLERK JOSEPH J. KAVANAGH recognized staff in the City Clerk's office as well as other departments and referenced assisting residents.
- F. [ID 2021-178](#) NATIONAL PUBLIC WORKS WEEK - May 16 - 22, 2021 (presented to Giovanni Batista, Assistant Director - Public Works)
- G. [ID 2021-192](#) NATIONAL LAW ENFORCEMENT APPRECIATION WEEK - MAY 9 - 16, 2021 (presented to Chief Jonathan Shaw - Police Department)

CHIEF OF POLICE, JON SHAW thanked the City Commission for recognizing Law Enforcement Week.

2) PUBLIC DISCUSSION

JULIE JONES, 7871 NW 1ST STREET, said that Cinco de Mayo was a day to remember to welcome the City of Margate back on their first day of reopening. She congratulated the Margate Flag Football team for winning the County title. She referenced a lack of communication between the City employees and the Board of Adjustment (BoA).

MAYOR SCHWARTZ said that she agreed with Ms. Jones' comments pertaining to the BoA.

RICH ALIANIELLO, 7631 NW 23RD STREET, said that there were many people who were helpful throughout the Coronavirus disease 2019 (COVID-19) pandemic and thanked the City.

CITY CLERK KAVANAGH explained the protocol for submitting a Public Discussion via Zoom.

ELSA J. SANCHEZ, 6930 NW 15TH STREET, welcomed the City Commission back on the reopening of the City. She congratulated and praised City Clerk Kavanagh for a very well deserved recognition and spoke highly of the service received from the staff in his office. She thanked Fire Chief Roberto Lorenzo and Fire Marshal Scholl for attending a Zoom meeting with Paradise Gardens III.

TRACY VAN WINKLE, 1020 SW 61ST AVENUE, sent her condolences to Commissioner Ruzzano for the loss of his Mother-in-Law. She said that she was very sorry that they lost a great teacher at Atlantic West Elementary. She questioned whether Public Works' employees were picking up trash throughout the City. She said that volunteers had been collecting trash.

CITY MANAGER CURTIS confirmed that they had staff that picked up trash in parks and facilities. He stated that it was the responsibility of the owners to collect trash on private property and indicated that it could be a Code issue if this was not performed. He greatly appreciated volunteers who picked up trash and referenced the Adopt-a-Street program.

Discussion ensued including trash at Southgate Park, the median on Southgate Boulevard and lights repaired at Southeast Park.

COMMISSIONER TOMMY RUZZANO responded to Ms. Van Winkle's comments on trash and referenced adding a member of staff pertaining to the same at the next budget meeting.

3) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO said a Happy Cinco de Mayo and that the festival of Ramadan was almost over. He highlighted the Asian American and Pacific Islander Heritage Month. He discussed mental health and requested residents to use the Margate Cares app on the City's website.

COMMISSIONER JOANNE SIMONE requested to pull Consent Agenda Items A and B.

MAYOR SCHWARTZ confirmed that those Items could be pulled.

COMMISSIONER SIMONE referenced a newspaper article about Tamarac's new initiative to help their businesses and restaurants and questioned if the City could piggyback on some of those good ideas. She wished a Happy Mother's Day for next Sunday.

COMMISSIONER RUZZANO wished everyone a Happy Mother's Day. He thanked those for coming out for the passing of his Mother-in-Law and for buying cards and flowers. He responded to Commissioner Simone's comments and the Our Margate Magazine and said that next month, he would showcase a list of local restaurants through his "Taste of Tommy" page. He referenced Facebook and thanked Vice Mayor Arserio for resolving his problem with a pool filter.

VICE MAYOR ANTONIO V. ARSERIO replied to Commissioner Ruzzano pertaining to pools. He referenced experiencing side effects upon receiving the second dose of the COVID-19 vaccine and highlighted that Broward College - North Campus, was administering the same. He thanked the public for attending the City Commission meeting in person. He congratulated Ms. Sanchez on her board appointment. He referenced an Ordinance that was on the Agenda and thanked the Realtors Association for providing input. He referenced Parks and Director Jones and requested an update on the Fields donation and the volunteer group for the community gardens/landscape input.

PARKS AND RECREATION DIRECTOR JONES provided an update on the Fields donation and referenced doing a planting project. He informed that they were in the final stage of putting the applications together for HR and advertising pertaining to the community gardens/landscape board.

VICE MAYOR ARSERIO said that he appreciated everything that the Parks and Recreation Department did in the City. He advised that the first edition of Our Margate should be hitting mailboxes shortly and said that he received positive feedback from a local media outlet who had received an early copy. He recognized Teacher Appreciation Week 2021 and also referenced Rob Reiner of Keep Our Money in Margate Group (KOMIM) and said that they both contributed to the National Parent Teacher Association (PTA) for Margate Elementary School.

MAYOR SCHWARTZ gave condolences to Commissioner Ruzzano's family. She thanked the Legacy Closet for providing chocolate that she helped deliver to schools for Teacher Appreciation Week 2021. She said Happy Mother's Day and spoke on the City's publication, Our Margate. She thanked Parks and Recreation for last Saturday's Tree Giveaway. She advised that Margate's Walmart was administering the COVID-19 vaccines. She congratulated Norma Rosenberg who was 100 years old.

COMMISSIONER RUZZANO referenced putting in the budget, an amount for the Mayor's Fitness Challenge and questioned if they could still receive the money and do what they want. He asked for CONSENSUS from the City Commission to ask City Manager Curtis to utilize the funds if needed.

Discussion ensued including the line item amount of \$5,000.

CITY MANAGER CURTIS requested authority from the City Commission to reach out to the appropriate schools to utilize the Mayor's Fitness Challenge funds as deemed appropriate.

CONSENSUS was given by the City Commission 5 – 0 to use the Mayor's Fitness Challenge funding.

4) CITY MANAGER'S REPORT

CITY MANAGER CURTIS said a Happy Mother's Day and a Happy Teacher Appreciation Week 2021. He advised that their quarterly magazine should be distributed this week and spoke on its content. He recognized Communications and Marketing Manager Maria Fallon for putting this magazine together.

COMMISSIONER CAGGIANO asked if they could have a phone directory on their website of Margate businesses based on information from the local business tax receipts (LBTR).

CITY MANAGER CURTIS said that he could look into the phone directory. He explained that he had been approached by one of their non-profit organizations, Legacy Closet, about holding a food distribution in the City and using property that Margate or the Community Redevelopment Agency (CRA) had. He requested authority to work with Legacy Closet to host a food distribution site in the City by coordinating with the CRA to allow use of the property.

CONSENSUS was given by the City Commission (5 – 0).

CITY MANAGER CURTIS advised that he would begin coordinating with the Legacy Closet.

COMMISSIONER RUZZANO thanked City Manager Curtis for what he did and referenced receiving phone calls.

CITY MANAGER CURTIS expressed his gratitude to the City Commission.

Discussion ensued.

CITY ATTORNEY SMITH thanked Broward County Planning Council (BCPC) for the recent approval of the Comprehensive Plan. She also provided an update on New Urban being remanded back to the State Court. She sent her condolences to the Ruzzano family. She wished everyone a Happy Mother's Day. She asked the City Commission if they desired additional research on a potential Ordinance to address egregious outbursts at public meetings with a financial penalty.

COMMISSIONER RUZZANO said that former Margate resident, Mr. Popovic, congratulated the City on the New Urban reversal. He also spoke against City Attorney Smith's proposal of a City Ordinance to address egregious outbursts at public meetings.

Discussion ensued on the proposed Ordinance.

CONSENSUS was given by the City Commission (4 – 1 – Commissioner Ruzzano NO) for the City Attorney to research the Ordinance further and provide a future update.

VICE MAYOR ARSERIO referenced the Governor DeSantis' Emergency Order and asked what format Public Comments could be received in.

MAYOR SCHWARTZ thought there was something in the rules and procedures that a person who wanted to speak was required to be recognized.

VICE MAYOR ARSERIO discussed Facebook and said that it was a very valuable tool. He discussed a recent post pertaining to boats and trailers parked on properties and

referenced the Code re-write.

CITY CLERK KAVANAGH said Happy Mother's Day and gave his condolences to the Ruzzano family. He thanked the City Commission again for presenting the Municipal Clerks Week proclamation.

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.

Items 5A and 5B were pulled from the Consent Agenda.

- C. [ID 2021-193](#) RESOLUTION - APPROVING PIGGYBACKING THE CITY OF PEMBROKE PINES CONTRACT WITH PENN CREDIT FOR DEBT COLLECTION SERVICES; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 21-031

Approval of the Consent Agenda

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

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

- A. [ID 2021-188](#) MOTION - WAIVING OF RENTAL AND LABOR FEES FOR THE USE OF FIREFIGHTERS PARK PICKLEBALL COURTS, IN AN AMOUNT NOT TO EXCEED \$1,200. FEE WAIVER REQUESTED BY BROWARD COUNTY FIREFIGHTER BENEVOLENT.

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

COMMISSIONER SIMONE discussed the charging of rental fees at their facilities and referenced distribution waivers. She said that there should be a policy in place and suggested limiting the waivers to once per year.

CITY MANAGER CURTIS spoke on this Item.

PARKS AND RECREATION DIRECTOR JONES spoke on this Item.

Discussion ensued and the City Commission requested that staff come up with a fee waiver policy for public facilities, including a possible cleanup fee.

The motion carried as follows:

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

- B.** [ID 2021-190](#) MOTION - WAIVING OF RENTAL AND LABOR FEES FOR THE USE OF MARGATE SPORTS COMPLEX FIELD 1, IN AN AMOUNT NOT TO EXCEED \$375. FEE WAIVER REQUESTED BY MARGATE LEGACY BASEBALL 8U.

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

MAYOR SCHWARTZ indicated that it would be the same comments for Item 1A pertaining to a security deposit for a cleanup.

The City Commission requested that staff come up with a fee waiver policy for public facilities, including a possible cleanup fee.

The motion carried as follows:

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

Meeting went into Recess.

Meeting Reconvened.

8) ORDINANCE(S) - SECOND READING

- A.** [ID 2021-120](#) AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 9, ADDING NEW ARTICLE V, ENTITLED "RESIDENTIAL RENTAL UNIT INSPECTION PROGRAM"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICATION; PROVIDING FOR INSPECTION; PROVIDING FOR FEES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR DISPUTE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2021-4

Mayor Schwartz suggested moving up items 8A, 8C and 9A to be heard.

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

VICE MAYOR ARSERIO spoke on this Item and thanked the Broward, Palm Beaches and St. Lucie Realtors for contacting the City Commission and providing input.

COMMISSIONER TOMMY RUZZANO asked whether a registration fee would scare people away and referenced too much red tape.

CITY MANAGER CURTIS said that by adopting this Ordinance, they would be required to register their rental property and that it was not a voluntary program.

Discussion ensued including fees, multi-owner properties, water bills, homestead fraud, renting parts of the home such as a garage and landlords.

BROWARD, PALM BEACHES AND ST. LUCIE REALTORS SR. VICE PRESIDENT OF PUBLIC POLICY & EXTERNAL AFFAIRS, ADAM I. SANDERS, explained that they believed in private property rights and discussed community expectations.

Discussion ensued.

MS. SANCHEZ spoke in favor of this program and referenced Paradise Gardens III.

Discussion ensued including bylaws.

PROCHAMPS' NATIONAL GOVERNMENT RELATIONS DIRECTOR AT PROPERTY, SCOTT BLASIE gave kudos to City staff and addressed tenancy safety and welfare.

Discussion ensued including the procedure of home inspections for tenants.

MS. VAN WINKLE sought full clarification of this Item.

Discussion ensued.

BROWARD, PALM BEACHES AND ST. LUCIE REALTORS VICE CHAIR OF THE GOVERNMENT AFFAIRS COMMITTEE, LAURIEANNE M. MINOFF, 8362 SHADOW WOOD BLVD referenced the fees and the possibility of doing a sworn Affidavit on a yearly basis after the first inspection.

Discussion ensued.

The motion carried as follows:

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

- C. [ID 2021-134](#) AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, AMENDING APPENDIX A ZONING, ARTICLE XL - PROPERTY MAINTENANCE STANDARDS, SECTION 40.16 - ABANDONED REAL AND PERSONAL PROPERTY; PROVIDING FOR AMENDING PROGRAM FOR REGISTRATION OF PROPERTIES IN FORECLOSURE; PROVIDING FOR ENFORCEMENT.

ORDINANCE 2021-1500.654

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

CITY MANAGER CURTIS explained that this was another registration program which was specific to abandoned and foreclosed properties and those who would be affected by this Item.

PROCHAMPS' NATIONAL GOVERNMENT RELATIONS DIRECTOR AT PROPERTY BLASIE advised that the City already had a foreclosure registration program in place and by the nature of the Ordinance, the language was highly ineffective.

The motion carried as follows:

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

9) RESOLUTION(S)

- A. [ID 2021-119](#)** A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE SCHEDULE OF FEES FOR THE RESIDENTIAL RENTAL UNIT INSPECTION PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 21-034

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

VICE MAYOR ARSERIO indicated that after speaking with Broward, Palm Beaches and St. Lucie Realtors Vice Chair of The Government Affairs Committee, Laurieanne M. Minoff, she informed him that one of their concerns was regarding the annual recurring inspection fee. He proposed that if a person had two or three Code violations, then they should consider charging them an annual fee.

Discussion ensued including the annual fee, inspection and Code violations.

BROWARD, PALM BEACHES AND ST. LUCIE REALTORS VICE CHAIR OF THE GOVERNMENT AFFAIRS COMMITTEE MINOFF said that she could see both sides and referenced Vice Chair Arserio's proposal and Coral Springs' landlord registration fee.

An amendment was made by Vice Mayor Arserio, seconded by Commissioner Ruzzano, to provide for an inspection fee in the first year and allow the submission of an affidavit of compliance with no fee for the subsequent years; if the owner was found to not be in compliance, then the inspection fee would be charged.

Discussion ensued.

The motion on the amendment failed as follows:

Yes: 2 - Commissioner Ruzzano and Vice Mayor Arserio

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

Discussion ensued.

The original motion carried as follows:

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

No: 2 - Commissioner Ruzzano and Vice Mayor Arserio

Discussion ensued.

6) RESOLUTION(S) CONTINUED

- A.** [ID 2021-183](#) 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.

RESOLUTION 21-032

This item was heard immediately after item 9A.

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

COMMISSIONER RUZZANO requested everyone to read the back-up and indicated that this initiative was to encourage adults to stay at the waterpark. He said that he did not think it was a bad thing and that they should look at it with an open mind.

COMMISSIONER SIMONE explained why she was not in favor of this Item and suggested holding "adults only" themed nights at Calypso Cove.

Discussion ensued.

CITY MANAGER CURTIS explained how they put this program together and said that it was safe and had limitations.

COMMISSIONER CAGGIANO voiced his concerns over liability and lives. He also referenced selling alcohol at the Moon Under the Margate and questioned if the legal liability was different to that being proposed at Calypso Cove.

CITY ATTORNEY SMITH indicated that there would be additional insurance on top of insurance for an event such as Moon Under the Margate. She also discussed contributory negligence.

Discussion ensued on the City's liability.

PARKS AND RECREATION DIRECTOR JONES confirmed that coolers, outside food and beverages were not prohibited into the facility.

MS. VAN WINKLE spoke in opposition of this Item.

COMMISSIONER RUZZANO reiterated that it was not hard liquor but two or three wine based drinks and indicated that the objective was to bring in more revenue.

VICE MAYOR ARSERIO referenced people who drank before or brought flasks into Calypso Cove and said that the bartender could utilize discretion when serving drinks. He informed that there was liability on the bartender to serve drinks.

Discussion ensued including refusing to serve intoxicated customers, the Trespass Ordinance and personal accountability.

MAYOR SCHWARTZ asked about the estimate from the presentation, increasing park attendance by 10 percent and voiced her concerns about gross income.

Discussion ensued including ordering items from a concession stand.

MS. SANCHEZ opposed this Item.

LAUREN BERACHA, 6950 NW 14TH PLACE disagreed with any type of alcohol being served.

CITY CLERK KAVANAGH read an email dated April 21, 2021, submitted by Eddie and Theresa DeCristofaro, who expressed their deep concern of beer and wine being served at Calypso Cove and referenced liability.

MAYOR SCHWARTZ recommended that on a trial basis, they should reduce the three drink maximum to two. She agreed with the slushie machine for children.

Discussion ensued.

MAYOR SCHWARTZ asked for CONSENSUS to install a slushie machine for children.

CONSENSUS was given by the City Commission.

Discussion ensued.

An amendment was made by Mayor Schwartz, seconded by Commissioner Caggiano, to allow a two drink maximum.

Discussion ensued.

CITY MANAGER CURTIS advised that the AMENDMENT did not need to be made at this time.

The original motion carried by the following vote:

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

No: 1 - Commissioner Simone

Commissioner Simone excused herself from the City Commission Chambers at 11:27 p.m. and rejoined the meeting at 11:58 p.m. via Zoom.

B. [ID 2021-185](#)

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE 2021 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL THREE-CENT LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE AND THE 2021 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND MARGATE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL FIFTH CENT LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING FOR UPDATED POPULATION FIGURES; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 21-033

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

CITY MANAGER CURTIS explained that this was an annual amendment that they made to their agreement with Broward County for the distribution of proceeds for the three-cent local option gas tax on the Motor Fuel Ordinance.

The motion carried as follows:

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

Absent: 1 - Commissioner Simone

8) ORDINANCE(S) - SECOND READING CONTINUED

- B. [ID 2021-121](#)** AN 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 1 - 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.

ORDINANCE 2021-5

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

CITY MANAGER CURTIS explained that periodically, they had to issue after hours construction permits.

MAYOR SCHWARTZ said that if they knew some of this construction was coming up, they could have notified residents in advance that they would be inconvenienced.

CITY MANAGER CURTIS confirmed that Building Director Nixon had put that requirement in place for the storage warehouse.

Discussion ensued.

The motion carried as follows:

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

Absent: 1 - Commissioner Simone

- D. [ID 2021-191](#)** AN 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.

ORDINANCE 2021-6

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

CHIEF OF POLICE, JON SHAW, explained that they had some plans going through the State Attorney's Office or using the Codes to help enforce some towing issues that they were experiencing with specific companies.

Discussion ensued.

The motion carried as follows:

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

Absent: 1 - Commissioner Simone

Meeting went into Recess.

Meeting Reconvened.

10) DISCUSSION AND POSSIBLE ACTION

A. [ID 2021-184](#) ADDITIONAL PERSONNEL IN THE CITY ATTORNEY'S OFFICE

MAYOR SCHWARTZ explained that as the City Attorney's office lost an employee and the next fiscal budget was approaching, she said that it was a good time to discuss the workload and responsibilities of the office.

CITY ATTORNEY SMITH said that based on the workload, she recommended splitting the position to have a Secretary and to have a true Paralegal. She said she would request a five percent increase to the City Attorney budget, which would be \$30,000. She calculated to date, that outside Counsel from her budget had cost less than \$17,000.

Discussion ensued including researching additional information and possibly come back at a future City Commission meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:48am.

Respectfully submitted,

Transcribed by Salene E. Edwards



Joseph J. Kavanagh, City Clerk

Date: 6/17/2021

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: 832 2189 7496 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: JJKAVANAGH@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 JJKAVANAGH@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/83221897496>

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: 832 2189 7496

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.