



# City of Margate

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

## Meeting Minutes

### Regular City Commission Meeting

*Mayor Tommy Ruzzano*

*Vice Mayor Joyce W. Bryan*

*Commissioners:*

*Lesa Peerman, Joanne Simone, Frank B. Talerico*

*City Manager Douglas E. Smith*

*City Attorney Eugene M. Steinfeld*

*City Clerk Joseph J. Kavanagh*

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Wednesday, February 3, 2016

7:00 PM

Commission Chambers

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#### CALL TO ORDER

**Present:** 5 - Commissioner Joanne Simone, Commissioner Lesa Peerman, Commissioner Frank B. Talerico, Vice Mayor Joyce W. Bryan and Mayor Tommy Ruzzano

#### In Attendance:

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

#### PLEDGE OF ALLEGIANCE

A. ID 16-0053 DOMINIC DOTY, KINDERGARTEN, MARGATE ELEMENTARY

#### 1) PRESENTATION(S)

#### STUDENTS AND TEACHERS OF THE MONTH

*ABUNDANT LIFE CHRISTIAN ACADEMY TEACHER, DON FARRELL, WAS NOT PRESENT.*

A. ID 16-0055 ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, ADAM STARR;  
TEACHER, DON FARRELL  
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, MARICEL VARGAS;  
TEACHER, MICHELE HEDBERG  
(Ms. Janette Hameister, Principal and/or Ms. Jounice Lewis, Assistant Principal)

HEBREW ACADEMY: STUDENT, YONI GREENBLATT; TEACHER, RABBI  
MOSHE YARUS  
(Mrs. Rivka Denberg, Head of School)

LIBERTY ELEMENTARY: STUDENT, DANIELA CABESAS; TEACHER,  
JANICE HARVEY

(Mr. David J. Levine, Principal and/or Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, MELANIE LE; TEACHER, SANDRA WHALEY

(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: STUDENT, COPASKI BELCOMBE; TEACHER, NOEL CAMPBELL

(Mrs. Lezondra Harris, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, LEANNY LOPEZ

(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, STACEY JEAN; TEACHER, PATHUMPORN KITBAMRUNG

(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

*The meeting reconvened, following a brief recess.*

## 2) COMMISSION COMMENTS

*COMMISSIONER SIMONE congratulated the Firefighters and Paramedics who recently graduated and were promoted. She noted that the Northwest Medical Center was opening a new level three and Intensive Care Unit (ICU) and renovated the Maternity Ward. She stated that the Sounds at Sundown event was scheduled for Saturday, February 6th, 2016, and Simply Tina would be playing from 5:00 PM to 10:00 PM. She explained that several of the Commissioners went to the Legislative Sessions in Tallahassee, which were very interesting. She noted that there was a Fracking Debate, and that the Fracking issue may come to fruition, which environmentalists and the Commission were not in agreement with. She stated that the House and Senate debated and challenged each other, but some questions could not be answered. She mentioned that Gaming was also another bit issue, which might also have an impact on Margate. She stated that the Public Records House Bill 1021 passed the House Government Operations Appropriation Sub Committee, and would now go to the House Senate Affairs Committee for consideration. She explained that the Bill required an individual to send written notice of a Public Records request to the Custodian of Public Records at least five days prior to filing a law suit, in order to recover Attorney fees and costs. She noted that a one word change from "shall" to "may" so the Judge was granted discretion to decide whether or not to award Attorney's fees based on facts presented.*

*MAYOR RUZZANO explained that smaller Cities were having difficulty with Lawsuits pertaining to records requests. He noted that this Bill would stop the Cities from being taken advantage of.*

*COMMISSIONER PEERMAN said that it did not change the ability of the public to receive Public Records. She mentioned attending a Birthday party for 100 year old Betty Yoelson and 98 year old Adele Weisberg, given by the International Folk Dancers. She also congratulated the Fire Department. She said that she attended the Ribbon Cutting Ceremony at Palm Lakes Condominium for the brand new decking installed around the pool. She noted that she walked around the Golf Course and thought it would make a great Passive Park. She explained that the Parks and Recreation Master Plan indicated that more property and walking trails were needed. She asked for a consensus regarding*

the property being obtained by the City. She noted that the City had liens on the property so the City could foreclose and take it over as a City park. She said that she spoke with many people at the condominiums and she believed the people would like it to be a Passive Park without fields. She noted that there were two lakes that could be used for fishing, a lot of property for a Community Garden and trails. She said that the only problem was the Arsenic, which was tested in 2006 or 2007. She felt that the level of Arsenic must have gone down by now. She asked for the Commission to give consensus to direct the City Manager to get a Consultant to talk to Broward County to determine what could be done with the property as a park, what the Arsenic levels were and to look into foreclosing. She added that a \$3,000 cap on the cost should be considered, and she noted that the previous company used was E-Science.

COMMISSIONER TALERICO mentioned a tax sale; whereby, someone purchased the Tax Note and could sell it to someone.

CITY ATTORNEY EUGENE STEINFELD explained that the County would sell the Tax Deed, it would be auctioned off and a property owner could buy it, pay off the Tax Deed and receive the property. He said that even if the Tax Deed was sold, it was encumbered with Margate's liens; therefore, Margate could still foreclose the property because the City liens survived the Tax Sale. He added that Margate could also foreclose on the property, pay off the Tax Lien, the property would be sold and the City could take it on a bid.

COMMISSIONER TALERICO said that the parcel in front was independent from the parcel in the back and there was no ingress from the property in front to the back.

CITY ATTORNEY STEINFELD said that there was ingress; however, it was through the back. He added that there was ingress/egress on the back of the Golf Course property, but it was currently just a path. He clarified that both parcels were owned by the same entity, but there were two parcels.

COMMISSIONER TALERICO questioned whether someone purchased the front parcel.

CITY ATTORNEY STEINFELD explained that a bank in New York believed that it had bought both parcels, because it was originally one parcel; however, it had been separated. He said that the bank actually only bought the back property; therefore, the bank sued the County and got the sale rescinded. He stated that now both properties had to go out for Tax Sale. He said that the City thought the front property was going to Tax Sale in January, but notice had not been received for either the front or back parcel. He stated that the property was currently still in Mr. Nathanson's LLCs and nothing was being done.

COMMISSIONER TALERICO asked whether permission was needed to check the Arsenic levels.

CITY ATTORNEY STEINFELD believed that there was a settlement of a criminal action that allowed the City to go in there. He noted that Mr. Nathanson did not care about the property.

COMMISSIONER PEERMAN wanted to see about obtaining the front property from whoever owned it if possible.

CITY ATTORNEY STEINFELD said that if the City was going to foreclose, it could be on both properties.

MAYOR RUZZANO asked whether either of the properties were located in the Community Redevelopment Agency (CRA) district.

CITY ATTORNEY STEINFELD did not think either one was in the CRA.

MAYOR RUZZANO felt that it was important to get the front property or everyone would be driving through Palm Lakes to get to the park. He wanted the City to try to get both properties.

CITY ATTORNEY STEINFELD said that before attempting to get either property, the City wanted to negotiate with the County to see what it would take to rehabilitate these properties to allow the City to use them as Passive Parks. He stated that the information could be brought back to the Commission who could then proceed with foreclosing.

MAYOR RUZZANO said that most Golf Courses had Arsenic, but as long as the ground was not being disturbed it could be built upon.

CITY ATTORNEY STEINFELD stated that after 10 years, the rain would have washed away some of the Arsenic. He said that the County's idea of what could be done with Brownfield property had changed and was more amenable with getting the property back into some kind of use.

MAYOR RUZZANO asked what the lien amounts were.

CITY ATTORNEY STEINFELD said that there was almost a million dollars in liens on the back property with a couple of hundred thousand on the front property.

COMMISSIONER PEERMAN mentioned the push on green space and Brownfields being turned into something else. She noted that research showed that Golf Courses could be turned into Passive Parks, which did not have to be a concrete park. She felt that Director of Parks and Recreation Mike Jones would be very creative with the Passive Park so as not to infringe on the condominiums.

RICH POPOVIC, 6066 Winfield Boulevard, thanked Mayor Ruzzano for allowing the public to speak on this issue. He mentioned prior issues the condominium had with not wanting to pay or be in charge of anything. He noted that they did not want people walking around a park after hours. He stated that the owner of the property wanted to give the property to the City, but there were zoning issues.

ARLENE SCHWARTZ, former Mayor and City Commissioner, said that in 2004, when electioneering with Commissioner Talerico, they spoke with the people at Palm Lakes who wanted a Passive Park to be closed at Sunset. She stated that there were issues about the Brownfields and funding. She was happy the City was bringing this back, because it was currently an eyesore and the City never had enough parks.

ROD GERALDI, Palm Lakes, said that he lived in Palm Lakes for 11 years and the new younger people wanted to have a Passive Park. He stated that the residents of Palm Lakes would greatly appreciate the City looking into the Passive Park.

MARCY BERNSTEIN, 5262 NW 31st Street, said that she would like to see a picture of the area being discussed, as well as how much this would cost.

MAYOR RUZZANO said that the property was located on Atlantic Boulevard between the condominiums where the old Golf Course was near Publix. He stated that there were liens



on the property; therefore, depending on the price of the property, the City might be able to obtain it cheap. He noted that Margate did not have enough Walking Parks and Passive Parks, and the Golf Course property would be perfect.

MS. BERNSTEIN said that the last Commission spent over \$1 million dollars to buy the Flea Market and nothing was being done there.

COMMISSIONER TALERICO responded that the property was in the process of being developed, and he invited Ms. Bernstein to attend a CRA meeting. He mentioned that previously anything could be built on the front parcel, which was one of the biggest problems with Palm Lakes.

CITY ATTORNEY STEINFELD said that the City previously was considering buying the Golf Course with a County Grant. He noted that Commissioner Lieberman had \$900,000 in Grant money for parks; however, the problem was it had to be brought up to park standards. He said that would mean that the Arsenic would have to be eliminated, which at that time, would cost approximately \$1 million dollars, which could not be done. He noted that Mr. Nathanson brought the property and wanted to develop the front of the property as some type of office building. He said that Mr. Nathanson offered to give the City the back portion of the property, but the City would have to maintain it, which was too costly to do. He added that the condominium did not want the office building in the front. He stated that the property then degenerated and the County was more amenable about allowing property not to be brought up to park standards, and the City could probably obtain the property without purchasing it, but through foreclosure.

COMMISSIONER PEERMAN said that this was 2016, and this was something that could be done that would be good for the City and the County.

CONSENSUS was given and all Commissioners agreed.

COMMISSIONER TALERICO mentioned the report on the Open Carry Law.

COMMISSIONER PEERMAN stated that it was going to pass. She noted that Florida would be the 47th State that would have it. She noted that there were 27 amendments on the Fracking Bill. She explained that if you voted against one of the amendments, you would literally be voting for Cancer and sick children. She noted that they still voted every one of them down. She did not know what the Governor would do with regard to the Open Carry Law.

VICE MAYOR BRYAN said that she was busy with attending installations. She noted that she attended Oriole Gardens III with Commissioner Talerico. She thanked City Clerk Joseph J. Kavanagh for his help. She mentioned attending the 100th Birthday Celebration of Betty Yoelson, who asked for no more celebrations until she's 105. She stated that she recently attended the Firefighter Graduation at Abundant Life Christian Center and thanked the Fire Chief for the outstanding job they did. She said that she was the Liaison for Atlantic Technical School and Coconut Creek High School. She explained that the School Board was trying to get a Magnet Program at Coconut Creek High School. She noted that on Tuesday, February 9th, at 9:00 AM, there would be a School Board meeting regarding the Magnet Program at the Board Room of the KC Wright Administration Building. She invited everyone to join her at the meeting. She announced that the School Board provided notification that the graduation rates increased from 63.3 percent to 82.4 percent this year. She noted that the Principal, Teachers and Staff wanted the name to stay the same. She added that Coconut Creek High School would like to have their awards ceremony at the Margate Community Center, and asked that the

fees be waived. She said that she wanted a consensus following the City Manager announcement.

CITY MANAGER DOUGLAS E. SMITH stated that the Parks and Recreation Department would be bringing forward a Comprehensive Fee Adoption. He said that the City could build into the new fee structure a provision for the City Commission to waive fees for use by other governmental entities, such as the school. He noted that it would still be up to the Commission's discretion; however, a resolution would not be needed. He said that the Award Ceremony was to be held in May, which would provide ample time to get the Fee Schedule adopted. He said that providing the consensus was for waiving the \$420 fee, the school could be notified of the plan to waive the fee.

COMMISSIONER PEERMAN asked which part of the Community Center was being requested.

VICE MAYOR BRYAN said that it would be in the bigger room.

CITY MANAGER SMITH noted that it was an Honor's Banquet with dinner.

CONSENSUS was given and all Commissioners agreed.

VICE MAYOR BRYAN noted that three local athletes were doing an outstanding job and were being recruited by multiple schools.

MAYOR RUZZANO said that while in Tallahassee last week, he heard about the Tornado in Margate. He thanked the City Staff for letting him know everything was good. He stated that recently Abundant Life had their rededication. He noted that the Church was amazing and he wished them the best. He said that he met with the CEO of the Northwest Medical Center, who informed him that the hospital had a project in the mid stages to add a parking garage of 300 spaces along with two more floors. He noted that it would be a \$60 million dollar project. He stated that the new garbage collection started February 1st, 2016, and he only received four or five calls that the City Manager handled. He stated that Saturday, March 12th, 2016, from 7:00 AM to 12:00 Noon, the City was having a Garage Sale at Oriole Park. He added that the Margate Youth Baseball Jamboree was scheduled Saturday morning at 9:00 AM. He said that signups were still available for \$150.

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NORMAN GRAD, 7460 NW 18th Street, stated that the City Attorney was leaving in April and he urged the City to look outside, as well as inside. He noted that there were other Cities that did not use in-house Counsels, but had functioned very well over the years. He suggested that the City look into Law Firms, as well as looking into Sam Goren. He mentioned the horrible tragedy that occurred when the CEO of the North Broward Hospital District committed suicide. He spoke about the problems with mental health all over the Country. He suggested that a Grand Jury investigation be instituted, and that Commissioner Peerman inform the League of Cities of the suggestion. He noted that about 15 years ago, his wife gave testimony, but nothing had changed since then. He said that he understood the funding issues; however, this would bring an investigation at every level, which would be wonderful for the citizens of Broward County. He mentioned a Sun Sentinel newspaper article regarding Broward's E-911 System needing a Director. He noted that it was also on an Agenda to be discussed.

MARIE GRIFFIN, 2902 NW 62nd Avenue in Coral Gate, said that she had a miniature Doberman Pincer and the neighbors asked for her dog. She said that she told them they could not have her dog. She stated that it made her nervous and she was upset for the

last three weeks. She explained that the dog could go from the steps to the grass, but the neighbors had problems with that. She noted that the lady then brought another neighbor over to ask for the dog, to which she told them they could not have her dog. She noted that her dog was barking a lot when another lady came over to the house while she called the Police. She said that the Police Officer left his card. She explained that the next thing to happen was the woman came over and busted into her house to tell her that someone was going to take the dog from her. She said that she asked the woman to get out of her house five times. She further explained that the following Tuesday, another lady came and was banging on the window, because she said that it was too cold for the dog to be outside. She said that the woman called the Dog Pound. She stated that when the Dog Pound came, she said that the dog could not be kept outside. She said that the Dog Pound lady gave her a list of things that did not pertain to her, so she called the Police herself because the lady had no right to be in her home. She stated that when the Police arrived and said that if I call the Police again, I would be handcuffed and locked up. She said that she called the Police Officer's Supervisor three weeks ago, who had not yet taken care of the matter.

CITY ATTORNEY STEINFELD said that he needed to determine if the dog was a Service Dog. He stated that Captain Palma would look into the matter.

GAIL KAUFFMAN, 1000 NW 68th Avenue, said that she was present on behalf of residents of Paradise Gardens. She noted that the problems with the garbage cans were not being taken care of. She stated that there was no pickup today for those who could not get the cans out to the curb; therefore, Saturday would be a week without garbage pickup. She said that according to Waste Management, the old cans could not be used. She noted that they received the 65 gallon cans. She explained that Paradise Gardens required that the cans be kept behind the walls; therefore, the cans had to be dragged to the curb over grass, rocks, etc. She said that many elderly people were in walkers with other problems. She stated that the residents were told they could receive the smaller cans; however, Waste Management said that they would be switched out between February 1st and April 30th. She noted that if using the old cans, they would not pick up.

COMMISSIONER PEERMAN said that Waste Management would deliver the smaller cans to switch out when picking up the garbage within the next month and a half. She explained that they were trying to get a full list of everybody. She felt sure that all of Paradise Gardens would want the 35 gallon can.

MS. KAUFFMAN asked what the City was doing for the residents at this point, when the elderly could not drag the 65 gallon cans.

COMMISSIONER SIMONE asked whether there was an option in the contract indicating that Waste Management would go to the side of the house to pick up the cans if people could not.

CITY MANAGER DOUGLAS E. SMITH said that there was something in the contract; however, there might be an application process. He stated that if Ms. Kauffman would provide her information to the City Clerk, he would have the Department Director speak with her to resolve the issue.

COMMISSIONER SIMONE asked whether the residents could apply to have Waste Management provide assistance, if the residents still could not move the 35 gallon cans.

DIRECTOR OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) REDDY CHITEPU explained that there was a side door service provision in the contract where the

resident could call Waste Management and request that service. He noted that for that service, the requirement was to have a disability making them eligible. He said that there was an application process and the resident could submit information indicating that there was a disability. He noted that he received information from Waste Management today that the exchanges would be completed by the end of this week.

COMMISSIONER PEERMAN asked whether the smaller recycling cans would be done at the same time.

DIRECTOR CHITEPU said that they would be done based on the recycling day.

BILL RUBENSTEIN, 409 North State Road 7, Liberty Tax Service, thanked the City Attorney and Associate Planner Andrew Pinney for their professionalism assisting him. He said that for 14 years he owned the store and used Human Signs. He learned in December of this year that he would not be allowed to do that. He said that he still had his Human Sign waving in September last year. He felt that the City went from one extreme to the other, and he questioned what the City was trying to accomplish. He noted that he offered to pay a permit fee to keep the professional signs, because he never had a problem or been cited in 14 years. He said that in September he was informed that if he used the Human Signs he would go to jail. He stated that many small businesses could not afford print media, television or electronic media. He asked what could be done and asked for some flexibility. He explained that he offered services to Margate and other Cities, but without someone out front, people would drive through Margate and not know they existed. He felt that would push business out of Margate. He wanted an understanding of what he could do, because he was able to do the marketing for 14 years with no problem. He said that the new Ordinance said that pole signs were permitted only if in back of a mall or on a marquee, but that did not help him.

MAYOR RUZZANO explained that the City did not develop the Ordinance to hurt any business; however, some of the Human Signs were getting out of control. He said that the City felt that it was in the best interest to eliminate Human Signs. He noted that there were Workshops where the public was involved.

MR. RUBENSTEIN said that a few bad apples hurt the good people.

COMMISSIONER PEERMAN added that when enforcing the Ordinance, there was a 90 day grace period for the businesses to remove the Human Signs. She said that there was no way to weed out the bad apples.

MR. RUBENSTEIN reiterated that in 14 years he had never been told not to do this, been cited or been threatened with jail. He felt that there should be a happy medium so he could continue having his business in Margate.

ARLENE SCHWARTZ, 7800 NW 1st Street, complimented the City, Fire and Police Department for joining the new Broward County Yellow DOT program. She explained that it allowed people to pick up a sticker, put it in their rear windshield and fill out the medical information form. She suggested letting people know in newsletter that the program was available in City Hall.

RICH POPOVIC, 6066 Winfield Boulevard, commented on the success of the Tallahassee trip. He mentioned hiring a Lobbyist to represent personal interests. He commented on the City Attorney. He spoke about the City working four days a week and contractors not being able to get a permit until Tuesday.

COMMISSIONER PEERMAN explained that the City's website provided information about the Yellow DOT Program and stated that they could be picked up at City Hall, the Northwest Focal Point Senior Center and the Margate Catherine Young Library. She thought it was also mentioned in the Newsletter. She said that the Budget was not done; therefore, it was not known what funding would be received for the projects. She noted that this was the first year she was in Tallahassee that the Senator said that anything Margate wanted; Margate would get, because he loved the Mayor. She noted that everyone was doing their job in Tallahassee to assist Margate.

#### 4) CONSENT AGENDA

- A. ID 16-0048 RESOLUTION - APPROVING THE REMETERING AGREEMENT WITH TOSCANA PARK VILLAS, LLC FOR THE TOSCANA LUXURY APARTMENTS, LOCATED AT 3050 TOSCANA LANE WEST.

RESOLUTION 16-162

#### Approval of the Consent Agenda

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

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

#### 5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH noted that the new Solid Waste and Recycling Service that started on February 1st. He said that the exchanges for different cart sizes would be ongoing, but could be done at a later time if residents decide they need a different size. He mentioned the types of trucks currently being used for collection. He explained that there was a mix of new fully automated trucks and also some rear loading trucks, which were being temporarily used due to the back log on delivery of the new trucks. He stated that the full conversion was expected by the end of the month. He congratulated the newly hired and graduating Fire Department recruit class, as well as those receiving recognitions for promotions and annual awards at the recent ceremony. He stated that the Arbor Day Foundation was partnering with the Florida Forest Service to offer trees to homeowners at no cost. He noted that each household could reserve one tree. He said that the web link was [www.arborday.org/floridatrees](http://www.arborday.org/floridatrees). He noted that the Yellow DOT Program was launched on February 1st and it would be mentioned in the March Newsletter.

#### 6) RESOLUTION(S)

- A. ID 16-0056 AWARDING BID NO. 2015-019 WEST WASTEWATER TREATMENT PLANT EAST DIGESTER REHABILITATION TO RJ SULLIVAN CORPORATION IN AN AMOUNT NOT TO EXCEED \$969,000.00.

RESOLUTION 16-163

A motion was made by Commissioner Simone, seconded by Vice Mayor Bryan, that this Resolution be approved. The motion carried by the following vote:

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- B.**     ID 16-0057     APPROVING EXTENSION OF THE AGREEMENT WITH GOLD COAST TRANSIT, INC. FOR SUPPLY AND MAINTENANCE OF BUS BENCHES WITH RECEPTACLES AND BUS TRANSIT SHELTERS WITH RECEPTACLES, THROUGH SEPTEMBER 10, 2016, OR UNTIL A NEW AGREEMENT IS AWARDED; WHICHEVER DATE IS FIRST.

*RESOLUTION 16-164*

**A motion was made by Vice Mayor Bryan, seconded by Commissioner Peerman, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- C.**     ID 16-0059     RESOLUTION - APPROVING WAIVING OF BIDDING AND THE LICENSE AND WARRANTY AGREEMENT WITH ZENNER USA FOR CONVERSION OF EXISTING WATER METER READING INFRASTRUCTURE TO A FIXED NETWORK AUTOMATIC METER READING SYSTEM

*RESOLUTION 16-165*

**A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- D.**     ID 16-0060     REJECTING ALL BIDS RECEIVED FOR BID NO. 2016-007 REFURBISHMENT OF TWO (2) WATER FLUME SLIDES FOR THE DEPARTMENT OF PARKS AND RECREATION; PROVIDING FOR REVISED SCOPE OF WORK, PROVIDING FOR REBID.

*RESOLUTION 16-166*

**A motion was made by Vice Mayor Bryan, seconded by Commissioner Peerman, that this Resolution be approved.**

*CITY MANAGER DOUGLAS E. SMITH explained that while rejecting the bids and rebidding, Staff wanted to present a Resolution for the Commission's consideration. He said that while rebidding the project, the City had the opportunity to acquire some of the equipment directly itself and then have it installed. He stated that there were a couple of different phases of work involved, such as install and refurbishment. He said that the City received a notification from one of the companies from the first bid, who felt the City should still award the bid to that company; however, Staff was recommending that the City rebid the project and revise the scope.*

*DIRECTOR OF PARKS AND RECREATION MIKE JONES explained that in rejecting both bids, Staff wanted to revise the scope in a way that will expedite the installation with the pool opening in the spring. He said that a recommendation was made to purchase the*

materials and equipment that were going to be part of the bid. He stated that would change the scope and revise the language; therefore, who was selected was the person who would install the equipment that was already purchased. He noted that it would take a four week lead time for the manufacturer to fabricate everything. He stated that the recommendation was to expedite the overall project.

CITY MANAGER SMITH said that if the Commission was amenable to that recommendation, there would be a Resolution to be read into the record regarding the acquisition of the equipment by City Staff, if willing to add the Resolution to the Agenda, following the vote to reject the bids.

CONSENSUS was to add the Resolution to the Agenda, which all agreed to.

RICH POPOVIC, 6066 Winfield Boulevard, said that Calypso Cove was losing \$250,000 a year and he asked whether the improvements would make the City more money. He stated that the citizens paid for the parks with their taxes. He mentioned the prior Mayor stating that the parks would make money, but no money was made.

COMMISSIONER PEERMAN said that she was not sure any parks were supposed to make money, and that parks are for the residents. She noted that most parks in most Cities lost money. She noted that the Commissioners were taxpayers as well.

COMMISSIONER TALERICO said that by Law, the City needed a balanced Budget every year, while spending revenues to provide services such as Police and Fire.

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

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Bryan, that this New Resolution be added. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

#### RESOLUTION 16-172

**APPROVING THE WAIVING OF BIDDING FOR THE PURCHASE OF AQUATIC WATER FEATURES MANUFACTURED BY AQUAWORX USA, INC. FOR THE CALYPSO COVE ACTIVITY POOL, IN AN AMOUNT NOT TO EXCEED \$50,000 FOR THE REPLACEMENT OF THE EXISTING COCONUT PALM WATER PLAY FEATURES FOR THE DEPARTMENT OF PARKS AND RECREATION**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- E. ID 16-0061 EXPRESSING SUPPORT FOR THE DECEMBER 10, 2015, JOINT POSITION STATEMENT OF BROWARD COUNTY, CHIEFS OF POLICE ASSOCIATION AND THE FIRE CHIEFS ASSOCIATION OF BROWARD COUNTY REGARDING CONSOLIDATED E-911 COMMUNICATIONS SYSTEMS; AND



EXPRESSING SUPPORT FOR THE CONCEPT OF A BROWARD COUNTY CHARTER AMENDMENT, TO BE PLACED ON THE NOVEMBER 2016 BALLOT, TO IMPLEMENT AN OFFICE OF THE DIRECTOR OF PUBLIC SAFETY COMMUNICATIONS AND A PUBLIC SAFETY COMMUNICATIONS ADVISORY COUNSEL; PROVIDING FOR DISTRIBUTION; AND PROVIDING AN EFFECTIVE DATE.

*RESOLUTION 16-167*

**A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- F. ID 16-0062 OPTING OUT OF THE ENFORCEMENT OF BROWARD COUNTY ORDINANCE NUMBER 2015-45; PROVIDING FOR THE CITATION SYSTEM FOR ENFORCEMENT OF STATE LAW, POSSESSION OF CANNABIS LESS THAN 20 GRAMS WITHIN THE CITY OF MARGATE; PROVIDING FOR AN EFFECTIVE DATE.

*RESOLUTION 16-168*

**A motion was made by Commissioner Simone, seconded by Vice Mayor Bryan, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

## 7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. ID 16-0030 APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE FOR NEW CONSTRUCTION OF A HYBRID CONVENIENCE MARKET AND GASOLINE SERVICE STATION LOCATED AT 2000 NORTH STATE ROAD 7, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE AND BOARD OF ADJUSTMENT.

*RESOLUTION 16-169*

*MAYOR RUZZANO stated that this item was a Quasi-Judicial Hearing, and he asked that those wishing to speak be sworn in by the City Clerk.*

*CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.*

*MAYOR RUZZANO asked that any Commissioner that engaged in ex parte communications regarding this Quasi-Judicial Agenda item disclose that information. He explained that the communication included City Commission discussions with all interested parties, including the tenant, petitioner or City Staff, as well as any visitations to the site being discussed shall be disclosed.*

*COMMISSIONER PEERMAN stated that she spoke with the representative, and that the proper paperwork had been filled out at the City.*

MAYOR RUZZANO noted that he also met with the representative, and that the paperwork was filled out.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL provided a project overview with a Powerpoint presentation. He explained that he also provided the approval history from the Development Review Committee (DRC) and the Board of Adjustment (BOA) that led to the design. He added that he would also review the 11 review criteria that the Commission needed to consider when granting or denying a special exception. He would also provide his recommendation and comments from the Petitioners. He stated that this item was to consider a WaWa Hybrid Convenience Store and Gasoline Station to be located at 2000 North State Road 7, at the southeast corner of State Road 7 and Copans Road. He showed the gas tanks and the proposed layout. He noted that there would be one entrance and exit on each of the major thoroughfares. He stated that the Convenience Store would be located at the southern portion of the property with the pumps at the northern portion. He noted that the location currently housed a two-story call center building. He said that it was a multi-parcel building extending to the east. He explained that this was the fourth gas station brought before the City within the last two years. He said that the first was a Race Track proposal in 2014, and the second was the Orion Gas Station, which was under current construction and would reopen. He mentioned the Cumberland Farms proposal at the Lakewood Shopping Center. He stated that the design team was working on the project that was still in the process. He said that the WaWa and Race Track properties were significantly similar as they were both located on the east side of State Road 7, attempting to market northbound traffic; however, the Cumberland Farms and Orion projects were on Atlantic Boulevard capturing westbound traffic. He stated that the proposal for WaWa was for the western portion of the property; however, there was a vacant portion of property to the east, which was currently used for parking. He explained that the proposal called for tearing down a building, and that the WaWa would be built on the western portion, but there was potential of future development on the eastern portion of the property. Director Ziskal stated that the applicant appeared before the DRC on October 27, 2015, where it was determined that there were design revisions required for compliance with the City Code. He said that the various departments advised the applicant of the revisions at that time. He added that there were also items that the applicant felt could not be brought into compliance; therefore, they would seek variances and obtain final Site Plan approval after completing the design stage. He further explained that on January 5, 2016, the applicant appeared before the BOA and had a number of variances granted with one condition. He explained that the Volero Gas Station across State Road 7 to the west was within 1,000 feet of the proposed gas station. He stated that the variance was granted because WaWa would be seeking northbound traffic that was not available anywhere between the C-14 Canal to Hillsboro Boulevard. Director Ziskal explained that the project was within the Transit Oriented Corridor (TOC) that required buildings to be close to the road with the frontage built out. He said that the variance was granted for both setbacks from State Road 7 and Copans Road. He noted that the TOC also required that the building occupy at least 70 percent of the building frontage. He stated that Code also required that the building be oriented towards the corner. He said that to get the gas pumps and the Convenience Store, the project would have to be built as an L-shape, which was a problem. He explained that both the Convenience Store and the gas pumps needed circulation for vehicular traffic, which was not allowable with an L-shaped building. He added that the National Fire Code required that a tenant have visibility to all pumps, as well as having a Master Kill Switch in the event of a fire or gas spill. He said that the orientation of the floor plan showed that there was access to the switch; however, an L-shape property would create a blind spot. He stated that the design chosen would maximize the frontage of the building along State Road 7 to provide the Convenience Store and outdoor Café portion of the building to face State Road 7. He added that it also allowed for a long linear

shape of the pumps as opposed to double stacking and creating a square shape along Copans Road. Director Ziskal noted that the next set of variances dealt with the public sidewalks. He said that the TOC was focused on pedestrian enhancement, though a gas station was automotive in nature. He stated that there were improvements recommended for widening the sidewalk and shifting the sidewalk along State Road 7. He continued that another variance was for a request for an additional sign. He noted that the Gasoline Price Sign Codes were intended to meet the small gas stations, but a gas station this large warranted a second Gas Price Sign, which was approved. He explained that the current Code required wheel stops along the building and the sidewalks adjacent to the building. He noted that there was a raised sidewalk, as well as the outdoor Café; therefore, the applicant requested to be able to deviate from the required wheel stops with the ability to provide yellow Bollards, which was granted. Director Ziskal explained that the first three of the 11 review criteria the Commission needed to consider dealt with the compatibility of the project with its adjacent properties, as well as the affects it will have on those properties with regards to property values and living and working conditions. He said that the property was located in one of the Gateway Districts and was bound by the TOC District on the north and south and Industrial Districts to the east. He stated that both the Industrial and the TOC District allowed more intense uses than the Gateway District; therefore, the proposal was compatible as opposed to a previous application that abutted residential properties with no compatibility. He stated that the ingress and egress to the development needed to be reviewed regarding automobile and pedestrian safety, access to fire and trash collection. He said that there was a right in and right out only with no left turns onto both State Road 7 and Copans Road. He noted that there was an existing connection on the southeast portion of the property to connect to the future development parcels. He also showed a future connection south into the Bowling Alley property if the Bowling Alley granted access. He showed the pedestrian circulation around the building, with wide sidewalks on both Copans Road and State Road 7. He noted that the revision was made to the sidewalk on State Road 7 allowing the main portion of the sidewalk to be behind the trees to provide a buffer for the pedestrians. He added that the property would have two trash refuse collection points located at the rear of the property providing circulation around the building for access. Director Ziskal spoke about the parking and said that the Commission must review the off-street parking location and relationship to the traffic pattern for both vehicular and pedestrian safety. He showed the vehicular circulation around both the Convenience Store and the gas pumps; however, the vast majority of the parking near the building was directly abutting the building and was completely inside the vehicular circulation area so patrons did not have to cross the vehicular area. He stated that the rest of the parking was located to the east of the property providing for just one connection across the drive aisle. He said that there would be some patrons parking under the gas canopy and walking into the store. He stated that the pedestrian safety was maximized by the design. He said that the next criteria dealt with orientation, location and features of buildings, as well as appearance within the City for compatibility and sufficiency of setbacks. He showed a vacant lot at the northwest corner of the intersection, the Brunswick Bowling Alley was the property directly to the south and the existing Volvo station was across Copans Road to the north. He noted that the architectural styles were similar in nature; therefore, Staff determined that this proposal was an enhancement to the architectural integrity of this area, as well as being compatible. Director Ziskal said that the Site Plan showed adequate setback from the Bowling Alley with a two-lane drive circulation and a landscape buffer; therefore, the development would not adversely impact the Bowling Alley operations. He stated that the next two categories pertained to Stormwater Management and Landscaping. He explained that the Department of Environmental and Engineering Services (DEES) reviewed the Stormwater and utilities and it complied with all of the necessary Codes. He showed the existing trees that would remain on the property and showed the new parking areas with landscape islands and medians between

them. He noted that they would feature Live Oaks, Crepe Myrtles, Sable Palms and other ground covers indigenous to this area. He stated that the Landscape Plan was in compliance with the Code and maximizes the use of existing trees and native species. Director Ziskal stated that the application was in compliance with the goals, objectives and policies of both the Comprehensive Plan and the Redevelopment Plan. He added that the applicant maximized the pedestrian and transit components to the greatest ability they could. He said that overall Staff found that the proposal satisfied the 11 review criteria set forth in the Zoning Code. He added that Staff felt that the development did not create a nuisance or adverse impact to the adjacent properties, the neighborhood or the City. He said that Staff further found that this applicant, as well as previous petitioners, adequately showed the demand for gasoline service stations in the City, and that closure of gas stations left the City under supplied for northbound traffic. He stated that from an Economic Development standpoint, Staff found that the applicant provided the product and service that would benefit the residents and the City. He showed a picture of the first WaWa opened in Pennsylvania in 1964. He stated that the company evolved every decade to keep up with the times. He noted that it started as a market and in 1975, coffee was added. He stated that they won Philadelphia's Best Coffee in 1980. He said that food was added in the 1980's and gasoline was added in 1996. He stated that they continue to implement new technology and recently celebrated their 50th Anniversary. He felt that it was a perfect time to form a partnership with the company, while Margate was redeveloping.

COMMISSIONER PEERMAN left the room at 9:46 PM, and returned at 9:47 PM.

COMMISSIONER TALERICO asked whether there was a right turn lane on Copans Road going north.

DIRECTOR ZISKAL agreed that there was a right out only onto Copans Road heading east. He clarified that on the road itself, there was an existing turn lane on State Road 7 that would remain the same.

VICE MAYOR BRYAN stated that she liked WaWa when she visited the Pennsylvania facility. She noted that she worked in the Call Center when she first came to Margate. She felt that the WaWa would be an improvement. She said that the Petitioner was very amenable working with the City, which she appreciated.

STEVE WHERRY, 200 East Broward Boulevard, said that he was present on behalf of the applicant. He agreed with Director Ziskal and said that the design was simple and clean. He clarified that WaWa was the name of the City where the Dairy Farm started. He noted that the logo was a Canadian Goose, and in the tribal language WaWa was what the indigenous people called the bird.

COMMISSIONER PEERMAN thanked Director Ziskal and WaWa.

MAYOR RUZZANO asked how many WaWa facilities were in Broward County.

MR. WHERRY said that there were none in Broward. He noted that Parkland was working on it; however, he believed Margate might be the first in Broward County.

COMMISSIONER SIMONE thanked WaWa for coming to Margate. She noted that WaWa carried Ethanol free gasoline.

MR. WHERRY agreed and said that there would also be Diesel.

A motion was made by Commissioner Peerman, seconded by Commissioner

**Simone, that this Quasi-Judicial Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- B. ID 16-0047** CONSIDERATION OF SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY 2015/2016 FOR: NORMAN JOHNSON, INC. D/B/A INKWELL, 238 NORTH STATE ROAD 7, MARGATE (DISTRICT C).

*RESOLUTION 16-170*

*MAYOR RUZZANO stated that this item was a Quasi-Judicial Hearing, and he asked that those wishing to speak be sworn in by the City Clerk.*

*CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.*

*MAYOR RUZZANO asked that any Commissioner that engaged in ex parte communications regarding this Quasi-Judicial Agenda item disclose that information. He explained that the communication included City Commission discussions with all interested parties, including the tenant, petitioner or City Staff, as well as any visitations to the site being discussed shall be disclosed.*

*MAYOR RUZZANO noted that the Police Department agreed to approve of this item.*

*COMMISSIONER SIMONE said that though she was not in favor of extended hours, there was no testimony given to substantiate a No vote, she would vote Yes..*

**A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Quasi-Judicial Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

## **8) ORDINANCE(S) - SECOND READING**

- A. ID 16-0046** AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, APPENDIX A ZONING, ARTICLE XXXIX SIGN CODE, 39.7 TEMPORARY SIGNS AND ADDING NEW SECTION 39.20-SAVINGS CLAUSE; PROVIDING FOR CLARIFICATION OF ELECTION AND OPINION SIGNS.

*ORDINANCE 2016-1500.168*

**A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that this Ordinance - 2nd Reading be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

## **ADJOURNMENT**

*There being no further business, the meeting adjourned at 9:59 PM.*

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

  
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Joseph J. Kavanagh, City Clerk

Date: 4/20/16