



City of Margate

5790 Margate Boulevard
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www.margatefl.com

Meeting Minutes Regular City Commission Meeting

Mayor Joanne Simone
Vice Mayor Tommy Ruzzano
Commissioners:
Joyce W. Bryan, Lesa Peerman, Frank B. Talerico

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

Wednesday, June 3, 2015

7:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 14-1154](#) SOPHIA CAGGIANO, 3RD GRADE, RAMBLEWOOD ELEMENTARY

1) PRESENTATION(S)

- A. [ID 14-1117](#) RECOGNITION OF THE MARGATE FIRE EXPLORERS.
- B. [ID 14-1125](#) RECOGNITION OF SCHOLARSHIP AWARD TO MARGATE FIRE EXPLORER - JEFFERY THORPE

2) COMMISSION COMMENTS

COMMISSIONER PEERMAN thanked everyone involved for a great Memorial Day and for the 60th Birthday Celebration. She told Mayor Simone about the 5th Grade Graduation at Atlantic West Elementary School this morning, and she noted that the Principal asked the children who were in the Mayor's class and how many knew the Mayor Simone. She said that six children were in Mayor Simone's class; however, everyone knew her.

COMMISSIONER TALERICO congratulated Fire Chief Dan Booker on the ALS Team coming in third place in the world.

COMMISSIONER BRYAN also congratulated Fire Chief Dan Booker. She stated that the Birthday Celebration was excellent. She thanked the City Manager, the Committee and Parks and Recreation for doing an outstanding job. She noted that she recently attended Atlantic West Elementary School's Sprout Stem Showcase, but only was able to stay for the play, which was excellent. She added that she went to the award ceremonies at

Margate Elementary School and Liberty Elementary School and spoke of how bright, engaging and talented children in our school system. She stated that she attended the graduation ceremony for Coconut Creek High School at War Memorial. She spoke about the solitarians and valedictorians who came from other Countries. She noted that one was from Vietnam and the other was from Haiti, and that they both surpassed all expectations.

VICE MAYOR RUZZANO stated that it was a great Birthday Celebration. He recognized Commissioner Bryan's and Mayor Simone's Birthdays this week. He said he had a blast at Margate Elementary School and Liberty Elementary School. He said that Summer was coming and encouraged everyone to watch their children near the pools.

MAYOR SIMONE stated that the 60th Birthday was a great event and thanked all the City Staff. She congratulated the ALS team. She noted that the Bark for Your Park Contest was over on June 10, 2015, and told everyone they could vote twice a day, once on Facebook and once on the website. She stated that the contest was for the City to win \$100,000 for a dog park. She noted that the Sounds at Sundown would be held this Saturday with the Margate Intergenerational Band. She stated that the Health Fitness would be held at the Northwest Focal Point Senior Center (NWFPSC) on June 24, 2015, from 9:00 AM to 1:00 PM. She added that Calypso Cove would be opening on June 6, 2015, and encouraged everyone to come out.

3) PUBLIC DISCUSSION

BROOKSIE ESTRADA, 6350 Margate Boulevard, stated that she attended the meeting last night for the Zoning and asked whether more discussion as a community could take place regarding the Detox Center being proposed and planned in Margate.

CITY ATTORNEY EUGENE STEINFELD stated that currently there was no permit in front of the City for a Detox Center; however, it was very possible that the permit that was withdrawn may re-file. He said that it would be a problem for the Commission to consider and voice their opinions regarding a Detox Center, because it would have to consider any issue regarding rezoning in a Quasi-Judicial determination. He stated that if any City Commissioner gave its opinion regarding that, it may very well disqualify them as voting whether to allow or disallow them during a Quasi-Judicial determination.

VICE MAYOR RUZZANO mentioned it coming back.

CITY ATTORNEY STEINFELD said that it was his understanding that the Director of Environmental and Engineering Services (DEES) was told that it would come back.

VICE MAYOR RUZZANO questioned whether telling the people how the Commission felt about it would be a violation.

CITY ATTORNEY STEINFELD said that if the Commission did that, the individual could disqualify you for making the decision.

VICE MAYOR RUZZANO asked what prohibited the Commission from talking about anything in the City. He asked that if there was no permit with nothing there, why the Commission could not talk about it.

CITY ATTORNEY STEINFELD explained to the Vice Mayor that that it was very likely that it would come back, and by the Vice Mayor stating that he was against or for it, would actually disqualify him. He noted that it was only for Quasi-Judicial determinations and not Legislative determinations.

COMMISSIONER TALERICO asked what would happen if all of the Commission spoke about it, and if they would all be disqualified.

CITY ATTORNEY STEINFELD said that if a complaint was made it would be up to the Governor, because if everyone was disqualified, the City could not do its job rezoning or not rezoning.

RICHARD SANTILLI, 6350 Margate Boulevard, felt that the proposal of where to put the Detox Center was too close to the children and; therefore, not a good place for it. He understood that we needed to provide help for those that were in need; however, he believed the proposed locations were not where it needed to be.

SASHA NIKOLAUK, 6645 NW 2nd Street, stated that the location was absurd. He mentioned that he had kids that went to the Day Care around the corner and the Middle School; therefore, this should not even be considered.

NATALIE MCNAIR, Owner of Time To Care Academy, 6201 West Atlantic Boulevard, said that she was also present to represent her parents, who owned the Time To Care Pre-School at NW 8th Street. She stated that her parents had been in the area for 25 years servicing the community, and that infants, who originally attended were bringing in their children. She said that her center was directly next to the proposed 32 bed Detox Center, which she now realized was off the Agenda for the time being. She noted that her playground fronted the Building. She stated that no people were going to sign their children up at her center or her parent's center, and the centers will be forced to close. She said that they would have to take quality childcare out of Margate, because two Detox Centers would replace them. She explained that her students were now Middle School Students who walked past and waved at their prior Day Care Teachers; however, they will now walk past a Detox Center. She felt that none of the citizens of Margate wanted that for their children. She asked how the City would ensure the safety of her children. She read that the plan stated there would be alarms on the doors with a privacy hedge and a program left little free time. She realized the people need and deserved help and a second chance; however, who was going to give her family a second chance after giving 25 years to the City. She expressed concern with regard to the apartment complex across the street that would not be able to rent to families and responsible tenants, because of the Detox Center across the street. She begged the Commission to think long and hard about their decision.

LORNA KAROWICH, 702 East River Drive, said that the Detox Center needed to be advertised in such a way that allowed the whole City to know that it was being proposed to come into the neighborhood. She noted that it was only known by word of mouth because of her Daughter-in Law working at the Day Care. She said that she looked at the website to see if anything was advertised; however, there was nothing visibly there. She understood that the Planning and Zoning (P&Z) meeting was advertised, but the average resident was not going to know that the event was taking place. She felt that the City of Margate put a lot of money into public news with the website, Forum, etc., but the residents did not know about this. She stated that she lived five houses away from the Atlantic address and one street behind the Detox Center. She said that she raised her children in the neighborhood and lived in a wonderful street where she was now raising her grandchildren. She expressed concern because she worked in Fort Lauderdale where there were three Drug Rehabilitation homes, and spoke about the break-ins and the people that were around the homes. She said that if no patients were coming in, she had to lock the doors. She felt that it would ruin the neighborhood and bring down the property value, as well as would jeopardize the safety of the children and residents. She noted that

there were four Day Care facilities within one mile of the two locations. She stated that kids should be free to be kids outside, but would now have to remain inside. She reiterated that the City make these meetings clearly visible on the website.

MARCY BERNSTEIN, 5262 NW 31ST Street, explained that she was having a problem with a neighbor. She said that she had a chain link fence in her yard, but the neighbor's trees and bushes were growing at least 15 feet high. She said that she called Margate Code Compliance, but was told they could do nothing about it because it was not on the street and was in the back yard. She was told by Code that she had to cut the trees. She asked why she would have to cut someone else's trees and bushes. She felt that the Code should be changed so that the person who owned the bushes and trees should have to keep it in orderly manner.

CITY ATTORNEY STEINFELD explained that under the Common Law, a person who had foliage, trees or roots that went from one parcel to the next parcel had the right to cut off those matters which intrude upon their property. He said that basically what the Common Law was regarding trees and roots, and that Florida ascribes to the Common Law. He stated that foliage was deemed to be a natural occurring phenomenon; therefore, one property owner had the right to stop that foliage intruding into the property. He said that Ms. Bernstein had the right to take that up and cut it, but because it was natural and trees grow and roots spread, the Law says if it bothers you, you can remedy it, but not the person who the natural tree comes from. He clarified that Margate at this point, did not have a Code that stated that it was unlawful for the person to have their tree come onto someone else's property.

MS. BERNSTEIN asked whether the City would consider changing the Code. She stated that she was a Registered Nurse who had been to Rehab Centers in Lauderhill, where all the drug dealers would wait outside; therefore, she was against a Rehab Center.

COMMISSIONER TALERICO stated that he had a similar situation for years with the neighbor's tree growing on his property and leaves going in his pool; however, he had to handle it. He questioned whether it was the State.

CITY ATTORNEY STEINFELD stated that it was the Common Law of the State of Florida. He noted that the City of Deerfield had an ordinance that regulated some manner of tree intrusion, but he would have to check into that.

COMMISSIONER PEERMAN asked whether this could be looked into to see what other Cities did, and the City Attorney said that he would look into that.

WAYNE BELLANDO, 1443 Banks Road, Owner of Pro Pest Control, said that he was in the City 20 years and saw many improvements over the years; however, last week he heard about an Ordinance stating that trucks were not allowed to be parked across the street because of the advertisement on the trucks. He said that he was representing about a dozen companies that did not know what to do, and he asked whether the Commission wanted them to move out of Margate. He said that he did not know whether the City wanted to chase small businesses out of Margate or if it was an honest mistake.

COMMISSIONER PEERMAN replied that it was an honest mistake. She said it was the intent of the Code to do what it was doing; therefore, the Code needed to be relooked at. She stated that the intention of the Code was for advertising on the main thoroughfares, but was not for the businesses that had their name on the truck and parked overnight. She asked that a consensus be taken to relook at the Code. She noted that she received calls from other businesses as well, and felt that the Code was supposed to

solve one problem; however, it created another unexpected problem.

MR. BELLANDO said that Sergeant Suarez and Code Officer Jackie King wanted to cite the trucks, and he asked whether it could be discussed with them. He noted that Code Officer King was there today.

COMMISSIONER PEERMAN also asked whether a moratorium could be placed on those specific incidents.

CITY ATTORNEY STEINFELD stated that it was difficult to enforce this Ordinance, and explained that the intent of the Ordinance was to have trucks with advertising on them park away from the main street whether day or night, if there was an available place to park away from main street. He further explained that the idea of the Ordinance was to ensure that the business did not get advertising any differently than another. He noted that if the truck did not have advertising it would not apply. He said that if the available space was tight, the truck should not be parked in the row closest to the main street.

COMMISSIONER PEERMAN said that the intent was for vehicles that were parked and never moved and were not used for their businesses. She felt that there was an unintended consequence that had happened and the City looked needed to look into that.

CITY ATTORNEY STEINFELD noted that another business might say that they deliver during the day and want to be able to park in the front as well.

COMMISSIONER PEERMAN felt that the problem was not in front of the businesses, it was just in front.

MR. BELLANDO stated that he had parking in the front and back, but it was all taken. He said that he had 10 trucks, his neighbor had 9 trucks and another neighbor had 4 trucks, and he wanted to respect his neighbors and not park in front of their doors.

CITY ATTORNEY STEINFELD said that if sometimes the truck had to be in the front and sometimes it did not, Mr. Bellando might talk to Code.

MR. BELLANDO said that would be a hard situation, because if he had to wait to park in the front he would have to stay until the other trucks cleared out at 7:30 at night when he had a family at home. He added that parking in the back was full.

A motion was made by Commissioner Lesa 'Le' Peerman that a moratorium be placed on the Code until it was relooked at properly to cover the businesses. The motion died for lack of a second.

CITY ATTORNEY STEINFELD stated that a moratorium could not be put on a Zoning Code except by Ordinance. He said that the Commission could direct Administration not to enforce a Code.

COMMISSIONER PEERMAN mentioned a prior moratorium put on the Code previously.

CITY ATTORNEY STEINFELD clarified that it was not a moratorium, but direction to the Administration.

COMMISSIONER PEERMAN suggested that the City Manager not enforce this Code until it was relooked at to cover the unintended consequences it gave to business owners in the City that used their trucks daily and parked them in front of the businesses at the end of the day.

MR. BELLANDO thanked Commissioner Peerman and said that if the situation remained he would have to move out of Margate, but he loved Margate.

CITY ATTORNEY STEINFELD clarified that Commissioner Peerman would like the Commission to direct Administration not to enforce this portion of the Code at all.

COMMISSIONER PEERMAN mentioned a prior issue where the City went two years with no enforcement at all. She agreed that was her suggestion to the Commission until the City could find a way to deal with the unintended consequence and rewrite the Code.

VICE MAYOR RUZZANO said that the Commission tried to rectify the Code to do the right thing; however, there was a little hitch that needed to be taken care of. He agreed with Mr. Bellando that there would be problem if his business expanded and he could not park in the spots. He said that the City wanted to be business friendly and he hoped Mr. Bellando did not move out of Margate. He agreed with holding off on enforcing this portion of the Code.

MR. BELLANDO explained that he appreciated the support, because he was looking to purchase a building in Margate. He said that he enjoyed Margate, though he lived in Coconut Creek, and did not want to leave as he felt comfortable here.

COMMISSIONER TALERICO mentioned work that was being done on the Sign Code and he mentioned abusing signs and putting them in front of their buildings and leaving them there. He said that U.S. 441 looked horrible and Code was enforcing the Ordinance now. He asked whether there was an equitable solution or if it would require a drastic change.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL said that he believed there was time to incorporate any changes into the Sign Code by an amendment by the Commission. He stated that the Ordinance for the Sign Code revisions was approved last night at the Planning and Zoning (P&Z) Board meeting. He said that it would be scheduled to appear before the Commission at the June 17th meeting for a first reading and a July meeting for second reading. He noted that any amendment could be given in the form of a formal vote and could be incorporated into that change. He said that with regard to a drastic rewrite or a minor change, he believed the change would be minor. He stated that he would have to specifically have a discussion with Sergeant Suarez and Code Officer King to discuss specifics of the individual property with regards to how the property and the Code align with each other. He said that the individual case could be looked at and then used as an example to see if it was an unintentional consequence and could be brought back to the Commission. He reiterated that he believed the change was minor and any correction could be made prior to the final adoption in July.

COMMISSIONER BRYAN stated that Director Ziskal's comments addressed her concern regarding the time frame. She stated that the City did not want to hurt the businesses and rather wanted to promote them.

COMMISSIONER PEERMAN stated that this was not the only business to contact her about this issue. She said that the City might need to search, especially in the warehouse districts, for businesses with this issue.

A motion was made by Commissioner Lesa 'Le' Peerman, seconded by Vice Mayor Tommy Ruzzano, to direct the City Manager to not enforce the Law until July . The motion carried by the following vote:

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

RICK RICCARDI, 4829 South Hemingway Circle, President of the Chamber of Commerce, stated that the Fellowship Living Facilities recovery residence on Margate Boulevard was having a sober free concert on Sunday at 6:00 p.m., and he invited the City to join in. He said that there would be a major block party with a barbecue.

RICH POPOVIC, 6066 Winfield Boulevard, mentioned a cavalier attitude of the Commission towards the City's finances. He felt that the taxpayers were being disrespected regularly. He mentioned that at the last meeting employees were being given Cost of Living Adjustments (COLA), including the City Attorney. He stated that COLA raises were archaic from the 1970's when there was runaway inflation. He said that nobody in the private sector received COLA raises anymore. He spoke about the \$500,000 pertaining to the Alzheimer Center. He said that the response was that it was not missing; however, he asked what was going to be done if it was not received back. He mentioned losing \$250,000 a year at Calypso Cove, but not decreasing the price. He said that government was supposed to provide Police, Fire, Water and Sewer, and was not in the charity business. He felt that if the sports leagues wanted to go away for winning the championship, they should have a kitty and put money away, rather than asking the City for money. He noted that he was a firm believer in self-responsibility.

COMMISSIONER TALERICO spoke about making a motion to close all of the parks to save money. He stated that everything was for the benefit of the citizens, such as the parks, Calypso Cove, Firefighters Park. He said that a problem had started now whereby individuals had to come before the Commission and that there was a cap on the charity, which was fair and better for the City and for the Residents. He said that the Commission wanted to help all of the groups in Margate.

COMMISSIONER PEERMAN stated that parks were not supposed to make money, and were paid for with taxpayer dollars. She said that the money was owed until we find out if we are getting it back or not; therefore, it was still owed.

COMMISSIONER TALERICO noted that the City supported a group for the last 20 years called Family Central that provided subsidized Day Care, which was another thing that would help the residents of Margate.

ANTHONY CAGGIANO, 7856 NW 1st Street, hoped everyone had a happy and thoughtful Memorial Day. He thanked Mike Jones and the Public Works Staff who did a great job. He commended the Guest Speaker who was fantastic and not affected by the rain. He thanked Commissioner Talerico and Commissioner Peerman for the English Lesson he received, and said that he learned the difference between owed and gone. He mentioned the word loaned. He said that he was putting in a Public Records request for a report on the money loaned to the Alzheimer Center versus the money that they paid the City back to offset that loaned money since 2011. He asked who gave the approval that the \$75,000 could be exceeded, and who had the power to okay that. He also asked why

that individual did not come back to the Commissioners for a vote. He asked who controlled what was being put in place to make sure this situation did not happen again. He mentioned the word gone, and explained that in economic terms, it meant opportunity cost, which was a key concept in economics. He said that it had been described as addressing the basic relationship between scarcity and choice. He stated that the notion of opportunity cost played a crucial role in ensuring that scarce resources were used efficiently. He clarified that money spent on one thing could not be spent on another thing. He called the tax dollars a scarce commodity. He asked whether the tax dollars were used efficiently when loaning the money to the Alzheimer Center. He questioned whether the decision was made because the City had no better options for using the scarce tax dollars, or was there a deal made. He said that there was only one Commissioner sitting on the dais who had those answers. He stated that he just wanted to know who voted for it and why this particular charity.

COMMISSIONER PEERMAN believed that Public Records requests were made through the City Clerk's office. She stated that the word "loan" would not be easy to find in any paperwork regarding the Alzheimer Center. She noted that there was a rumor being spread that the City gave a line of credit and that the Alzheimer Center was a private business.

CITY CLERK JOSEPH J. KAVANAGH stated that he would process the Public Records request as spoken at the meeting.

4) CONSENT AGENDA

- A. [ID 14-1165](#) RESOLUTION - APPROVING REAPPOINTMENT OF ANTONIO RECINOS TO THE UNSAFE STRUCTURES BOARD FOR A TERM COMMENCING JUNE 8, 2015 TO JUNE 7, 2018.

Resolution 15-056

APPROVED

Approval of the Consent Agenda

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

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

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH gave his report as follows:

- He congratulated the Fire Rescue ALS Team for their Third Place finish in the International competition. He named the Team as Manny Sanchez, Lauren Brown, Vito Labriola and Ty Vassil.
- He thanked the Staff that worked on both recent events; Memorial Day and the 60th Birthday Celebration. He mentioned that there were nice presentations by the speakers who attended and shared some of their historical remembrances of the City.
- He noted that the first Adopt a Street signs were installed on Royal Palm Boulevard; with one on the north side facing westbound traffic near NW 57th Terrace, and on the south side of Royal Palm facing eastbound traffic near the bus stop near Rock Island

Road. He noted that currently there was only one group enrolled in the program, but the City was open to other organizations and had the applications available online or through the Department of Environmental and Engineering Services (DEES).

- The Bark for Your Park contest allowed voting through June 10th.
- The CERT Class conducted its first class, which would continue through June 27th, on Saturday mornings at 8:00 a.m. . He said that more information was available by contacting Mr. DeCristofaro, whose contact information was available on the website.
- The City was preparing for a Workshop presentation with an update on the overall Parks Master Plan Project; however, the date was still being worked on. The City's Consultant would be present for that presentation. He noted that a summary of the public input received would be included in the presentation.
- He explained that Taxable Value estimates were mentioned at a prior meeting. He noted that he sent the Commission the June 1st estimates, and that the estimated increase was 7.7 percent. He explained that based on how that would be budgeted at the current millage rate, it could be an increase of \$900,000 over the current numbers, assuming the millage rate was the same, which would be determined later in the Budget process by the City Commission.
- He said that the City was making progress in the negotiations and discussions with the Alzheimer Family Center. He added that those discussions would come back publicly before the Commission at the appropriate time.

COMMISSIONER PEERMAN asked whether the people who filled out information online were being contacted for the Adopt a Street Program.

CITY MANAGER SMITH said those individuals should have all been contacted already; however, he would double check and verify with Staff and update the Commission tomorrow. He noted that there might have been one group that did not meet the eligibility criteria, but would check into that.

6) RESOLUTION(S)

- A. [ID 14-1155](#) RESOLUTION - AWARDING BID NO. 2015-005 LIFT STATION NO. 22 RENOVATION TO FOSTER MARINE CONTRACTORS, INC. IN AN AMOUNT NOT TO EXCEED \$597,675.00.

Resolution 15-057

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

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

ADJOURNMENT

There being no further business, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Transcribed by Carol DiLorenzo

Joseph J. Kavanagh, City Clerk

Date: _____

