



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 Anthony N. Caggiano
Commissioners:
Lesa Peerman, Tommy Ruzzano, Joanne Simone

City Manager Samuel A. May
Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.
City Clerk Joseph J. Kavanagh

Wednesday, April 18, 2018

7:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Samuel A. May
City Attorney James A. Cherof
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

COMMISSIONER JOANNE SIMONE said that they should keep former Mayor Joyce Bryan and her husband in their thoughts as they recover from a car accident.

MAYOR ARLENE R. SCHWARTZ said that the flags were at half mast for the passing of the former First Lady, Barbara Bush.

[ID 2018-170](#) LEILANI RIOS, 5TH GRADE, RAMBLEWOOD ELEMENTARY

1) PRESENTATION(S)

A. [ID 2018-182](#) MAYOR'S FITNESS CHALLENGE 2018 OVERALL WINNERS:

ATLANTIC WEST ELEMENTARY - ANDREA GONZALEZ AND KAVON MARTIN

LIBERTY ELEMENTARY - CAROLINA BEZERRA AND DARIUS CORRILUS

MARGATE ELEMENTARY - JAVIER HERRERA AND KACEY PUIA

B. [ID 2018-131](#) OFFICER OF THE MONTH - JANUARY 2018 - POLICE OFFICER MICHAEL S. SPROUSE

C. [ID 2018-176](#) OFFICER OF THE YEAR 2017 - DETECTIVE WILLIAM D. SNYDER

- D. [ID 2018-178](#) HOME OF THE MONTH - APRIL 2018
MARGARET & HERB HERMANSON, 1180 NW 69th TERRACE

ATHLETES OF THE MONTH

- E. [ID 2018-164](#) BASEBALL: DOMINIC RIOS, 7
(Margate Baseball 7U Travel Team)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- F. [ID 2018-180](#) JACK R. BARBRE, INFORMATION TECHNOLOGY SPECIALIST -
INFORMATION TECHNOLOGY DEPARTMENT - 15 YEARS
- JONATHAN P. SEWARD, SERVICE WORKER - PARKS AND RECREATION
DEPARTMENT - 15 YEARS

2) COMMISSION COMMENTS

COMMISSIONER LESA PEERMAN asked for consensus to have the City Attorney draft a ballot question to change the Charter so Commission raises would be voted on by the residents.

Discussion ensued regarding bringing forward ballot questions.

Consensus was not given.

COMMISSIONER PEERMAN - Yes
COMMISSIONER SIMONE - Yes
COMMISSIONER RUZZANO - No
VICE MAYOR CAGGIANO - No
MAYOR SCHWARTZ - No

COMMISSIONER PEERMAN discussed mileage reimbursements for Commissioner Simone and Vice Mayor Caggiano. She said the mileage reimbursement for Vice Mayor Caggiano will be sent to the Florida Commission on Ethics for review.

COMMISSIONER JOANNE SIMONE mentioned a Police Department Fraud seminar on April 25th about email "phishing" for seniors. She also thanked the Police Department for assisting with school safety.

COMMISSIONER TOMMY RUZZANO asked if the City owned any seawalls and what the future plans were if repairs were needed. He also mentioned Commission travel allowances.

Discussion ensued on the City Commission's allowances and Community Redevelopment Agency (CRA) travel.

VICE MAYOR ANTHONY N. CAGGIANO thanked Senior Center Project Director, Karin Diaz, the Fire Department and the Police Department for helping with a resident displaced by a house fire. He discussed a previous meeting where an item was voted to be tabled and it was voted on 2-2 and failed. He discussed his mileage reimbursement. He discussed a police report concerning Eunice Sivertsen regarding ducks and whether

the City Manager gave permission to allow for ducks to be collected.

Discussion ensued on trapping and collecting ducks.

MAYOR ARLENE R. SCHWARTZ stated that she ran a campaign based on collaboration, cooperation and communication. She mentioned the upcoming Citizen's Academy and the Mayor's Challenge for Water Conservation. She asked the City Manager about the canal situation.

CITY MANAGER SAMUEL A. MAY said the City and the County were monitoring the situation.

DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) DIRECTOR REDDY CHITEPU said they were working with the contractor and Broward County and that the job was now shut down. He said the County collected a water sample and steps were being taken by the County to address the situation. He said the South Florida Water Management District (SFWMD) recommended letting the canal sit as it is and let the sediment settle down.

Discussion ensued on the status of the project moving forward.

MAYOR SCHWARTZ said she wanted to keep the project shut down.

COMMISSIONER RUZZANO asked about the permits and supported shutting the project down.

DEES DIRECTOR CHITEPU said the dewatering permit was issued by the SFWMD but the process was monitored by a third party company. He said they were waiting for a solution from the contractor.

Discussion ensued regarding shutting down the project.

MAYOR SCHWARTZ asked for Discussion and Possible Action for Items 8A and 8B to be heard after the Consent Agenda and CONSENSUS was given.

3) PUBLIC DISCUSSION

RICH POPOVIC, 6066 WINFIELD BOULEVARD said he supported citizens voting on raises and having term limits.

NORMAN GRAD, 7460 NW 18 STREET, APT 202 discussed rising rental costs in South Florida and read an article from the Sun Sentinel. He recommended reasonable housing for Margate. He said a prayer in memory of Martin Luther King's 60th anniversary of his assassination.

ELSA J. SANCHEZ, 6930 NW 15TH STREET said she was concerned about employees leaving the City.

MANNY LUGO, 1129 EAST RIVER DRIVE discussed the City Code regarding City canals.

CHARLIE ARTNER, 6631 NW 22ND COURT discussed an abandoned toilet on the SW corner of 66th Avenue and Margate Blvd. He discussed City raises.

EDDIE D. VAZQUEZ, 7331 NW 18TH STREET #203, asked about the investigation of the

injuries that he suffered and the bias by the Police Department dating back to 2013. He mentioned 70 pages of information he submitted to the Police Department.

Discussion ensued regarding the Baker Act.

4) CONSENT AGENDA

Vice Mayor Caggiano asked to pull item 4A from the Consent Agenda. CONSENSUS given.

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.

- B. [ID 2018-173](#) RESOLUTION - APPROVING THE UTILITY EASEMENTS FOR MAINTENANCE OF SEWER FACILITIES AT CELEBRATION POINTE SOUTH, 5496 NW 27 COURT, MARGATE, FLORIDA.

RESOLUTION 18-040

APPROVED

- C. [ID 2018-174](#) RESOLUTION - VACATING, RELEASING, AND ABANDONING A UTILITY EASEMENT AT 5596 NW 27 COURT; LENNAR HOMES, LLC, PETITIONER.

RESOLUTION 18-041

APPROVED

Approval of the Consent Agenda

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

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

- A. [ID 2018-172](#) RESOLUTION - AWARDED BID NO. 2018-010 - SUPPLY AND DELIVER DELL OPTIPLEX 7050 SFF DESKTOP PCs TO ADVANTAGE NETWORKING, INC. IN AN AMOUNT NOT TO EXCEED \$123,220.80; PROVIDING FOR EFFECTIVE DATE.

Item 4A of the Consent Agenda was heard following 4C.

RESOLUTION 18-039

A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, to discuss this Resolution.

VICE MAYOR CAGGIANO said that they would have to cover their shortfall on the budgeted amount. He also asked about the bidding process for this item.

PURCHASING MANAGER SPENCER SHAMBRAY explained the City's bidding procedure Ordinance.

INFORMATION TECHNOLOGY DIRECTOR JAMES WILBUR discussed the budget figure for replacing the computers and explained why they needed to be changed.

COMMISSIONER RUZZANO asked about the bidding process.

Discussion ensued on the bidding process.

The motion carried by the following vote:

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

5) CITY MANAGER'S REPORT

CITY MANAGER MAY highlighted the following events:

- Household Hazardous Waste on April 28th
- Tree Giveaway on April 28th
- Subscription Drug Take-Back Event on April 28th

CITY MANAGER MAY asked the City Commission about the upcoming Broward League of Cities (BLOC) 61st Annual Gala on May 19th and advised them of the ticket price.

CITY CLERK JOSEPH J. KAVANAGH advised that previous funding for this event had come out of the City Commission General account.

COMMISSIONER SIMONE said she was not in favor.

VICE MAYOR CAGGIANO said he was only in favor of individual tickets if everyone could sit at the same table.

CITY MANAGER MAY advised that if they opted for individual tickets, there was no guarantee that they could sit at the same table.

COMMISSIONER PEERMAN said that they should have a consensus on purchasing individual tickets.

Individual Tickets Consensus

COMMISSIONER PEERMAN - Yes

COMMISSIONER SIMONE - No, only if the Commissioner wants to pay out of their own pocket

COMMISSIONER RUZZANO - Yes

VICE MAYOR CAGGIANO - Yes

MAYOR SCHWARTZ - Yes

CONSENSUS was given that Commissioners could purchase individual tickets through

the City if they wish to attend.

8) DISCUSSION AND POSSIBLE ACTION

8A and 8B were heard after the City Manager's Report.

A. [ID 2018-179](#) PROJECTS FOR THE PARKS AND RECREATION BOND REFERENDUM.

A motion was made by Commissioner Ruzzano, seconded by Vice Mayor Caggiano, to discuss this item.

VICE MAYOR CAGGIANO discussed his concerns with the Bond Referendum and the potential upcoming Homestead Exemption.

COMMISSIONER PEERMAN said she was against going out for this bond.

ASSISTANT CITY MANAGER ADAM REICHBACH presented a PowerPoint presentation and explained that at a previous City workshop, they had discussed a potential Parks project which came from the master plan which costed out at \$25,300,000. He asked for a direction to proceed with the bond and that being the case, they would put an Ordinance for First and Second Reading in May which would allow them to present this information to the Broward County Supervisor of Elections by June 18th.

VICE MAYOR CAGGIANO asked about the numbers being based on the Homestead Exemption passing.

PFM FINANCIAL ADVISOR PETE VERONA discussed the Bond Referendum finances.

Discussion ensued on the impact of the potential Homestead Exemption on the Bond Referendum finances.

ASSISTANT CITY MANAGER REICHBACH said they could bring back recalculations in May based on the Homestead Exemption passing using the current taxable value numbers.

Discussion ensued on the cost of the Bond Referendum.

A motion was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano, to go for the \$25,000,000 bond issue and put it on the ballot.

TONY SPAVENTO, 3194 W. BUENA VISTA DRIVE asked about the project list and if it could be altered.

The motion carried by the following vote:

Yes: 3 - Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Schwartz

No: 2 - Commissioner Peerman and Commissioner Simone

B. [ID 2018-186](#) REPAIR OF RETAINING WALL AT 1225 AND 1229 EAST RIVER DRIVE.

COMMISSIONER RUZZANO asked about the grant for the seawall to be fixed.

CITY MANAGER MAY explained that the grant had been approved by the State and it was waiting to be approved at the Federal level.

Discussion ensued regarding the 25% of the remaining amount.

A motion was made by Commissioner Peerman, seconded by Commissioner Ruzzano, to have the City pay the 25% for the retaining wall and have the Mayor contact the Chair of the Community Redevelopment Agency (CRA) because in the plan, it says the CRA can handle blight situations as it comes up to be discussed.

COMMISSIONER RUZZANO asked how much money was in the Stormwater Utility Fund.

Discussion ensued on the Stormwater Utility Fund and whether the CRA could reimburse it.

CITY ATTORNEY JAMES A. CHEROF said Florida Law does not allow the City to spend public money on private property, so the MOTION was out of order. He said you have to authorize the City to perform the title work on the property. He referenced the City Code saying it was the property owner's responsibility.

Discussion ensued on the item and how funds can be spent on this item.

CITY MANAGER MAY explained the grant process for this item and that the City sponsored the project.

CITY ATTORNEY CHEROF discussed his opinion on this item.

Commissioner Peerman removed her motion.

A motion was made by Commissioner Peerman to ask the Mayor to send a letter to the CRA chair to ask for an Interlocal Agreement to have the CRA pay the 25%.

Discussion ensued on Commissioner Peerman's motion.

CITY ATTORNEY CHEROF discussed the relationship between the City and CRA.

COMMISSIONER RUZZANO said nobody knew who owned the wall. He asked for a title search to be performed.

Discussion ensued on this item.

MAYOR SCHWARTZ said the grant was related to Hurricane Irma and it was a decreasing fund. She asked if any work could be done.

CITY MANAGER MAY said you could not start any work until an agreement was signed.

COMMISSIONER PEERMAN asked if we could use the Stormwater Utility Fund.

CITY ATTORNEY CHEROF said he would need to research that topic.

Discussion ensued on who should pay the 25%.

MAYOR SCHWARTZ said CRA Attorney Tolces was looking to see if the CRA could enter into an Interlocal Agreement with the City.

CITY ATTORNEY CHEROF said two entities could enter into an Interlocal Agreement as long as the plan authorized that expenditure.

COMMISSIONER PEERMAN read Part III from the CRA plan regarding blight and said it was covered under the CRA plan.

Discussion ensued on whether the CRA could expend funds on the project.

CITY MANAGER MAY said that the CRA Attorney would have an opinion by tomorrow.

COMMISSIONER RUZZANO said he did not mind funding the entire project if needed.

A motion was made by Commissioner Ruzzano, seconded by Commissioner Peerman, that if the City can pay the 25% balance, if the grant is approved, the City can do so.

COMMISSIONER SIMONE asked on the legality of the MOTION and the wording of the Code that the City was not responsible. She asked if the City was legally allowed to go out and apply for the grant.

CITY ATTORNEY CHEROF said that he heard the MOTION was conditional.

CITY MANAGER MAY said the City did go out for a \$3 million grant due to Hurricane Wilma in the past and that was the thought process for this item.

SCOTT GINSBERG, 1229 EAST RIVER DRIVE said he was provided with a legal document from a survey company, signed and sealed, that shows he was not the owner of the seawall.

CITY ATTORNEY CHEROF said that his legal document was not binding on the City and that his surveyor could be wrong.

Discussion ensued on the title and survey.

DANIEL PARISH, 1301 EAST RIVER DRIVE said that all those seawalls in that section were connected to the bridge and asked who would be liable if it failed. He said the seawalls in the area were not installed properly. He discussed who was liable for the seawalls.

MR. SPAVENTO said that Coral Bay was a public entity. He said the key point was who owned the property. He mentioned buying the seawall from the property owner.

Following a brief recess, the meeting reconvened.

MR. LUGO discussed the City's money being used on private property and how the Home Rule applied. He said that the Board should vote declaring this as an emergency that allows the City to pay up the money for matching funds.

COMMISSIONER SIMONE said the MOTION was vague and the word "legal" should be inserted into the MOTION.

COMMISSIONER PEERMAN said she would like to use the survey from 2016.

The motion carried by the following vote:

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

CITY ATTORNEY CHEROF said they will start the process of ordering a survey and title search and get results as soon as possible.

Discussion ensued on the legality of the agenda item.

CITY ATTORNEY CHEROF said he will get back to the Commission on whether this could be done.

6) RESOLUTION(S)

This item was heard after 8A and 8B.

- A.** [ID 2018-185](#) AMENDING RESOLUTION NO. 16-174, A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE SCHEDULE OF FEES AND CHARGES FOR PARKS AND RECREATION FACILITIES, PROGRAMS, SERVICES, AND EQUIPMENT PURSUANT TO SECTION 27-7 OF THE MARGATE CITY CODE; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 18-042

COMMISSIONER SIMONE said that she did not agree with this item.

Discussion ensued on this item.

PARKS AND RECREATION DIRECTOR MICHAEL JONES spoke on this item.

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

The motion carried by the following vote:

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

No: 1 - Commissioner Simone

- B.** [ID 2018-177](#) AUTHORIZING THE RECLASSIFICATION OF THE TRAINING (RESCUE LIEUTENANT) POSITION TO TRAINING (CAPTAIN) POSITION WITHIN THE FIRE DEPARTMENT; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 18-043

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Resolution be discussed.

VICE MAYOR CAGGIANO said that there were already 18 Captains in the Fire Department and asked if 20 percent were going to be Captains.

Discussion ensued on this item.

The motion carried by the following vote:

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

No: 2 - Commissioner Ruzzano and Vice Mayor Caggiano

- C.** [ID 2018-184](#) AUTHORIZING THE BROWARD METROPOLITAN ORGANIZATION AND FLORIDA DEPARTMENT OF TRANSPORTATION TO PURSUE BICYCLE AND MOBILITY IMPROVEMENTS ALONG NW 54TH AVE, NW 31ST ST, AND NW 62ND AVE.

RESOLUTION 18-044

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

BROWARD METROPOLITAN PLANNING ORGANIZATION (MPO) BUFFY C. SANDERS II discussed the item. He said the City engineer would have to sign off on the final project.

Discussion ensued on this item.

FLORIDA DEPARTMENT OF TRANSPORT (FDOT) PROJECT MANAGER ROBERT LOPES PE said that all options could be considered based on the availability of space. He advised that the City would be able to approve the overall concept at a later date. He said that Coconut Creek was not participating in this project.

Discussion ensued on this item.

MR. SPAVENTO said that it was a complete waste of money and that he was concerned with the west side of the road.

The motion carried by the following vote:

Yes: 3 - Commissioner Peerman, Commissioner Simone and Vice Mayor Caggiano

No: 2 - Commissioner Ruzzano and Mayor Schwartz

- D.** [ID 2018-166](#) APPROVING RULES OF PROCEDURE AT MARGATE CITY COMMISSION MEETINGS FOR 2017-2018.

RESOLUTION 18-045

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

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

- E.** [ID 2018-167](#) APPROVING RULES OF CONDUCT OF THE PUBLIC AT PUBLIC MEETINGS FOR 2017-2018.

RESOLUTION 18-046

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

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

- F.** [ID 2018-165](#) APPROVING A TWO PERCENT (2.0%) COST OF LIVING (COLA) FOR THE PERIOD FROM OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018, FOR THE CITY CLERK; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 18-047

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

VICE MAYOR CAGGIANO said that he would like to add a one percent performance bonus onto the City Clerk's pay raise.

Discussion ensued regarding a one percent performance bonus, two percent Cost of Living Adjustment (CoLA) and the 457 retirement account.

An amendment was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano, to add a one percent merit raise to the current item. This failed by the following vote:

Yes: 2 - Commissioner Ruzzano and Vice Mayor Caggiano

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

The original motion carried by the following vote:

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

7) ORDINANCE(S) - FIRST READING

- A. [ID 2018-181](#) ORDINANCE TO REVISE WINDOW SIGN REGULATIONS AND PROVIDE FOR AMORTIZATION ON NON-CONFORMING SIGNS.

A motion was made by Vice Mayor Caggiano, seconded by Commissioner Peerman, that this Ordinance, First Reading, be approved.

COMMISSIONER SIMONE asked if this item was making it uniform for the window tinting.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY spoke on this item and said that they have the window tint restriction across the board.

Discussion ensued on Applebees color palette and for non-residential properties.

SENIOR PLANNER PINNEY said that he was unaware that Applebees had changed the color of their paint and that he would be sending out a member of staff to ask them to apply for a permit.

The motion carried as follows:

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

- B. [ID 2018-175](#) CONSIDERATION OF AN ORDINANCE TO REMOVE THE PHYSICIAN LIMITATION FOR MEDICAL OFFICES IN THE TOC-G, TOC-CC, AND B-2 DISTRICTS.

A motion was made by Commissioner Peerman, seconded by Commissioner Ruzzano, that this Ordinance, First Reading, be approved.

SENIOR PLANNER PINNEY spoke on this item concerning B1 and B2 Business Districts.

The motion carried by the following vote:

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

ADJOURNMENT

There being no further business, the meeting adjourned at 11:43pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

Joseph J. Kavanagh, City Clerk

Date: _____

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.