City of Margate

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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, September 5, 2018 **6:30 PM** **Commission Chambers**

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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
Interim City Attorney Ian P. Singer
City Clerk Joseph J. Kavanagh

Commissioner Peerman attended via telephone.

PLEDGE OF ALLEGIANCE

ID 2018-470 ANDRE COLEY, 4TH GRADE, ATLANTIC WEST ELEMENTARY

Commissioner Peerman requested to move up items 7A, 7B and 6C to be heard immediately after the Pledge of Allegiance.

1) PRESENTATION(S)

No Presentations.

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

Item 7A was heard immediately after the Pledge of Allegiance.

A. ID 2018-462 CONSIDERATION OF RENEWAL OF SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY 2018/2019 FOR:

Amaya's Centenario Night Club
199 South State Road 7

American Legion Post #157

1791 Mears Parkway

Applebee's Neighborhood Grill and Bar
5377 West Atlantic Boulevard

Brady's Irish Pub
986 South State Road 7

Brunswick Margate Lanes
2020 North State Road 7

Carolina Country Club (McDivot's Restaurant)
3011 Rock Island Road

El Balcon De Las Americas
7932 West Sample Road

Gerri's Sports Pub
6500 West Atlantic Boulevard

Gold Choice Ballroom
343-345-347 South State Road 7

Guapo's Cocktail Bar & Lounge
2160 Mears Parkway

Jasmine Thai and Sushi
1785 North State Road 7

Masters Billiards
201-203-205 South State Road 7

Jesse's Xtreme Sports Bar
5442 West Atlantic Boulevard

O'Malley's Sports Bar
1388 North State Road 7

Saigon Cuisine
1394 North State Road 7

Sharkey's Blvd. Lounge
5889 Margate Boulevard

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TQLA Station
5190 Coconut Creek Parkway

This item was heard immediately after the Pledge of Allegiance.

RESOLUTION 18-100

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

VICE MAYOR ANTHONY N. CAGGIANO asked the Acting Chief of Police if there were any organizations in the listing that he believed should not have an alcohol license.

ACTING CHIEF OF POLICE JONATHAN SHAW said that everybody on the list have met their requirements and explained that if there were any larger volume for calls of service or concerns, they would be dealt with during the course of year through their management.

COMMISSIONER TOMMY RUZZANO asked if the business owners from the list were notified to attend the Commission Meeting.

CITY CLERK JOSEPH J. KAVANAGH explained that approximately four years ago, there was a recommendation that businesses should attend Commission meetings but feedback received was that it was a hardship for some to attend and that requirement was subsequently removed.

Discussion ensued on making it a requirement and the operational hours of the license.

DENNIS LANGE, 1700 NW 80TH AVENUE, UNIT 307 said that they should continue to let the business owners stay open and operate the same hours.

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The motion carried as follows:

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

No: 2 - Commissioner Simone and Mayor Schwartz

B. ID 2018-469 CONSIDERATION OF SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FOR BOHIO LATIN FLAVORS, 2179-2181 N STATE ROAD 7, FOR REMAINDER OF FY 2017/2018 AND FOR ALL OF F2018/2019.

This item was heard immediately after 7A.

RESOLUTION 18-101

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

This motion carried by the following vote:

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

No: 2 - Commissioner Simone and Mayor Schwartz

6) RESOLUTION(S)

C. ID 2018-420 AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKED FIRM, MBR CONSTRUCTION, INC., FOR REQUEST FOR QUALIFICATIONS (RFQ) 2018-020 - DESIGN/BUILD - CITY OF MARGATE DOG PARK PROJECT; FURTHER AUTHORIZING THAT THE ADMINISTRATION, IN THE EVENT OF IMPASSE, IS AUTHORIZED TO TERMINATE NEGOTIATIONS WITH THE HIGHEST RANKED FIRM AND COMMENCE NEGOTIATIONS WITH THE NEXT AND SUCCESSIVE HIGHEST RANKED FIRM UNTIL A SUCCESSFUL AGREEMENT IS REACHED; PROVIDING FOR AN EFFECTIVE DATE.

This item was heard immediately after 7B.

RESOLUTION 18-099

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

COMMISSIONER LESA PEERMAN said that after 14 years, there was light at the end of the tunnel and that the residents would get their Dog Park.

Discussion ensued on the Dog Park and the design bid.

ANNE BLATT, 6775 NW 17TH STREET spoke about Vice Mayor's Caggiano's rejection of the Dog Park.

Discussion ensued on the design bid.

RICH POPOVIC, 6066 WINFIELD BOULEVARD asked about the Park's location and questioned the estimated cost of $1,000,000.

Discussion ensued on the Dog Park, estimated cost of $1,000,000 and the design bid.

ARTHUR J. KRELL, 6117 EDWARDS ROAD was in favor of a Dog Park.

MR. LANGE spoke about the Dog Park and Vice Mayor Caggiano's comments.

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CHARLIE ARTNER, 6631 NW 22ND COURT said that he would love to see a Dog Park but not for $1,000,000 and asked for a cap on the price.

Discussion ensued on the cost of the Dog Park.

This motion carried as follows:

Yes: 4 - Commissioner Peerman, Commissioner Simone, Commissioner Ruzzano and Mayor Schwartz

No: 1 - Vice Mayor Caggiano

2) COMMISSION COMMENTS

COMMISSIONER RUZZANO explained that most of the crime in Margate came from Walmart, he asked the Acting Chief of Police to recruit a full time Police Officer at that store. He asked for CONSENSUS if they could ask for a Police Officer to be at Walmart for 24 hours and that the City should be paid at a premium rate. He said that it must be taking up a lot of Police time and resources.

INTERIM CITY ATTORNEY IAN P. SINGER said that he was not sure of the constrictions or ability to create a higher rate of pay and that he would have to research and get back.

Discussion ensued.

The City Commission gave CONSENSUS for City Manager May to research options for mandating a Police Officer be at Walmart 24 hours a day and bring those options back to the City Commission for consideration.

COMMISSIONER RUZZANO spoke about extra revenue coming into the City pertaining to the Fire Fee and Fire House.

ASSISTANT FINANCE DIRECTOR KELLY SCHWARTZ said that the extra $2,000,000 was received in fiscal year 2018. She explained that they transferred $4,200,000 for the Fire Station from the General Fund to Capital Projects and it was $2,100,000 from the Fire Assessment and then $2,100,000 from Fund Balance. She said that in 2019, they would receive the $2,100,000 in Fire Assessment revenue which was in essence paying back the Fund Balance from 2018. She advised that there was $4,200,000 in cash in Capital Projects available for the Fire Station.

Discussion ensued.

3) PUBLIC DISCUSSION

MR. KRELL spoke about Margate using his tax dollars on signs for a condominium which was a private company.

MR. POPOVIC spoke about the fire assessment discussion in Commission Comments.

COMMISSIONER RUZZANO complimented Mr. Popovic.

MR. ARTNER spoke about a house in his community on the North West side of NW 66th Avenue and Royal Palm and asked if the overgrown grass on the sidewalk was going to

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be repaired.

CITY MANAGER SAMUEL A. MAY said that they would check it out.

Discussion ensued on Code.

RICH ALIANIELLO, 7631 NW 23RD STREET was not in favor of the extended hours.

RICK RICCARDI, 4829 SOUTH HEMINGWAY CIRCLE AND CEO OF FELLOWSHIP LIVING FACILITIES, INC. spoke about the recent rallies at the National Overdose Awareness Day and also advised that there was a newly appointed Chief Operating Officer and President at the Chamber of Commerce. He also spoke about the Vice Mayor being recognized and was due to receive an award.

COMMISSIONER RUZZANO spoke about the Carnival in Margate.

Discussion ensued about the Carnival.

ALEXANDER AMENG, LATIN CAFÉ OF 1011 STATE ROAD 7 asked what forms of advertising were available for them to use when they open their drive-thru.

MAYOR ARLENE R. SCHWARTZ asked him to send information to Alison Saffold in the City Manager's Office to post it on their Facebook page.

CITY MANAGER SAMUEL A. MAY explained that he should speak with the Development Services Director about sign regulations.

MR. AMENG spoke about the Carnival.

Discussion ensued on the Carnival and signs.

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4) CONSENT AGENDA

Items listed under Consent Agenda are viewed to be routine and the recommendation will be enacted by one motion in the form listed below. If discussion is desired by the Commission, the item(s) will be removed from the Consent Agenda and will be considered separately. Anyone wishing to comment on any item on the Consent Agenda should approach the podium now. Each speaker is limited to three (3) minutes.

No items on Consent Agenda.

5) CITY MANAGER'S REPORT

CITY MANAGER MAY highlighted the following:

- Dive In Movie
- Patriot's Day Ceremony
- Household Hazardous Waste Event
- Convo with Cops
- Two Budget hearings for the month of September

CITY MANAGER MAY spoke about the grants from the Fire Chief's Association for Broward County Schools for First Aid kits. He said that Acting Chief of Police wanted to invite the Commission to the Oath of Office Ceremony for two new Police Officers. He spoke about disruption of traffic for the Construction Rehabilitation of Lift Station Number

One for their sewer plant.

Discussion ensued about the possible disruption routed to Margate Middle School.

CITY MANAGER MAY spoke about a storm drain line project on Rock Island south of Sample Road. He advised that the monthly City update reports would soon be available. He confirmed that negotiations had not been held concerning the 911 system.

Discussion ensued on the 911 system.

6) RESOLUTION(S)

A. ID 2018-463 ~~APPROVING WAIVING OF BIDDING AND AN AGREEMENT FOR THE SOLE SOURCE ACQUISITION OF PRODUCTS, WARRANTY, AND REPAIR SERVICES FROM AXON ENTERPRISES INCORPORATED FOR (119) POLICE TASERS OVER A FIVE YEAR PERIOD AT A COST NOT TO EXCEED $135,302.15.~~

INTERIM CITY ATTORNEY IAN P SINGER said that Item 6A had been pulled.

B. ID 2018-467 APPROVING A RENEWAL OF THE AGREEMENT WITH INFRAMARK LLC, FORMERLY KNOWN AS SEVERN TRENT ENVIRONMENTAL SERVICES, INC., TO PROVIDE FOR WATER METER DISCONNECTIONS, WATER METER RESTORATIONS, AND ADDITIONAL SERVICES; PROVIDING FOR TERM; PROVIDING FOR RATE PER METER INCREASE; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 18-098

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

MR. ALIANIELLO asked if the increase in water meant anything to the residents.

Discussion ensued on the water meters and liability.

MR. POPOVIC spoke on this item.

This motion carried as follows:

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

Absent: 1 - Commissioner Peerman

8) ORDINANCE(S) - FIRST READING

A. ID 2018-472 ORDINANCE - AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER 9 - BUILDINGS, ARTICLE III.-FEES, SECTION 9-21. -

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SCHEDULE OF PERMIT FEES, G. STATE/COUNTY/EDUCATION AND CODE UPDATES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Simone, seconded by Vice Mayor Caggiano, that this Ordinance - First Reading, should be approved. The motion carried as follows:

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

Absent: 1 - Commissioner Peerman

9) ORDINANCE(S) - SECOND READING

A. ID 2018-465 AN ORDINANCE TO INCREASE RESIDENTIAL PARKING REQUIREMENTS.

ORDINANCE 2018-1500.644

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

COMMISSIONER SIMONE said that she had concerns pertaining to number 3 which was increasing the minimum depth of a garage from 20 feet to 24 feet and that they would need to remove 4 feet from somewhere else.

An amendment was made by Commissioner Simone, seconded by Mayor Schwartz, to remove #3 related to increasing garage length to 24 feet and approve #1 and #2.

Discussion ensued on the size of the garage.

MR. ALIANIELLO spoke on this item and said that if they were designing new construction, they could move the utility items inside the house.

MR. ARTNER explained why he suggested 24 feet as he did some research about cars driven in Florida and found that 38 percent were trucks.

MR. LANGE commmented on apartments versus single homes.

Discussion ensued.

CHRISTOPHER A. SNYDER, 2741 SW 81st WAY, DAVIE spoke about the lot sizes of property and that it was important to give the residents an alternative to a deeper garage.

MR. POPOVIC said that he agreed with Mr. Snyder's comments and that they should pass it as the Planning and Zoning Board had presented it.

TONY SPAVENTO, 3194 W. BUENA VISTA DRIVE said that he had concerns if the

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Ordinance stated about the entire surface of the floor and how it may be elevated.

Discussion ensued.

STEVE WHERRY, 200 EAST BROWARD BOULEVARD spoke about the size of units, unit count and lots.

Discussion ensued.

The amendment failed by the following vote:

Yes: 1 - Commissioner Simone

No: 3 - Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Schwartz

Absent: 1 - Commissioner Peerman

COMMISSIONER RUZZANO spoke about Mr. Spavento's comments concerning a Code issue.

Discussion ensued.

DEVELOPMENT SERVICES DIRECTOR ROBERT J. MASSARELLI referenced Page 5 and Page 6 and read paragraphs from the same and spoke about parking dimensions, current Code and design centers.

MR. ARTNER said that the public had the right to speak on every motion.

The original motion carried by the following vote:

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

No: 1 - Commissioner Simone

Absent: 1 - Commissioner Peerman

B. ID 2018-466 AN ORDINANCE TO REVISE THE TOC LAND DEVELOPMENT REGULATIONS.

ORDINANCE 2018-1500.645

A motion was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano, that this Ordinance - Second Reading, should be discussed.

COMMISSIONER RUZZANO asked about parking for a new plaza.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said that on the First Reading

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and to the best of his knowledge, the Commission did not give them direction to add that.

Discussion ensued on amending the Comprehensive Plan which would address the TOC.

ERIC PEARCE, OWNER OF THE PROPOSED CULVER'S FAST FOOD RESTAURANT introduced himself and said that they have an offer to purchase the property adjacent to Wawa, Inc.

Discussion ensued on this Item.

The motion carried as follows:

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

No: 1 - Commissioner Simone

Absent: 1 - Commissioner Peerman

ADJOURNMENT

There being no further business, the meeting adjourned at 9:32pm.

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.

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