# City of Margate

5790 Margate Boulevard
Margate, FL 33063
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## Meeting Minutes

## Regular City Commission Meeting

***Mayor Tommy Ruzzano***
***Vice Mayor Arlene R. Schwartz***
***Commissioners:***
***Anthony N. Caggiano, Lesa Peerman, Joanne Simone***

***City Manager Douglas E. Smith***
***City Attorney Douglas R. Gonzales***
***City Clerk Joseph J. Kavanagh***

**Wednesday, February 1, 2017** **7:00 PM** **Commission Chambers**



**CALL TO ORDER**

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

In Attendance:

City Manager Douglas E. Smith
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

**PLEDGE OF ALLEGIANCE**

ID 2017-033 RYAN CROSS JR., 6TH GRADE, RAMBLEWOOD MIDDLE SCHOOL

## 1) PRESENTATION(S)

**STUDENTS AND TEACHERS OF THE MONTH**

*MARGATE MIDDLE: STUDENT, NAVITA DRIPAUL was not in attendance.*

*RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, MIKELSON NOEL-JEUNE was not in attendance.*

**A.** ID 2017-041 ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, NICOLE DOS SANTOS; TEACHER, MARTA PALHANO
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, SHAHZAD JAMALUDIN; TEACHER, JENNIFER FOREST
(Mrs. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)

HEBREW ACADEMY: STUDENT, RASHI DENBURG; TEACHER, TZILA BAREL
(Mrs. Rivka Denberg, Head of School)

LIBERTY ELEMENTARY: STUDENT, ABIGALE SANDS; TEACHER, DR.

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

MARGATE ELEMENTARY: STUDENT, JULIANNA ALBANESE; TEACHER, LEAH LOPEZ
(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: STUDENT, NAVITA DRIPAUL; TEACHER, JANNELLE WRIGHT (Mr. Roderick Daniels, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, MIKELSON NOEL-JEUNE; TEACHER, BERNISHKA BUTLER
(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

*THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.*

## 2) COMMISSION COMMENTS

*COMMISSIONER CAGGIANO said that he attended the Margate Initiative for Community Action and Hope(MICAH) Breakfast on Saturday morning. He noted that he was at a ribbon cutting for JamRock on State Road 7 near SW 11th Street. He added that he went to the Holiday Springs Dinner Dance for installation of their officers on Saturday evening. He said that those events meant Margate was doing things with new businesses opening, multidenominational organizations joining together and senior citizens dancing and partying. He noted that he would be taking his daughter to the carnival this weekend. He suggested that everyone get out to Margate to see what was happening in the City.*

*COMMISSIONER SIMONE said that a decision concerning the Land Use Amendment Map to the Transit Oriented Corridor (TOC) district was made by the Commission last week. She asked for reconsideration from a Commissioner that was on the winning side. She felt that turning down the amendment would have devastating effects and that it would cripple the City. She questioned why the Commission would not want to correct a mistake made when the TOC map was created that counted residential as commercial office space. She said that it involved the entire TOC Corridor from Global Response to the hospital. She noted that the amendment sailed through the State and County and was reviewed by many County Staff Boards, such as the School Board, Stormwater and Traffic. She added that it went before the State Department of Economic Opportunity and was in the process to correct the mistake since 2015. She stated that the City was the final step for correcting this prior to it going back to the County for a second reading. Commissioner Simone explained that $22,535.65 was spent in application fees and another $12,175 was spent for the Redevelopment Management Associates (RMA) Planner to prepare the application, documentation and reports. She said that it was short sighted to stop the development in the City, which was what was done. She explained that any residential development would now be a 16 month process, as well as a monetary loss to the City. She understood wanting retail; however, people made retail thrive. She said that without people the stores would not survive and the City needed revenue to survive through development. She felt that the only way to make up the revenue was to increase the Ad-Valorem taxes, which she would not advocate for. She asked the Commission whether they understood the ramifications of the decision made. She noted that this did not pertain to stopping the Downtown project. She said that the developer had a signed contract for the 968 apartments, and she noted that he could sue the City and the CRA for the apartments. She explained that this would discourage any developer from doing business in the City, leaving the City with no incoming revenue but the homeowner's pockets. She*

*implored her fellow Commissioners to bring this item back for reconsideration.*

*MAYOR RUZZANO asked how the developer received approval for 968 units. He stated that the developer had a contract for 968 units when he was only allowed 503 units and he questioned how it was the City's fault and not the CRA's fault that the developer could not build the rest of the units.*

*CITY ATTORNEY DOUGLAS R. GONZALES explained that the City could be responsible if for some reason it had something to do with the number of units believed to be available, but the City could not provide. He stated that everybody would be subjected to a lawsuit.*

*MAYOR RUZZANO felt that whoever drafted the Request for Proposal (RFP) for the 968 units should be accountable. He said that this should have all been discussed prior to drafting the RFP.*

*DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL said that the first reading of the ordinance was January of 2016, which passed by the Commission and the County Commission and was then sent to the Department of Economic Opportunity. He handed out a map.*

*MAYOR RUZZANO stated that he was previously told that the amendment had nothing to do with the Downtown area.*

*DIRECTOR ZISKAL clarified that the question had been asked many ways such as did the amendment by itself approve the City Center Project, which the answer to was no. He said that the question of whether the project denial by itself would eliminate the City Center, which the answer was no. He explained that there were many factors to consider. He showed the map and explained that the City had three pools of residential units that may be assigned to a project. He showed the TOC, as well as the two current Flexibility and Reserve Districts the City currently had. He noted that the center of the map showed all CRA owned properties, which were mostly located in the TOC District. He showed that the City Center project was bisected by the Flex Zone Districts. He clarified that the northwest portion of the project was in Flex Zone 35 and the southwest portion and east side was in Flex Zone 36. He explained that there were 503 units available as TOC units, which included 1,184 acres. He said that the 36 acres of the City Center was 3 percent of that. He noted that Flex Zone 35 included approximately 500 flex units with Flex Zone 36 having approximately 300 flex units. He stated that without the passage of the TOC Amendment and the additional units in the TOC portion any future residential area on the entire 1,184 acres would require the allocation of those Flexibility units, which were only allowed in the north or the south. He explained that if units were not assigned to the TOC and a future project only had Flex Zone units available, the City would have to reassign any of those units to the TOC area. He further explained that the Flex Zone units were not the type of units that could be petitioned for more, such as with the TOC. He noted that they were a set number allocated by the County and once they were gone, they were gone. He wanted to request that the Commission look at this as a long range maximum build out for the entire 1,184 acres. He understood that there was a proposal, Developer's Agreement and discussions occurring between the CRA and New Urban. He noted that he was a City employee and not a CRA, New Urban or RMA employee. He asked that the Commission consider approving the units with an amendment that the City would continue to restrict the number of units in the City Center area to the 503 that were currently there. He clarified that this would give the 1,139 additional units for everywhere else, besides the City Center. He asked that the amendment be reconsidered with a caveat that only 503 units could be built between Atlantic Boulevard and Coconut Creek Parkway. He believed this would satisfy the concerns and the long*

*range plan to develop the entire 1,184 acres.*

*CITY MANAGER DOUGLAS E. SMITH clarified that the 503 would be the TOC restricted units and then if there was negotiation concerning an ultimate resolution regarding the City Center project itself, and some Flex units were used from the other Flex pools, that could be considered; however, there would still be remaining units in the TOC for other types of uses.*

*DIRECTOR ZISKAL agreed that the 1,139 additional units would be restricted to anything north of Coconut Creek Parkway in the TOC or anything south of Atlantic Boulevard in the TOC. He noted that the City Center would still be restricted to the 503 units that were there today.*

*COMMISSIONER CAGGIANO asked why this conversation could not be taken a month from now or six months from now.*

*DIRECTOR ZISKAL mentioned Robert's Rules of Order, and explained that once the State of Florida, Department of Economic Opportunity, reviewed and approved an amendment the City had 60 days to make a final determination. He added that the County also needed to approve this. He stated if the City waited for the time period, reapplying would be needed as if it were a brand new application with the 16 month $20,000 process again. He explained that because this meeting immediately followed the meeting where the decision was made, a member of the prevailing party could bring the item back up and the Commission could reconsider it, it would still be an active item and the City would not have to pay the fee or go through the process again.*

*COMMISSIONER CAGGIANO suggested tabling it until after the meeting with the developer.*

*CITY ATTORNEY GONZALES noted as previously discussed with each Commissioner, Robert's Rules of Order required that a motion for reconsideration should have been brought only on the day the item was actually considered and denied. He said that the reason for doing this today was because it should have been brought before the end of the last meeting. He explained that thus far, the City travelled under a modified version of Robert's Rules of Order; however, though the intent was to have the motion for reconsideration the same day, he felt that the City could probably go out one meeting, to this meeting to have the motion for reconsideration heard. He stated that going beyond this point the City would be procedurally precluded from having it heard.*

*VICE MAYOR SCHWARTZ asked whether this could be tabled to a date certain, after meeting with the developers. She said that she never saw an item brought up for reconsideration at the same meeting, but always afterwards.*

*CITY ATTORNEY GONZALES said that he reviewed Robert's Rules of Order today with City Staff and suggested that if tabling this item it should be done by someone other than Commissioner Caggiano because of the conflict of interest issue. He stated that he was not comfortable allowing the Commission to consider that same plan again, and that it would have to be a new plan.*

*VICE MAYOR SCHWARTZ questioned whether it could or could not be tabled to another meeting.*

*CITY ATTORNEY GONZALES clarified that if it was tabled to another meeting, this plan could not be brought back and the process would have to start over again.*

*VICE MAYOR SCHWARTZ questioned whether it was defensible to tell the developer*

*with an agreement for more units that he could not use them.*

*CITY ATTORNEY GONZALES explained that it would not alter one unit of the units that were in the TOC portion of the map; therefore, any additional units up to the 1,138 units would be outside of the City Center. He suggested that the CRA would still be precluded from offering additional units and would maintain that argument that there were only 503 units available. He noted that the court might grant the use of the units outside of the City Center area, but what was being proffered was to not alter the number of units that would be available within the City Center area and only to impact the Flex units outside.*

*VICE MAYOR SCHWARTZ again asked whether that was defensible to tell the developer who thinks he has the right to use 968 units that he could not.*

*CITY ATTORNEY GONZALES said that was an argument that could be used in court; however, he did not know whether it would prevail or not.*

*COMMISSIONER PEERMAN asked how many days into the 60 days the City was.*

*DIRECTOR ZISKAL said that it was approximately in the 40's.*

*COMMISSIONER PEERMAN asked whether it still had to go to the County in that 60 day period.*

*DIRECTOR ZISKAL explained that it was one week from the time the City Commission heard it; however, due to the scheduling of the Commission meetings and the Christmas break, approval was received from the Department of Economic Opportunity during the holidays. He noted that the County had 30 or 60 days from the time the Commission made its determination. He clarified that the City had 30 or 60 days to take action, the County then had 30 or 60 days to take action and then it would go to the State that had a certain time to review. He said that at that point, it would come back to the City for an additional 30 or 60 days and then back to the County for another 30 or 60 days.*

*COMMISSIONER PEERMAN questioned whether this would have to go back through the processes if amended to the City Center only having 503 units.*

*DIRECTOR ZISKAL clarified that his recommendation was to not change the total number of units, but to put an area restriction on limiting certain units to this portion of the City with certain units to other areas, which he said that defensible and was done in the original TOC amendment.*

*COMMISSIONER PEERMAN clarified that if this did not pass and the developer sued the City for the Flex units, there would be no units left in the City for any other development; however, this amendment would lock the developer into 503 units.*

*DIRECTOR ZISKAL stated that there were currently 503 TOC units for the entire TOC with no area restrictions. He said that those 503 units were available anywhere in the TOC District. He noted that he was requesting that the number in the City Center be restricted to 503 units while allowing the additional units outside of the City Center. He noted that this would have no bearing and it would create no increase on the number allowed in the City Center area. He stated that any property between Coconut Creek Parkway to Atlantic Boulevard, would not be allowed resident units and the additional units would be outside of that area. He added that there would be no change to the existing Flex or Reserve pools.*

*COMMISSIONER PEERMAN questioned whether the developer could sue for the 968 units per the contract if they were turned down.*

*CITY ATTORNEY GONZALES clarified that the developer had a contract for 968 units; therefore, if they did not get them they could sue. He said that it was impossible to tell what would happen. He stated that the court could agree with the developer and award the remaining number of units outside of the area, but there would be more Flex units because of the underlying resolution that was before the Commission. He noted that as the City's Attorney, he had to advise the City that the reason that Robert's Rules of Order wanted the reconsideration on the day of the actual discussion and denial of the original motion pertained to this case. He said that this item was not noticed for tonight; therefore, theoretically, the residents did not have the opportunity to express their opinion. He said that it needed to be treated as more of an emergency. He added that this was a display ad item; therefore, if it was going to be amended it required a first and second reading. He wanted to provide the Commission with the pitfalls and issues that could occur.*

*DIRECTOR ZISKAL clarified that he was asking for an amendment to the package that was before the Commission last week for 1,139 units. He said that he was asking that it be amended so that if giving the 1,139 units, they would be prohibited in the Coconut Creek Parkway and Atlantic Boulevard area. He noted that they could be elsewhere in the TOC.*

*COMMISSIONER PEERMAN asked whether if amended tonight it would be the first reading.*

*CITY ATTORNEY GONZALES said yes.*

*COMMISSIONER PEERMAN noted that the second reading would be after the meeting with the developer.*

*CITY ATTORNEY GONZALES reiterated that this should be advertised before it was heard on first reading.*

*COMMISSIONER PEERMAN asked whether it would be within the 60 days to have the first and second reading.*

*CITY ATTORNEY GONZALES explained that the first reading would occur at the next meeting, February 15th with the second reading on March 1st. He asked whether March 1st was still within the 60 days.*

*DIRECTOR ZISKAL said no.*

*THE MEETING RECONVENED FOLLOWING A BRIEF RECESS TO DISCUSS THE ADVERTISING.*

*CITY ATTORNEY GONZALES stated that during discussion, it was learned that the time period was not 60 days, but was actually 180 days. He noted that the 180th day was around May 1st or 2nd. He added that the letter offering the 180 days was offered November 2, 2016. He stated that as that was not an issue, this would not have to be considered tonight as an emergency ordinance, because an emergency ordinance would allow a first and second reading in one meeting. He said that because it was a display ad that required two readings, if the Commission were to vote yes to reconsider tonight, it would be advertised for a first reading and a second reading and would then*

*be brought back for a first reading as an amended ordinance followed by a second reading if it went past that. He stated that he needed it to be decided tonight that it would be reconsidered. He said that if it was going to be reconsidered it would provide a chance to notify anybody who wanted to talk about it and to comply with the ad requirements, as well as allowing the City to get past next Tuesday to see what would happen with the developer.*

*MAYOR RUZZANO stated that he did not want to reconsider because the developer would know what was going on. He noted that currently the City was not at fault or liable for anything, but he could not sue the City because the City had done nothing wrong. He asked whether the developer could sue the CRA.*

*CITY ATTORNEY GONZALES believed that the developer would sue everyone including the City and the CRA.*

*MAYOR RUZZANO agreed; however, he felt that it should not be rushed and the Commission should wait until Tuesday. He said that there was 180 days and it should not be rushed.*

*CITY ATTORNEY GONZALES said that there were 180 days as to whether that prior ordinance came back and could be approved; however, the City did not have 180 days to bring this back for reconsideration.*

*MAYOR RUZZANO asked whether it could come back as an emergency meeting.*

*CITY ATTORNEY GONZALES said that first and second reading would be done on one day; however, it would still have to come back because the emergency was automatically deemed gone.*

*MAYOR RUZZANO said that there was plenty of time.*

*COMMISSIONER SIMONE disagreed and said that there was not plenty of time. She said that if a developer wanted to build some apartments by Global Response, and this was not passed, that developer's hands were tied for 16 months. She said that it was not about the Downtown, but about crippling the rest of the City with any other developer wanting to build apartments. She stated that the developers would not be allowed to do that without this amendment.*

*MAYOR RUZZANO said that he just wanted to wait until Tuesday.*

*CITY ATTORNEY GONZALES explained that there were Statutes that would prohibit Director Ziskal from discussing any requests that may have already been made, and that Director Ziskal was asked to be kept proprietary at this point.*

*MAYOR RUZZANO asked what Director Ziskal was telling developers.*

*DIRECTOR ZISKAL stated that if someone were to come in tomorrow, he would say that there were 503 TOC units available, which were granted on a first come first serve basis upon Site Plan approval. He noted that if another developer came in and submitted tomorrow, they would be placed on a DRC Agenda and would be entitled to the units.*

*COMMISSIONER SIMONE felt that Margate was going to be the laughing stock of the County and every other City by not passing this, because it was crippling the City. She stated that they were stopping development and there would be no revenue because no developer would want to build in Margate with what was happening with this*

*Commission. She said that the Commission was so against the City Center that they were stopping the rest of the City from doing any developing. She did not understand why the Commission did not want to fix a mistake from when the TOC map was created.*

*COMMISSIONER PEERMAN asked whether the City Attorney wanted a motion to have this come back for a time certain.*

*CITY ATTORNEY GONZALES said that in order to remain somewhat compliant with a modified Robert's Rules of Order, he wanted to see a vote tonight directing the City to have the underlying ordinance reheard.*

*COMMISSIONER PEERMAN asked whether the Mayor wanted to wait until Tuesday.*

*VICE MAYOR SCHWARTZ asked why it could not be tabled until the meeting next week if there were 180 days.*

*CITY ATTORNEY GONZALES replied that procedurally, Robert's Rules of Order did not allow the City to bring back a motion for reconsideration after this meeting. He said that he was not trying to convince anybody to do one thing or another, but felt that it was stretching of Robert's Rules of Order that clearly stated that a motion for reconsideration should occur on the day of the vote taken on the underlying item. He said that a modification would allow it to be done at this meeting; however, if this Commission determined that they wanted to wait another meeting for the reconsideration, he would do additional research and might come back and tell them it could not be done.*

*VICE MAYOR SCHWARTZ questioned whether the Mayor could suspend this meeting now and continue it next week; therefore, the meeting would not be over yet.*

*CITY ATTORNEY GONZALES felt that the argument favoring that the reconsideration could be determined if after the Discussion and Possible Action about the Home of the Month, the Mayor stated that he was closing the meeting, but it was not over and would be continued to whatever date and time. He explained that the next meeting would still be within the time frame. He said that it was stretching things, but felt that it was a good argument.*

*COMMISSIONER CAGGIANO questioned why nobody was notified that it was supposed to be done at the prior meeting.*

*CITY ATTORNEY GONZALES said that nobody was discussing the reconsideration when it was voted down at the last meeting. He noted that the only person who could bring it back for reconsideration was Vice Mayor Schwartz, as she was on the prevailing side, which could take at any time during this meeting prior to adjournment.*

*VICE MAYOR SCHWARTZ said to continue with the meeting. She reminded everyone to come to the Sounds of Sundown on Saturday.*

*MAYOR RUZZANO noted that this Saturday was opening day for the Baseball League, which started at 10:00 AM with games continuing until 5:00 PM. He said that the fields were redone and the home run fencing was installed. He commended Director of Parks and Recreation Mike Jones and Director of Public Works Sam May for the awesome job done. He added that the bathrooms looked beautiful. He congratulated his daughter for winning the State Championship Cheerleading Competition for her school.*



## 3) PUBLIC DISCUSSION

*RICK RICCARDI, 4829 South Hemingway Circle, Past President of the Chamber of Commerce, said that the carnival was going well. He noted that per the Police Chief, there were no incidences. He said that Director Ziskal's suggestion was brilliant to be able to allow the City to continue growing without it interfering with the decision on the Downtown.*

*MARCY BERNSTEIN, 5262 NW 31st Street, did not feel that Margate needed apartments now, but wanted to see more businesses come in. She said that people would come from other cities to shop here. She reiterated that no more apartments were needed, but businesses were needed.*

*SUSAN RICCARDI, 4829 South Hemingway Circle, said that she appreciated the information provided by the Director of Economic Development and was impressed by the intelligence working for the City, including the City Attorney. She felt that Robert's Rules of Order should be reviewed by the people running the meetings, which she was not sure was happening. She mentioned other City Officials that approved apartments and retail. She expected her City Government to be speaking to those people who had done these things before and had success. She mentioned living on Las Olas Boulevard where it was decided to build a minimum of four apartment hi-rises within ¼ mile of each other with no parking, and that there was a formula between residential and retail, which was not being grasped. She challenged the City to speak with other Cities that did this and had success. She said that being represented by a group of people who did not know how to grow a City was disturbing. She stated that nobody here was a builder of City Centers, and that the City Center builders would not touch this City if this was not approved. She felt that would be the end of Margate. She stated that she paid a lot of taxes and deserved more than what was being seen.*

*COMMISSIONER PEERMAN stated that the Commissioners were members of the Florida Redevelopment Association (FRA) and had gone to conferences for the past five years to speak with other Cities and businesses.*

*MAYOR RUZZANO said that some Cities were upset about putting apartments in and he noted that Parkland did not have many apartments at all and was one of the nicest Cities in the County.*

*STACEY ANGIER, 1913 NW 79th Terrace, said that she was concerned about the Automated External Defibrillator (AED) situation at the last Commission meeting, which was not on tonight's Agenda. She said that she was informed that there were some liabilities tied to having an AED; however, at the last meeting it was stated that there was none. She emailed her insurance representative and asked her whether as a church, she would have any liability if putting in an AED. She said that her insurance representative explained that that if used correctly there would be points on the insurance; however, if the people using it did not use it correctly, it was a major lawsuit. She felt that the City needed to consider that, whether it was for churches or in facilities that were not manned by people. She said that if her representative provided her any documentation she would provide it to the City Clerk. She stated that she lived in Sunflower South and did pay taxes; therefore, she felt that to avoid stifling the redevelopment growth in the TOC in Margate, the City Center should be taken out. She felt that it was important that the Commission do it correctly, and said that the City Attorney was suggesting what was appropriate; however, she did not understand why it was such a threat. She stated that she was embarrassed by in-fighting and what went on with the Commission. She said that they need to work together to grow Margate. She felt that the Commission were intelligent well-respected people, but did not want Margate to have the stain of being the laughing stock because they could not work together.*

*VICE MAYOR SCHWARTZ did not want to stifle growth; however, she felt that if the Commission were to allow the requested number of apartments, a Judge would not say that the City would have to allow it. She preferred to have some leverage on Tuesday to discuss with the developer. She noted that he talked to her and asked what she wanted and she replied to reduce the density; however, he never came back with that idea. She said that he wanted to work with the City, though she did not see that as of yet. She stated that it would not be right to tell the developer he could not have the units if they were available. She said that she had no problem waiting until the end of the meeting to ask that this be continued until Tuesday.*

*STACY ANGIER asked whether it would start over if the Commission did not reconsider before the end of the meeting.*

*VICE MAYOR SCHWARTZ said that she would ask for the meeting to be continued until after speaking with the developer on Tuesday.*

*MS. ANGIER asked when the continuation of the meeting be held.*

*CITY ATTORNEY GONZALES suggested that there be a Special meeting before the next meeting, and he suggested having a meeting at 5:00 PM prior to the next Commission meeting. He noted that a new meeting could not be started prior to ending this meeting; therefore, it would have to be heard before the 7:00 PM meeting.*

*RICH POPOVIC, 6066 Winfield Boulevard, spoke about the TOC Plan not being a Margate Plan and the reconsideration. He commented on the developer giving a $100,000 deposit. He spoke about the types of developers coming into Margate.*

## 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.

**A.** ID 2017-042 MOTION - APPROVAL OF CITY COMMISSION MINUTES.

**APPROVED**

## Approval of the Consent Agenda

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

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

## 5) CITY MANAGER'S REPORT

*CITY MANAGER DOUGLAS E. SMITH stated that the unused Hockey rink at Firefighters Park had been converted to four youth Tennis courts. He added that the TSM Tennis Group had been hosting Sanction Tournaments. He said that Margate could now showcase the courts for the future growth of the Youth Tennis Program.*

*MAYOR RUZZANO noted that TSM Tennis Group did an incredible job for the City, and he suggested promoting them on the City's website and providing recognition.*

*CITY MANAGER SMITH said that TSM Tennis Group was already on the website. He stated that Celebration Point Building 7 received their Certificate of Occupancy on January 24th and the permit for Rising Tide Car Wash was issued on January 24th.*

## 6) RESOLUTION(S)

**A.** ID 2017-040 AMENDING RESOLUTION NO. 2016-244 RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MARGATE, FLORIDA; AMENDING THE VETERANS' EXEMPTION; DIRECTING CORRECTIONS TO THE FIRE RESCUE ASSESSMENT ROLL.

*RESOLUTION 17-014*

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

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

## 7) ORDINANCE(S) - FIRST READING

**A.** ID 2017-050 APPROVAL OF AN ORDINANCE TO PROVIDE REGULATIONS FOR NEW PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, AND HIGH SCHOOLS.

**A motion was made by Commissioner Simone, seconded by Vice Mayor Schwartz, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:**

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

## 8) ORDINANCE(S) - SECOND READING

**A.** ID 2017-048 APPROVAL OF AN ORDINANCE TO AMEND THE MARGATE ZONING CODE, ARTICLE XI COMMUNITY FACILITY CF-1 DISTRICT, SECTIONS 11.4 HEIGHT AND 11.5 LOT COVERAGE.

*ORDINANCE 2017-1500.627*

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

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

**B.** ID 2017-049 APPROVAL OF AN ORDINANCE AMENDING APPENDIX A ZONING, AMENDING ARTICLE III GENERAL PROVISIONS; SECTION 3.23.3; AMENDING ARTICLE V ZONING DISTRICTS; SECTION 5.1, AMENDING ARTICLE XII COMMUNITY FACILITY CF-2 DISTRICT PROVIDING FOR NEW CONSERVATION (CON) DISTRICT; AMENDING ARTICLE XIII PROVIDING FOR NEW UTILITIES (U-1) DISTRICT; AMENDING ARTICLE XXVIII OPEN SPACE S-2 DISTRICT, SECTIONS 28.2 AND 28.3.

*ORDINANCE 2017-1500.625*

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

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

**C.** ID 2017-035 APPROVAL OF AN ORDINANCE AMENDING SECTION 3.22 OF THE CODE OF ORDINANCES ALCOHOLIC BEVERAGES (VII); PROVIDING FOR DELETION OF ALLOCATION OF LICENSES BY DISTRICTS.

*ORDINANCE 2017-1500.628*

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

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

**D.** ID 2017-036 APPROVAL OF AN ORDINANCE AMENDING SECTION 3.22 OF THE CODE OF ORDINANCES ALCOHOLIC BEVERAGES (VII); PROVIDING FOR SUNDAY HOURS FOR PACKAGE SALES.

*ORDINANCE 2017-1500.629*

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

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

**No:** 2 - Commissioner Simone and Vice Mayor Schwartz

## 9) DISCUSSION AND POSSIBLE ACTION

**A.** ID 2017-058 HOME OF THE MONTH CONTEST.

*VICE MAYOR SCHWARTZ as a point of information, questioned whether this would be the time she would be able to ask that this meeting be continued.*

*CITY ATTORNEY DOUGLAS R. GONZALES stated that a motion be made to adjourn to meet again without a date certain before the meeting was adjourned.*

*MAYOR RUZZANO said that he wanted to recognize the homes that were being well kept and manicured by placing a sign on the property, as well as awarding a $50 gift card and placing the picture of the home on the website and Facebook. He stated that the sign would cost approximately $20 a month or $240 per year. He noted that the $50 gift card would be $600; therefore, the entire cost would be less than $1,000 a year.*

*COMMISSIONER SIMONE said that she agreed if it was like the Photo of the Month; however, she was not in favor if it was a competition. She stated that the idea was good, but she did not know if having a contest was the best means to achieve the goal of providing incentive for residents to take more pride in their homes. She said that by making it a competition and giving a $50 reward was pitting rich against poor, neighborhood against neighborhood, older homes against newer homes and retired people against working people. She said that giving a reward to someone who already*

*had a nice home was defeating the purpose. She felt that money should be given to homes of people who could not afford to make their home as nice as they wanted it to be. She suggested a Volunteer Program and having the volunteers help those people who could not afford to take care of their homes the way the neighbors could. She asked who would be judging the home, because it could be more work for Staff. She said that there might be a Grant Program or giving the sign to a whole neighborhood rather than home against home. She reiterated that she did not agree with giving money to people who could afford to keep up their home.*

*MAYOR RUZZANO said that he wanted to promote the website and he had no problem with also doing a distressed Home of the Month. He stated that he would take full burden for this program. He noted that he would drive around and give people applications and inform them that their home was beautiful and it was appreciated. He added that if wanted, he would also determine the winner and take full control of the project. He said that he saw no problem as he was trying to do something positive.*

*COMMISSIONER CAGGIANO felt that it was an excellent idea. He stated that he won the Photo of the Month once and he agreed with just having the sign on the lawn. He said that it was important to showcase Margate online. He reiterated that it was a phenomenal idea.*

*COMMISSIONER SIMONE agreed; however, she disagreed with giving a $50 reward.*

*MAYOR RUZZANO said that Ruzzano Construction could provide a $50 donation every month.*

*COMMISSIONER SIMONE said that she still felt it should not be a competition. She had no problem with the sign or with posting the photos as was done with the Photo of the Month; however, she did not agree with giving money.*

*MAYOR RUZZANO said that an anonymous donation from Ruzzano Construction would provide for the reward. He stated that that the check would be provided when the sign was placed on the property.*

*COMMISSIONER SIMONE felt that was a conflict of interest.*

*COMMISSIONER CAGGIANO felt it was only a conflict of interest if Mayor Ruzzano was picking the winner.*

*MAYOR RUZZANO said that he would drop the idea and do it with a local newspaper or a local online website. He stated that he would run the whole project and fund the project, but he did not think giving $50 to a home that looked nice was a bad idea. He said that this was about keeping up your home and having a nice home in the City.*

*VICE MAYOR SCHWARTZ asked how the Photo of the Month was done.*

*COMMISSIONER CAGGIANO said that he filled out a form online and attached the photo to send it in.*

*VICE MAYOR SCHWARTZ asked whether everybody's photo was shown.*

*COMMISSIONER CAGGIANO said that only the winner was shown.*

*CITY MANAGER DOUGLAS E. SMITH explained that Parks and Recreation chose the winner; however, he had been informed that photos had not been coming in.*

*VICE MAYOR SCHWARTZ suggested that it be advertised, because she did not know about it. She said that when campaigning she saw some beautiful frontages. She noted that one of the homes did have a sign for recognition, though she did not know who it was from. She felt that it was a nice thing to do. She questioned when the City was doing the Home Improvement Loans that there was Grant money for. She said that there were deadlines and it needed to be discussed. She reiterated that she thought it was nice to put a sign in recognition; however, she did not feel Mayor Ruzzano had to pay for it.*

*COMMISSIONER PEERMAN said that she had no problem with the program if ran the same as the Photo of the Month, which was totally anonymous about whose house it was. She stated that if the construction company wanted to give $50 towards the program, she had no issue with that. She said that possibly a different person could donate the $50 each month. She did prefer that it be a City or Commission program rather than the Mayor handling the program alone.*

*MAYOR RUZZANO noted that the Photo of the Month failed because it got lost.*

*COMMISSIONER PEERMAN said that it was not advertised.*

*MAYOR RUZZANO added that he handled the Mayor's Fitness Challenge, which was successful.*

*COMMISSIONER PEERMAN said that it could be called the Mayor's House of the Month.*

*MAYOR RUZZANO said that he did not mind what it was called.*

*COMMISSIONER PEERMAN said that as he was doing all of the work, it should be made the Mayor's House of Month. She felt it would be easier for applicants to send in their own pictures.*

*MAYOR RUZZANO said that it was not happening with the Photo of the Month and nobody was providing pictures. He stated that he had no problem going around to houses, speaking with people and leaving applications. He said that he only needed 12 houses.*

*COMMISSIONER PEERMAN asked whether Mayor Ruzzano would get all 12 houses on the first outing.*

*MAYOR RUZZANO said no, and that he would go to the properties and ask if they wanted to participate. He would take a picture, which he could then come back and show the Commission. He said that he could get 12 winners and have one a month.*

*COMMISSIONER PEERMAN did not understand getting all 12 winners at one time.*

*MAYOR RUZZANO said that he would have a new winner each month. He stated that if the house did not win one month it could qualify next month. He clarified that he was not picking them all at once.*

*COMMISSIONER CAGGIANO reiterated that it was an excellent idea. He suggested the online forms because it would save a lot of driving around. He mentioned the Christmas lights and having applications turned in. He agreed it should be advertised.*

*MAYOR RUZZANO agreed and mentioned people approaching him and asking why their house was not considered for the Christmas lights. He said that he had to inform*

*them that they had to go online and fill out a form. He stated that he would promote this program and let people know about it. He said that he had no problem with them doing it online.*

*COMMISSIONER SIMONE reiterated that she was not against the program, but how it was going to be run. She felt that people should help others and not be more competitive. She suggested giving extra help to those who could not afford to keep their homes as they wanted.*

*MAYOR RUZZANO said that was another program, which he was fine with. He noted that people who did well and succeeded did not get rewarded in the Country.*

*COMMISSIONER SIMONE mentioned intrinsic motivation. She said that she never did anything in her life because she would get something for it. She stated that she did things because they made her feel good. She did not believe in this type of competition. She felt that those people who took pride in their home could submit their photo and that should be sufficient. She did not see the need to reward.*

**A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to start the Home of the Month project as discussed.**

*VICE MAYOR SCHWARTZ suggested putting it in the Newsletter to every house with an application, put it on Facebook, on the City's website and mention it at Sounds of Sundown. She added that the local newspaper could be asked to carry an article. She said that she had no problem giving $50 for recognition.*

*COMMISSIONER PEERMAN said that she liked it sponsored.*

*CITY MANAGER SMITH suggested that after the public discussion and before this item was concluded a summary be provided to ensure Staff had clear direction as to how the Commission wanted the program to run. He stated that Staff would then facilitate according to the Commission's direction.*

**An amendment was made by Commissioner Peerman, seconded by Commissioner Caggiano, to direct the City Manager to get with the Mayor to determine how to proceed.**

*RICH POPOVIC, 6066 Winfield Boulevard, said that it sucked when someone was trying to be a nice guy doing a nice thing and everybody gave you a hard time. He noted that sister lived in Saint Petersburg and had received $50 when she won.*

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

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

**No:** 1 - Commissioner Simone

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

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

**No:** 1 - Commissioner Simone

**A motion was made by Vice Mayor Schwartz, seconded by Commissioner Peerman, that this meeting be adjourned to meet again without a date certain, as this cannot be debated or amended and needed a majority vote. The motion carried by the following vote:**

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

**No:** 2 - Commissioner Caggiano and Mayor Ruzzano

*MAYOR RUZZANO announced at 9:48 PM that the meeting would be continued to future date.*

*Respectfully submitted,* *Transcribed by Carol DiLorenzo*

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*Joseph J. Kavanagh, City Clerk* *Date:*_____

# City of Margate

5790 Margate Boulevard
Margate, FL 33063
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## Meeting Minutes

## Regular City Commission Meeting

***Mayor Tommy Ruzzano***
***Vice Mayor Arlene R. Schwartz***
***Commissioners:***
***Anthony N. Caggiano, Lesa Peerman, Joanne Simone***

***City Manager Douglas E. Smith***
***City Attorney Douglas R. Gonzales***
***City Clerk Joseph J. Kavanagh***

**Wednesday, February 15, 2017** | **6:30 PM** | **Commission Chambers**

*****Continued Regular City Commission Meeting from February 1, 2017*****

### CALL TO ORDER

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

In Attendance:

City Manager Douglas E. Smith
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

*MAYOR RUZZANO ANNOUNCED THAT THIS MEETING WAS A CONTINUATION FROM THE FEBRUARY 1, 2017, MEETING.*

## 1) DISCUSSION AND POSSIBLE ACTION

**A.** ID 2017-087 DISCUSSION AND POSSIBLE ACTION - REGARDING WHETHER TO RECONSIDER AN ORDINANCE TO AMEND ELEMENT I OF THE MARGATE COMPREHENSIVE PLAN IN ORDER TO INCREASE THE RESERVATION OF DEVELOPABLE RIGHTS WITHIN THE TOC LAND USE BOUNDARY.

*MAYOR RUZZANO noted that this item was discussed at the second meeting in January and failed to pass on a 2-2 vote. He said that at the last meeting, Commissioner Simone asked that it be brought back by either the Vice Mayor or himself for being on the winning side of the vote. He asked the Vice Mayor if she wanted to bring this item back.*

*VICE MAYOR SCHWARTZ said not at this time.*

*MAYOR RUZZANO stated that he did not want to bring it back either; therefore, the item failed.*

### ADJOURNMENT

*There being no further business, the meeting adjourned at 6:33 PM.*

*Respectfully submitted,* *Transcribed by Carol DiLorenzo*

_____

*Joseph J. Kavanagh, City Clerk* *Date:*_____