



# City of Margate

5790 Margate Boulevard  
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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**

**Interim City Manager Samuel A. May**  
**City Attorney Douglas R. Gonzales**  
**City Clerk Joseph J. Kavanagh**

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Wednesday, September 27, 2017

7:00 PM

Commission Chambers

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### 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:

Interim City Manager Samuel A. May  
City Attorney Douglas R. Gonzales  
City Clerk Joseph J. Kavanagh

### PLEDGE OF ALLEGIANCE

[ID 2017-635](#) BOY SCOUT TROOP 836

### 1) PRESENTATION(S)

- A. [ID 2017-590](#) OFFICER OF THE MONTH, AUGUST 2017 - JOHN W. HARRISON, POLICE OFFICER
- B. [ID 2017-642](#) HOME OF THE MONTH - SEPTEMBER 2017  
(Item was not heard at the meeting)

### ATHLETES OF THE MONTH

- B. [ID 2017-621](#) SWIM: LISETTE RENTA  
(Margate Motion Swim Team)
- SOCCER: WILMER "ALEX" DIAZ-RODRIGUEZ  
(Margate United FC Travel)

### PROCLAMATION(S)

- C. [ID 2017-593](#) BLOOD CANCER AWARENESS MONTH - SEPTEMBER (presented to Gildren Bengoa, Campaign Manager, The Leukemia & Lymphoma Society)

## 2) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO said that he hoped everyone got through the storm safely and advised that people should not plant trees under the powerlines.

COMMISSIONER JOANNE SIMONE said that the devastation of recent hurricanes made one reflect on how blessed they all were. She said that she wanted to recognize and thank the City employees for their hard work and dedication and said that they were the ones who truly made Margate great. She also thanked the Department of Environmental and Engineering Service (DEES) for their efforts in taking care of a resident's sewer problem during the hurricane. She reminded the residents that they were showing BFG at Movies in the Park on October 7th at 7:00 p.m.

COMMISSIONER LESA PEERMAN said that the Interim City Manager was prepared and had everything in place and also applauded staff and residents during the hurricane. She also thanked and appreciated the Communications and Marketing Manager's Facebook post for keeping everybody up to date pertaining to the storm. She explained that without those posts, she would not be able to provide accurate information on her own Facebook page to notify the residents what was going on.

VICE MAYOR ARLENE R. SCHWARTZ read an article regarding the Budget Hearing. She said that the City's budget did not show line item expenditures by departments for last year and the current year with columns indicating both percentage and dollar change and proposed next year. She requested overtime analysis by close of business on Monday and the line item expenditures by close of business on Wednesday. She said that as the budget showed an \$18,000,000 increase, she needed to justify and explain it to both residents and herself and said that she wanted the budget and the budget process to be as transparent as possible. She said that the General Fund increased by 13% and the entire budget by 16%.

MAYOR TOMMY RUZZANO said that prior to the hurricane, he met with the Interim City Manager and Assistant to the City Manager and was very impressed with the information he received. He said he appreciated it and that they did a great job. He said that when they were doing the sandbags, people were shoveling in the rain and that there was sense of bonding in the community. He said that everything he received from the City Manager's office was relayed on his own Facebook page and received over 4,000 comments. He said that letting people know what was going on provided a sense of security. He said the only problem he had was with Waste Management who ceased pickup from the Thursday despite previously informing them that they were going to continue with their services up to the Friday. He said that post-hurricane, the pickup had been sloppy and that he had received a lot of complaints. He advised that the Interim City Manager would be giving out a telephone number if anyone encountered any problems. He referred back to Commissioner Caggiano's comments on Blood Cancer Awareness and said that he recently had an ultrasound for a lump in his throat which was negative. He said that he was worried as he lost his parents and grandparents to cancer and advised that if anyone had something that was abnormal, they should get it checked out.

## 3) PUBLIC DISCUSSION

*RICH ALIANIELLO, 7631 NW 23RD STREET said that he gave credit to staff and people who helped out but had a problem with the debris pickup. He said that there were rats and raccoons in piles of debris which was waiting to be picked up. He mentioned that Margate had made improvements. He said that Florida Power & Light (FPL) had spent \$3,000,000,000 on improvements but saw many lights fail during the hurricane and advised that they should start burying underground powerlines.*

*MAYOR RUZZANO said that Mr. Alianiello raised a good point and advised that FPL was supposed to redo their grids each year. He said that we had a Category 1 hurricane but had it been Category 4, it would have wiped out Florida. He also asked whether FPL were responsible for cutting the trees under powerlines.*

*INTERIM CITY MANAGER SAM MAY said that he believed that FPL trimmed the trees but was advised by them that they called it preventable loss which had low priority.*

*MAYOR RUZZANO suggested that during the years that they did not have hurricanes, they could ask FPL to cut the trees and suggested that they get the Florida League of Cities involved. He also advised that at the last meeting, they implemented a new Ordinance that any future developments would all be underground.*

*INTERIM CITY MANAGER MAY said that it was being considered at the Development Review Committee (DRC).*

*COMMISSIONER CAGGIANO said that FPL was a legalized monopoly and that they attend all Board meetings and that they were guaranteed a certain percentage profit for the shareholders. He said that although it was a public company, it was a public monopoly as they have a guaranteed profit.*

*VICE CHAIR OF BOARD OF ADJUSTMENT, CHARLIE ARTNER asked if they could schedule separate days for the Board of Adjustment (BoA) and Planning and Zoning (P&Z) meetings. He explained that the P&Z meeting often overran which subsequently meant that the BoA meeting which followed would finish late at night.*

*VICE MAYOR SCHWARTZ said that she had the same conversation two months ago and said that although it was helpful for some staff to have the meetings scheduled on the same day, it proved difficult for those who volunteered. She asked the City Manager whether it could change.*

*INTERIM CITY MANAGER MAY said that he had noted it.*

*COMMISSIONER PEERMAN asked that before they implemented it, could they schedule the BoA before the P&Z.*

*INTERIM CITY MANAGER MAY read the 2008 Code of Section 2 – 82 of the Code of Ordinances of the meetings of the P&Z Board and BoA which detailed that they could only be scheduled on the same evening of the month.*

*VICE MAYOR SCHWARTZ said that the Ordinance should change as it was not friendly to the volunteer Boards and suggested that they should get somebody else to do the Minutes.*

*COMMISSIONER PEERMAN asked for the next meeting, if they could have the BoA first as it was mainly attended by business owners and residents.*

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that the Board of Adjustment meeting on October 3, 2017, be scheduled first and then the Planning and Zoning meeting occur second.

VICE MAYOR SCHWARTZ said that if the Motion did not pass, they should have the two meetings running simultaneously at the same time.

TONY SPAVENTO, 3194 WEST BUENA VISTA said that some people may want to attend both meetings which would be difficult if they ran at the same time.

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

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

LAUREN BERACHA, 6950 NW 14TH PLACE, PARADISE GARDENS III said that she took a quote from Mayor Ruzzano that they should put an "A" in accountability. She said that she had read a lot of articles that Margate residents do not vote on pay raises, in particular, the 12% raise for the Commissioners which she thinks is a lot. She said that Coral Springs and Parkland residents get to vote on pay raises and asked why Margate did not have the same policy and asked if the residents could be involved in that process. She said that the Fire Assessment fee increase which was supposed to be for a new fire building but understood that it was now going to be renovated.

MAYOR RUZZANO said that it was untrue that the fire building was going to be renovated. He also explained that it was in Coral Springs and Parkland's Charter that the people voted on the raise. He said that the Commission had not had a raise in eight years and that it was not a part-time job as he was working up to 50 hours per week. He said that every year, the City staff would receive a two or three percent raise which was in the millions of dollars. He said that Parkland Commissioners salaries went from \$7,000 to \$30,000.

COMMISSIONER PEERMAN advised that residents had the ability to run a petition to try and put something on the ballot to change the Charter. She also said that it had to be voted by the people to have the Charter change and that there were a number of processes made to have something put on the ballot such as how many signatures they received. She also advised that it would still need to come before the Commission which would still be subject to their approval.

RICH POPOVIC, 6066 WINFIELD BOULEVARD advised that he had previously asked for them to vote on that item at the Charter Review Board but they refused. He also said that he remembered Commissioner Caggiano sitting in the audience criticizing and chastising the governing body about \$5,000 for an Alzheimer Center and asked who was accountable.

COMMISSIONER CAGGIANO said that they had an Office of Inspector General (OIG) report and that he had a list of dates when the money situation happened. He said that he could provide a copy of the results of Mr. Popovic's complaint.

COMMISSIONER PEERMAN said that before the Ordinance was written, it was just open ended and that it was not capped at \$75,000.

MR. POPOVIC said that the City put cell phone tower money into a Trust Fund and that was for special issues from the Parks and Recreation Department. He said that \$500,000 was removed and then they got it back and asked where it went. He said that the money from that fund was for the interest of the citizens. He said that the money from that Trust Fund could be used to finance the bridge at Winfield Boulevard.

COMMISSIONER PEERMAN confirmed that it went back into the Capital Projects Funds for Park and Recreation. She also advised that other money from that Trust Fund was only used for Parks and Recreation.

MAYOR RUZZANO explained about the \$18,000,000 from the budget and said that numbers were placeholders. He said that the \$500,000 was given which probably went back to the Parks and Recreation Fund and said that at the end of the year, if that amount was spent in a park, he would like to see it. He said that money spent would be reflected in the General Fund the following year. He asked where the money was going if it was not being used from the previous year.

INTERIM MANAGER MAY confirmed that the \$500,000 went back to the Capital Projects Fund and it was assigned for the Parks project. He said that the money should have been rolled over but he would need to discuss that with the Finance Director.

JOHN YOKLAVICH, 603 S. STATE ROAD 7, APPLGREEN CONDOS said that he wanted to thank everyone and that they did a good job. He said that he wanted to talk about Officer Williams and said that they should not have their Officers in those positions as they were not professional educators. He said that the loss of a month's wages for Officer Williams was cruel and an unusual punishment and asked how many other Officers were penalized.

MAYOR RUZZANO said that he did not know anything about it until he saw it on television. He said that he was also unaware of the disciplinary action that was taken and it was not up to the Commission to make that decision.

INTERIM CITY MANAGER MAY advised that he would contact Mr. Yoklavich by telephone to discuss that matter further.

JULIE JONES, 7871 NW 1ST STREET said that the City did a great job for the hurricane. She commended the whole Ruzzano family and said that she agreed with him and said that it was not a part time job. She said that she saw them shoveling sandbags and Mayor Ruzzano helped people with generators and moved trees. She said that before, during and after the hurricane, Commissioner Peerman kept residents and nextdoor.com completely informed. She referred to Commissioner Caggiano's proposal of a five day work week and said that she wants it addressed again. She said that if they needed something from the City on a Friday such as paying a water bill in cash or getting a City license, they could not get it done as there was no one to speak to. She said that the current system was not user friendly.

COMMISSIONER CAGGIANO said that he agreed with Julie Jones' comments and

*indicated that the Interim City Manager had been given direction to open City Hall for a five day work week and they expect that to be done.*

*VICE MAYOR SCHWARTZ said that the four day experiment had not worked very well. She said that they need a full service City five days per week. She said that she recognized that employees got used to working a four day week but it did not work for the residents.*

*MAYOR RUZZANO said that he had been asking for the five day week for five years. He asked who was responsible for the determining the five day work week.*

*INTERIM CITY MANAGER MAY said that according to the Charter, it was the operational decision of the City Manager. He said over half of the employees in the City are on shift work and it would need to be looked at.*

*COMMISSIONER CAGGIANO mentioned City Hall.*

*VICE MAYOR SCHWARTZ said every department in City Hall.*

*MAYOR RUZZANO agreed.*

*Discussion ensued regarding policy making and operational direction of the City.*

*VICE MAYOR SCHWARTZ asked how the work week got changed to four days previously. She mentioned again that she is asking about City Hall. She said while it may be an operational issue, that the City Manager worked for the City Commission.*

**A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, for a five day work week.**

*INTERIM CITY MANAGER advised that it would have to be very specific to what they were looking for to work a five day week. He said that they could talk about it on an individual basis.*

*MAYOR RUZZANO indicated that it should be five, 10 hour days to work on a shift basis. He said that a four day work week was not providing full service for the people.*

*COMMISSIONER PEERMAN indicated that the majority wanted City Hall opened five days per week as to how he wanted it and suggested the staff could work in four, 10 hour shifts from Monday to Thursday or Tuesday to Friday.*

*VICE MAYOR SCHWARTZ said that she mentioned this concept at a past Workshop when she was first elected. She mentioned Monday holidays and the Building Department schedule on Fridays not working for people in this City.*

*MR. POPOVIC said that he was present at the meeting when they passed the Ordinance of a four day work week and said that it was created as a big cost saver. He said that people at that meeting were against the City working a four day week for the same reasons which were currently discussed.*

ROSEMARIA TOBIA, 6915 NW 14TH COURT said that she had been in Margate for 30 years and that the four day work week was horrible. She said that she had experienced problems receiving permits, especially on a Friday, as the office was closed. She said that it needed to go back to the five day work week.

MR. YOKLAVICH said that he agreed with the administration working a five day week.

INTERIM CITY MANAGER asked if they could allow him time to plan a schedule on the five day work week.

COMMISSIONER SIMONE said that she would want to hear more from the Interim City Manager and find out what the statistics were for keeping an open five day work week as opposed to four days. She said that she had heard from some residents who prefer a four day work week with the office working longer hours as they could pay a water bill after work. She said that she was unsure how many people utilized City Hall on a Friday and said that to make a decision without any statistics was wrong.

**An amendment was made by Mayor Ruzzano, seconded by Vice Mayor Schwartz, that they implement a five day work week by January 1, 2018.**

MR. POPOVIC said that the Interim City Manager was running the show and that he may not be able to implement the five day work week by January 1, 2018 as he had a busy work schedule.

MR. SPAVENTO said that the Commission was out of line as people had their areas of responsibility and that they should not act on knee jerk reactions. He advised that they should do some research and put that item on the following month's Agenda. He said that the Interim City Manager explained that it was not the Commission's jurisdiction on how to run the City.

JON HALL, 6421 FRENCH ANGEL TERRACE said that he resented the four day work week and said that as a resident and business man, they took one day of service away from him. He said that he trusted the Commission's decision making ability and advised that they should make a decision.

MANNY LUGO, 1129 EAST RIVER DRIVE said that the Interim City Manager should be able to figure out how people can get service after 5:00 p.m. and work a five day week. He advised that the Commission and the Interim City Manager should get together to make it work.

MR. ARTNER said that it should not be difficult to reverse a four day week back to a five day week.

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

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

**No:** 2 - Commissioner Simone and Commissioner Peerman

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

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

**No:** 2 - Commissioner Simone and Commissioner Peerman

MR. HALL complimented the Commission and the staff for everything that was done in the hurricane and what they were doing on the debris clean up. He said that he wanted to see the City's website be brought up to the 21st Century and utilized. He said that with most other city websites, you could see a calendar with a schedule and dates for window debris pickup in respective areas. He also referred to price gouging and said that the Federal Emergency Management Agency (FEMA) needed to step in. He said that other cities were experiencing the same problem with trying to get debris picked up as the staff were leaving and going to Dade County as they were offering more money. He advised that the City should call Pam Bondi and ask her what she could do to help.

INTERIM CITY MANAGER MAY said that the website was going live on November 30th and said that it was totally revamped. He explained that their contractors had supplied on average 30 to 40 trucks per day with a 29 man crew and that Margate had not had the same issues that some of the other cities had. He advised that they removed a crew that was causing a lot of damage to both public and resident properties and were bringing in a replacement crew. He said that Margate was not one of the cities that had been gouged and were maintaining the current prices that were prenegotiated.

VICE MAYOR SCHWARTZ questioned that in relation to debris service, if they could create a map or list of when people knew when they would come to them and have an idea of where they were on the list.

INTERIM CITY MANAGER MAY said that they had a map but the contractors were cherry picking the areas and collecting the big piles of debris and leaving the smaller piles. He said that when he went out to spot check those areas with the contractors, the areas which they thought were cleared were not. He said that they have picked up 35,000 cubic yards of debris. He said that he would only put the map out once he had gained full confidence. He also read from an email about the debris pickup and damage caused and provided a hotline number for residents could call for any issues. He also advised that from October 5th to 7th, they were going to pick up bulk waste which was not storm related debris such as couches and mattresses. He also said that the Code Enforcement and the CSA program were providing flyers for people who had co-mingled piles. He said that within four to six weeks, Waste Management would only pick up yard waste if it was placed in a garbage can or bag. He explained that the City would pay for the removal of the cubic waste removal and FEMA would reimburse the City. He said if the amount of debris was 150,000 cubic yards, it would cost approximately \$3,000,000. He advised that FEMA would only reimburse 75% for storm related activities and the State would pay 12.5% totaling 87.5% percent. He also indicated that there would be a kickoff meeting with FEMA in approximately 21 to 28 days. He said that they have funds to pay their contractors.

MR. ALIANIELLO advised that on Channel 10, FEMA would not pay for any City that had gouging and if they did have it, the process would be longer.



*INTERIM CITY MANAGER MAY repeated that the City did not have gouging and that they were following the contract.*

#### 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 2017-626](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES

**APPROVED**

- B. [ID 2017-633](#) RESOLUTION - APPROVE AND ACCEPT THE AGREEMENT AND FUNDING FROM THE OFFICE OF THE ATTORNEY GENERAL, BUREAU OF ADVOCACY AND GRANTS MANAGEMENT, VICTIMS OF CRIME ACT (VOCA) GRANT IN THE AMOUNT OF \$58,466.00 FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018.

*RESOLUTION 17-119*

**APPROVED**

**A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, 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

*INTERIM CITY MANAGER MAY said that there was going to be a Carnival and that the provider, Hildebrandt, owes the City \$11,624 for Police details from the last four Carnivals and he sought direction from the Commission on how to proceed. He said that for the forthcoming Carnival, St Vincent's Men's Club had agreed to pay for the Police detail. He said that the Finance Department would have sent Hildebrandt emails and invoices.*

*MAYOR RUZZANO asked about accountability and said that he thought that the petitioner was responsible for the fees.*

*VICE MAYOR SCHWARTZ agreed with Mayor Ruzzano and asked that after several months of not being in receipt of any monies, what process was in place. She also said that there had been no consequence for the other times when they did exactly the same by not paying the City which sent a bad message to any other organization planning to do the same thing. She said that legal action should be taken.*

*COMMISSIONER CAGGIANO said that he was going to attend a Board of Directors*

meeting at the Chamber of Commerce and that he would be discussing the same and how it should be addressed. He asked the Interim City Manager to provide him details of the exact money owed.

COMMISSIONER SIMONE said that for being on the Chamber of Commerce, Hildebrandt was notorious for not paying. She said that in the past, the Chamber made deals with Hildebrandt where they had allowed them not to pay and they would subsequently give them so much interest for the months that they had not been paid.

COMMISSIONER CAGGIANO said that had only been on the Chamber's profit from the event.

CAPTAIN JON SHAW, POLICE DEPARTMENT said that for the Fraternal Order of Police (FOP) Carnival, there were two separate ways to pay for the Police details. He advised that they took a higher cut if they pay for the Police detail and if the organization having the Carnival paid for the detail, then it would be a higher percentage to keep from the profits of the Carnival. He said that he would have to contact the FOP President to find out what arrangements were made and whether they would consider suing Hildebrandt.

VICE MAYOR SCHWARTZ said that a strong demand letter should be sent through the City Attorney explaining that it could be the last time Hildebrandt did a Carnival in Margate.

INTERIM CITY MANAGER MAY said that they have sent letters from the City but he did not believe that a demand letter had been sent from the City Attorney and he said that they would do that. He also advised that it was the North West Focal Point Senior Center (NWFPSC) 40th Anniversary and they were asking for \$400 for a table and was looking for consensus from the Commission to purchase one. He also asked what account the table should come from.

CONSENSUS was given by the Commission to buy a table.

CITY CLERK JOSEPH J. KAVANAGH advised that there was no new account specifically set up during the budget for that item. He said that the Promotional Activity Fund was set up to promote activities such payments and giveaways and said that that it was not intended to use for that purpose.

COMMISSIONER PEERMAN advised that prior to 2016, the money used to come from the Resident Project Fund which was \$40,000 which she did not take from the City. She said that there was another fund that had \$20,000 which Commissioner Simone got from Waste Management and \$1,000,000 should have gone back from the Resource Recovery Board Settlement but no one made a decision as to where it should come from.

INTERIM CITY MANAGER MAY advised that they could use monies from the Citizens Project Initiative Fund and suggested that they take out \$2,400 so that they could make a donation. He also explained that there was a previous discussion pertaining to the alcohol sales and making a donation for NWFPSC and confirmed that he would compensate up to \$2,000 for what they would spend on alcohol.

**A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, for the amount up to \$2,400 (\$400 for a table and up to \$2000 for alcohol reimbursement) for the 40th Anniversary of the North West Focal Point**

**Senior Center to come out of one account at the Interim City Manager's discretion. The motion carried by the following vote.**

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

*INTERIM CITY MANAGER MAY said that at the last Community Redevelopment Agency (CRA) meeting, there was an issue concerning the storage of shoes which were donated to the City but subsequently, they had found a tenant who allowed them short term storage. He said that they were being stored at ACE Hardware Plaza and the tenant was Chamber of Commerce. He also advised the following dates:*

- BFG at Movies in the Park, October 7th
- Margate Under The Moon at The Sports Complex, October 14th
- Fall Festival, October 28th
- Prescription Drug Take Back Day, CVS at the corner of Atlantic Blvd. and Rock Island, Palm Lakes, October 28th.

*VICE MAYOR SCHWARTZ referred to the Prescription Drug Take Back Day and said that the Broward Sheriff's Office (BSO) usually gave a \$5 Publix gift card and asked if the City offered anything similar.*

*CAPTAIN SHAW said that program was done by each individual company. He advised that CVS used to offer 10% if participants shopped in the store but that ended. He also indicated that when they partnered with Walgreens, they had a gift card for a couple of years. He said that they could shop around and see if they could find a retailer who would participate.*

*INTERIM CITY MANAGER MAY confirmed that they had replaced the "No Outlet Sign" on NW 18th Street and said that it was there prior to the storm. He also advised that they had responded to installing a "No Parking Sign" at Paradise Gardens I on one of the curbs on 66th Terrace. He also said that he would find out if baseball would be cancelled if it was on the same night as Movies in the Park which was scheduled for October 7th.*

## **6) RESOLUTION(S)**

- A. [ID 2017-628](#)** APPROVING APPOINTMENT OF \_\_\_\_\_ TO THE FIVE MEMBER MARGATE BOARD OF ADJUSTMENT FOR THE VACATED POSITION TO FULFILL THE REMAINDER OF THE CURRENT TERM ENDING MARCH 21, 2019.

*RESOLUTION 17-120*

**A motion was made by Commissioner Caggiano, seconded by Mayor Ruzzano, to insert the name of Patrick Laffey.**

**An amendment was made by Commissioner Simone to insert the name of Eddie DeCristofaro. The motion died for a lack of second.**

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

- Yes:** 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano
- No:** 1 - Commissioner Simone

- B.** [ID 2017-638](#) APPROVING A DONATION OF \$5,000.00 TO “THE MARGATE POLICE EXPLORER PROGRAM POST #97”, WHICH IS AN ORGANIZATION UNDER THE BOYS SCOUTS OF AMERICA; DONATION TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND.

*RESOLUTION 17-121*

**A motion was made by Vice Mayor Schwartz, seconded by Commissioner Peerman, 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

- C.** [ID 2017-639](#) APPROVING A DONATION OF \$1,600.00 TO “THE BROWARD VICTIM’S RIGHTS COALITION”; PROVIDING FOR FUNDING FROM THE LAW ENFORCEMENT TRUST FUND.

*RESOLUTION 17-122*

**A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, 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

- D.** [ID 2017-640](#) APPROVING A DONATION OF \$1,500.00 TO “A CHILD IS MISSING (ACM)”, PROVIDING FOR FUNDING FROM THE LAW ENFORCEMENT TRUST FUND.

*RESOLUTION 17-123*

**A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, 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

- E.** [ID 2017-594](#) REPEALING RESOLUTION NO. 12-136 - “PROVIDING FOR GUIDELINES OF BENEFITS TO INDIVIDUAL MEMBERS OF THE CITY COMMISSION”; PROVIDING FOR AN EFFECTIVE DATE.

*RESOLUTION 17-124*

**A motion was made by Commissioner Caggiano, seconded by Vice Mayor**

**Schwartz, that this Resolution be approved. The motion carried by the following vote:**

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

**No:** 2 - Commissioner Simone and Commissioner Peerman

- F.** [ID 2017-627](#) APPROVING AND AUTHORIZING THE EXECUTION OF A DECLARATION OF RESTRICTIVE COVENANTS FOR PRIVATE PAVED ROADWAYS AND ACCESS FOR THE PURPOSE OF PROVIDING ACCESS FROM THE CITY'S SPORTS COMPLEX PARK TO PARCEL "A" OF THE HAIG & DUKE PLAT AS REQUIRED BY BROWARD COUNTY FOR THE COVERED SPORTS FIELD PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

*RESOLUTION 17-125*

**A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, 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

- G.** [ID 2017-632](#) ADOPTING THE CITY OF MARGATE FY 2018 - FY 2022 STRATEGIC PLAN

*RESOLUTION 17-126*

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, 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

- H.** [ID 2017-584](#) APPROVING AN EMPLOYMENT AGREEMENT WITH SAMUEL A. MAY AS CITY MANAGER FOR THE CITY OF MARGATE.

*RESOLUTION 17-127*

**A motion was made by Commissioner Peerman, seconded by Mayor Ruzzano, for discussion.**

**A motion was made by Vice Mayor Schwartz, seconded by Commissioner Simone, that this Resolution be tabled. The motion failed by the following vote:**

**Yes:** 2 - Commissioner Simone and Vice Mayor Schwartz

**No:** 3 - Commissioner Caggiano, Commissioner Peerman and Mayor Ruzzano

**A motion was made by Commissioner Peerman, seconded by Mayor Ruzzano, to raise the salary amount.**

Commissioner Peerman withdrew her previous motion.

An amendment was made to Samuel A. May's employment contract to remove Section 1B and that Mr. May would agree not to join some of the professional organizations noted in the contract. The motion as amended carried by the following vote:

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

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

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

*CITY ATTORNEY GONZALES read the following statement: Florida courts have determined that there are certain types of matters, including the following applications which are to be treated differently than other issues considered by the Commission. Most decisions of the Commission are legislative in nature, which means that the City Commission is acting as policy making body. In contrast, in Quasi-Judicial matters, the Commission is applying existing rules and policies to a factual situation, and is therefore, acting like a Judge or Jury in a courtroom. In such cases, the courts have decided that due process and fundamental fairness requires that more formal procedures be followed. The City of Margate's procedures for Quasi-Judicial Hearings are as follows. All who wish to speak shall be collectively sworn in by the City Clerk. The hearing shall be conducted in an informal manner. He said that he would read the title of the item to be considered and City Staff shall present a brief synopsis of the application and make a recommendation. Next there would be a presentation by the applicant. The Commission would then hear from participants in favor of and in opposition to the application which will be your public hearing process. All witnesses are subject to cross examination by the City Staff, City Commission and the applicant, and a participant may request that the Commission ask questions of a witness. The applicant and Staff will make concluding remarks and no further presentations or testimonies shall be permitted and then the public hearing will then be closed. All decisions of the Commission must be based on competent substantial evidence presented to it at the hearing. All backup materials provided to the City Commission as part of the Agenda will automatically be made a part of the record of the hearing and all approvals will be subject to Staff recommended conditions, unless otherwise stated in the motion for approval and the Clerk shall now swear those who wish to present evidence at the hearing.*

**A. [ID 2017-631](#) CONSIDERATION OF AN APPEAL TO A BOARD OF ADJUSTMENT DECISION, FOR SOBEKIDS, INC DBA MARIO THE BAKER.**

**RESOLUTION 17-128**

*CITY ATTORNEY GONZALES explained that there were three different items which were granting, denying and granting with conditions. He said that granting the appeal by Sobekids Inc. doing business as Mario The Baker of the Board of Adjustment condition for approval of variance BA-15-2017 and providing for an effective date.*

DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) DIRECTOR REDDY CHITEPU explained that the item was a request to appeal the decision made by BoA for a distance variance and explained that Mario The Baker was located at 1490 SR 7 which was the old Hollywood building. He said that the distance variance for 1,000 feet allocation variance and the businesses were 810 feet from the business as measured for the guidance given by Code. He explained that it went to the BoA for variance and the staff recommended approval for the variance even though it was less than 1,000 feet of the previous approval that the business had in the same complex. He said that the condition for that recommendation was the same which was given to the existing business which was to allow alcohol sales after 4:00 p.m. when the school was not in session and therefore, the staff recommended the same conditions to that business. He said that the BoA had many discussions on different timings but went ahead with what the staff recommended. He indicated that the petitioner was requesting that the owner should be allowed to sell alcohol when the school was not in session which would be after 4:00 p.m. during the school week and the entire days when the school was not in session. He said that the staff contacted the school and they had no issues concerning that request. He also advised that the business owner contacted the school for their calendar and said that there were about 100 days that were holidays that he would not be able to sell during the day. He said that based on the recommendation that the school had no issues, the staff were supporting the request from the applicant.

MAYOR RUZZANO asked why staff requested to approve even though it was against code.

DEES DIRECTOR CHITEPU said that it was a variance which was approved with a condition. He explained that the applicant was appealing the condition to allow him to sell alcohol when the school was not in session.

VICE MAYOR SCHWARTZ said that she was at the meeting when it was discussed and said that the conditions were from 2007 and it was seven days per week after 4:00 p.m. She said that the BoA would have given him all day at the weekends but when they referred to the 2007 Code, they chose to comply with what was already in effect. She advised that they should change that rule to include Saturdays and Sundays as there were no schools open on those days. She also suggested that they should look at other business that complied the same way.

MR. EINHORN, MARIO THE BAKER OWNER, 1490 STATE ROAD 7 said that his business was open from 11:00 a.m. He explained that he tried to get a drink license for selling beer at lunch time but was put into the same category as another restaurant which was in front of the school and was refused. He said that the Rabbi was not against him selling alcohol outside school hours. He asked if they could grant him that request and explained that he did not sell hard alcohol.

COMMISSIONER SIMONE said that she spoke with City staff and said that although she was usually strict on alcohol sales, she did not have a problem with that request or him selling beer and wine at lunch time.

**A motion was made by Commissioner Simone, seconded by Commissioner Peerman, to amend the item to grant "Mario The Baker" permission to sell alcohol seven days per week from open to close as his license permits.**

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

## 8) ORDINANCE(S) - FIRST READING

- A.** [ID 2017-566](#) AMENDING ARTICLE IV - BOARDS, COMMITTEES, ETC., DIVISION 2 - BOARD OF ADJUSTMENT, SECTION 2-76 AND DIVISION 3- PLANNING AND ZONING BOARD, SECTION 2-86; PROVIDING FOR APPOINTMENTS FOR A ONE YEAR PERIOD CONSISTENT WITH SECTION 2-73; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Ordinance - 1st Reading, be approved.**

**An amendment was made by Vice Mayor Schwartz, seconded by Mayor Ruzzano, to allow all current Planning & Zoning and Board of Adjustment members to have terms ending on March 21, 2019 and thereafter, for members to be appointed for one year.**

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

**No:** 1 - Commissioner Simone

- B.** [ID 2017-583](#) AMENDING CHAPTER 19 - SOLID WASTE AND RECYCLABLES COLLECTION, PROCESSING AND DISPOSAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**A motion was made by Commissioner Simone, seconded by Commissioner Peerman, 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

- C.** [ID 2017-591](#) AMENDING ARTICLE V - GREEN BUILDING POLICY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, 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

## 9) ORDINANCE(S) - SECOND READING

- A.** [ID 2017-630](#) APPROVAL OF AN ORDINANCE TO ADD DRIVE-THRU FACILITIES AS A SPECIAL EXCEPTION USE IN THE B-1 ZONING DISTRICT.



*ORDINANCE 2017-1500.636*

**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

**ADJOURNMENT**

*There being no further business, the meeting adjourned at 11:42 p.m.*

*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.

**Note**

Note