



City of Margate

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

Meeting Minutes Regular City Commission Meeting

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

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

Wednesday, December 6, 2017

6:30 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

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

PLEDGE OF ALLEGIANCE

[ID 2017-776](#) OWEN JARVIS, 5TH GRADE, ABUNDANT LIFE CHRISTIAN ACADEMY

1) PRESENTATION(S)

A. [ID 2017-787](#) SWEARING-IN FOR MAYOR AND VICE MAYOR

STUDENTS AND TEACHERS OF THE MONTH

B. [ID 2017-777](#) ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, ELLIOT JARVIS;
TEACHER, THERESE IRIZARRY
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, TAYLOR PIERRE; TEACHER,
MICHELLE HARLEY-NIXON
(Mrs. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)

LIBERTY ELEMENTARY: STUDENT, MANUEL MONTEJO; TEACHER,
MARK ROBINSON
(Mr. David J. Levine, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, ELIJAH MUNDO; TEACHER,
CAROLYN QUINTAL
(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flourney, Assistant Principal)

MARGATE MIDDLE: STUDENT, JULIA OVALLE; TEACHER, MARISHA HUTCHINSON

(Mr. Earnest Toliver, Principal and/or Lezondra Harris, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, AMARI TYRELL; TEACHER, NATALEE WHYTE-SMIKLE

(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

WEST BROWARD ACADEMY: STUDENT, JUSTIN TAITT

(Ms. Donna Baggs, Principal)

2) COMMISSION COMMENTS

Following a brief recess, meeting reconvened.

COMMISSIONER LESA PEERMAN said that the Director for the Northwest Focal Center Senior Center (NWFPSC) was going to be honored for the Project Personality of the Year on January 18, 2018 by the Board and Advisory Council/Agency on Aging.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, to purchase a Table of 10 and a Full Page Advertisement for \$1,250 for the Northwest Focal Point Senior Center event on January 18, 2018, to be funded from the City Commission General Contribution Fund.

RICH POPOVIC, 6066 WINFIELD BOULEVARD said that he had a problem with using the money from the budget transfer and thought that they did not have any money.

MAYOR ARLENE R. SCHWARTZ confirmed that they had \$5,000 in the fund.

The motion carried by the following vote:

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

COMMISSIONER JOANNE SIMONE said that the residents should look at their new improved website which was user friendly and appealing. She thanked Alison Saffold for her hard work. She said that the lights on Margate Boulevard look great and thanked the team that put that together. She said that she looked forward to seeing everybody at the Winter Festival.

COMMISSIONER RUZZANO congratulated Karin Diaz on Personality of the Year. He congratulated the new Mayor and Vice Mayor and wished them the best. He said that his son was going to Biz Town and was appointed the Mayor. He indicated that Margate was trying for a softball team and was looking for at least six teams to play at the

Margate Sports Complex. He said that Santa was coming to his house on Friday night from 7:00pm and everyone was invited.

VICE MAYOR ANTHONY N. CAGGIANO said that he was honored and humbled to be Vice Mayor and promised to do the best job that he could possibly do. He wished Happy Holidays to everybody. He said that the Winter Festival was not promoted in the Forum and indicated that it was Margate's biggest event in the City next to 4th of July Parade. He said that Margate Matters in November had a section about the Winter Festival which talked about the \$40,000 Paintscaping event. He said in December's edition of Margate Matters, Winterfest was not highlighted or advertised and that they spent a lot of money putting that event together. He said that it was one of their signature events which should be promoted. He asked for consensus from the Commission to place an ad out in MargateNews.net.

NO – Commissioner Peerman and Commissioner Simone.

YES – Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Schwartz.

CITY MANAGER SAMUEL A. MAY said that he would see if there was a budget he could find for advertising.

COMMISSIONER RUZZANO asked if they could also promote future events.

MAYOR SCHWARTZ said that they should promote everything they had in the City. She said that there must be a reason why it was not in the Forum.

VICE MAYOR CAGGIANO said that he was proud to announce that Margate was recently announced as the 4th safest City in cities over 50,000 residents in the State of Florida.

MAYOR SCHWARTZ said that they should thank the Police Department for Margate being the 4th safest City. She thanked the Commission and those people who gave her the opportunity to serve as Mayor.

COMMISSIONER SIMONE said that she believed the Winter Festival was well represented in the City in terms of advertising and was featured on all the major intersections and bus benches.

MAYOR SCHWARTZ said that the Winter Festival was on December 15th, between 6:00pm – 10:00pm and the 3D Paintscaping lightshow would be on the back of the City wall. She wished everyone a Happy Christmas//Hanukkah/Kwanzaa/Holiday.

3) PUBLIC DISCUSSION

NORMAN GRAD, 7460 NW 18TH STREET, PALM SPRINGS III said that he was proud and happy to live Margate. He said that they have adequate representation in the City, the county, the state and in federal government. He wanted to wish everybody good health. He said that on his Condo boards, was an advertisement from a Margate resident who was looking for a kidney which was O negative and wanted the word to go out.

COMMISSIONER RUZZANO congratulated the School Board Chair, Nora Rupert, who represented the City.

VICE MAYOR CAGGIANO asked whether they reached out to any of the local representatives, Kristen Jacobs, Nora Rupert or Harry Thurston and invite them to come

to the Winter Festival.

CITY MANAGER MAY confirmed that they would do that.

MAYOR SCHWARTZ said that they should also reach out to the local TV stations.

CITY MANAGER MAY said that they had reached out to Channel 10 News.

RICK RICCARDI, 4829 SOUTH HEMINGWAY CIRCLE said that he represented the Pompano Beach Chamber of Commerce. He congratulated the Mayor and Vice Mayor on their new positions. He said that there was a joint breakfast for the Chamber. He advised that there was a new logo for the Chamber. He said that on February 10th, there was an event with one of their members for the People's Convention.

SYDNEY KING, 2111 NW 76TH AVENUE said that he was President of Margate Lions. He encouraged them to attend a party for underprivileged children on December 23rd at 11:30am at 508 Melaleuca Drive. He thanked the Chief of Police.

ROB HANNER, 3168 BAYBERRY WAY congratulated the newly elected Mayor and Vice Mayor. He talked and read an article in MargateNews.net pertaining to the sale of the Carolina Country Club.

COMMISSIONER RUZZANO said that he was very familiar with the sale of the Carolina Country Club. He confirmed that he met with a lobbyist and heard in the past that the golf club would probably close. He said that he met with the developers and they said that they would not do one thing before talking to residents. He said that he was not for density or apartments but did not want to see the golf club closed and be a vast wasteland.

VICE MAYOR CAGGIANO said that he was totally against heavy duty density. He said that he also spoke to the developers and his thoughts were for one family homes and townhomes and emphasized on parking and parks.

MR. POPOVIC said State Road 7 was out of control and spoke about the Transit Oriented Corridor (TOC) Metropolitan Planning Organization (MPO). He said that Margate had spent a lot of money but there were no lights or signs that said "Merry Christmas" and said that other cities had that sign.

COMMISSIONER RUZZANO explained that he had previously discussed with Mr. Popovic about the TOC and MPO and said that it was not good for the City. He said that he had no problems putting "Merry Christmas" on the City Hall.

COMMISSIONER PEERMAN said that as a Commission, they had never been asked to put up a "Merry Christmas" sign.

CITY MANAGER MAY said there was a nativity scene, menorah and other lights on display. He said that the only sign that said anything was "Season's Greetings" and "Happy Holidays" which covered everybody.

COMMISSIONER SIMONE said that she would love to see "Merry Christmas" in Margate.

VICE MAYOR CAGGIANO asked the City Attorney whether it would open them up to legal challenges by any sect if they changed "Season's Greetings" to "Merry Christmas".

CITY ATTORNEY CHEROF said that every action of that nature always had a response to it and they could be opening themselves up to some limited liability in that regard.

COMMISSIONER PEERMAN said that she would also ask for "Happy Hanukkah" and "Happy Kwanzaa" signs and all the other holidays during that period. She said in her opinion, it should be all or nothing.

The discussion continued regarding what signs should be put up.

JOHN YOKLAVICH, 603 SOUTH STATE ROAD, APPLGREEN CONDOS said that they could have Festivus. He said that they have a big mosque, Buddhists and Hindu and they all have holidays all year round.

A motion was made by Commissioner Ruzzano, seconded by Commissioner Simone put up "Merry Christmas" in the City of Margate.

MR. POPOVIC said it was the Christmas season and not Hanukkah which he said was made up. He referred to somebody who had been sued on multiple occasions and spoke about other religions.

GARY WILDER, 6943 NW 27TH COURT said that Mr. Popovic should be careful how he mocked anything and explained the history of Kwanzaa. He said that the reason for the season was Christmas but they should also do it for the other events as well which would prevent litigation.

COMMISSIONER SIMONE said that she saw the banners on street polls in Coral Springs that said "Merry Christmas". She asked if the City could revamp their banners and have "Merry Christmas", "Happy Hanukkah" and "Happy Kwanzaa".

An amendment was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, to put up the banners to celebrate the holidays, Hanukkah, Christmas and Kwanzaa in the City of Margate in December.

STACEY L. ANGIER, 1930 NW 79TH TERRACE said that she respected all holidays but due to time restraints, they needed to discuss what they want to implement for next year. She said that she supported whatever they changed and would like to see Christmas recognized.

Commissioner Ruzzano pulled his original motion.

Commissioner Peerman pulled her amended motion.

An amendment was made by Commissioner Peerman, seconded by Commissioner Simone to have some form of wording/display for 2017 for Christmas, Kwanzaa and Hanukkah to be put on City property and in the future, the City staff look towards doing the banners for the rest of them.

MR. POPOVIC said that they should agree with Commissioner Peerman and get it over with.

CITY MANAGER MAY said that they would do all they could to get signs made for the three holidays.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE said that it made sense to recognize organized religions that were in the City, had houses of worship and that had obvious substantial following. He said that Kwanzaa was not a religious celebration.

Discussion ensued about the Church of Satan and Mr. Stevens.

The amendment carried as follows:

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

The original motion as amended carried by the following vote:

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

JULIE JONES, 7871 NW 1ST STREET congratulated the newly elected officials and the new Assistant City Manager. She said that the unsung hero was the City Clerk which would be her employee of the month. She said that she wanted to commend Officer Charles Konecky who spoke to seniors at housing complexes about keeping valuables safe. She said that the Broward Sheriff's Office gave out security screws that go on license plates which prevents them from being stolen. She said that she received a call from an Assistant State Attorney who commented that when she contacted the Police Department, they were always courteous, pleasant, professional and prompt. She wished everyone a great holiday.

MR. YOKLAVICH said that there had been some measurable progress on the litter issue. He said that he read the article on Margate being the 4th safest city and said that it included more than hardcore street crime. He said that it involved quality of life issues,

traffic flow and amenities and said that thanks should go out to all departments. He said that there were labor issues facing the City and he was interested to learn how employees were disciplined. He asked how he could get to review the last two years of actions against any City employee.

CITY ATTORNEY CHEROF said that he could make a public records request.

CITY CLERK KAVANAGH confirmed that he could process that request and would advise him if there was a cost associated with providing the same.

MAYOR SCHWARTZ said that employees were disciplined through the department and chain of command which did not come from the Commission.

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 2017-765](#) RESOLUTION - URGING THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") TO CHANGE FEMA'S POLICY REQUIRING PRE-APPROVAL FOR DISASTER DEBRIS REMOVAL FROM PRIVATE ROADS WITHIN GATED COMMUNITIES AND TREAT DISASTER DEBRIS REMOVAL FROM PRIVATE ROADS IN RESIDENTIAL GATED COMMUNITIES IN THE SAME MANNER AS PUBLIC ROADS FOR THE PURPOSE OF FEMA REIMBURSEMENT FOR DISASTER DEBRIS REMOVAL COSTS.

RESOLUTION 17-150

APPROVED

- B. [ID 2017-767](#) RESOLUTION - APPROVING WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF A VIGILANT INTELLIGENCE LED POLICING PACKAGE WITH MOBILE LICENSE PLATE READER (LPR), CAMERA SYSTEMS AND TRAILERS, AND ALL RELATED HARDWARE, SOFTWARE, INSTALLATION, DELIVERY, AND END USER TRAINING FROM VETTED SECURITY SOLUTIONS IN THE AMOUNT NOT TO EXCEED \$195,705.00; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 17-151

APPROVED

- C. [ID 2017-768](#) RESOLUTION - APPROVING THE HEALTH INSURANCE PREMIUM RATE COST PROVISIONS FOR ALL NON-BARGAINED FOR PERSONNEL (INCLUDING SENIOR MANAGEMENT) PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 17-152

APPROVED

Approval of the Consent Agenda

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

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

5) CITY MANAGER'S REPORT

CITY MANAGER MAY re-emphasized the Winter Festival on December 15th. He said that the Paintscaping presentation would run every 30 minutes. He said that the Gehring Group had negotiated for City insurance for Cigna which had been accepted and would be utilized next year.

COMMISSIONER RUZZANO asked about a resident concerning funds to improve her home.

CITY ATTORNEY CHEROF explained that he reviewed an item referring to a property owner who had entered into a contract with a contractor on her home and made a complaint. He said that they were honoring the contract and advising the property owner to pursue her recourse against the contractor if there was one.

6) RESOLUTION(S)

No items under this header.

7) ORDINANCE(S) - FIRST READING

- A. [ID 2017-761](#) APPROVAL OF AN ORDINANCE TO AMEND SINGLE FAMILY HOME FENCE REGULATIONS ON SYMMETRICAL CORNER LOTS.

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

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

8) ORDINANCE(S) - SECOND READING

- A. [ID 2017-775](#) APPROVAL OF AN ORDINANCE TO PROVIDE A 4-MONTH EXTENSION FOR MORATORIUM FOR MEDICAL MARIJUANA DISPENSARIES.

ORDINANCE 2017-23

A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that this Ordinance - Second Reading, be approved.

JEFF REYNOLDS, 5230 SW 6TH PLACE said he was an Associate Pastor at Abundant Life Church and asked for the Moratorium to be extended.

The motion carried by the following vote:

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

ADJOURNMENT

There being no further business, the meeting adjourned at 9:03pm.

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.