



# City of Margate

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

## Meeting Minutes Regular City Commission Meeting

*Mayor Anthony N. Caggiano*

*Vice Mayor Tommy Ruzzano*

*Commissioners:*

*Antonio V. Arserio, Arlene R. Schwartz, Joanne Simone*

*City Manager Samuel A. May*

*Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.*

*City Clerk Joseph J. Kavanagh*

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Wednesday, January 23, 2019

6:30 PM

Commission Chambers

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### CALL TO ORDER

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

In Attendance:

City Manager Samuel A. May

Interim City Attorney James A. Cherof

City Clerk Joseph J. Kavanagh

### PLEDGE OF ALLEGIANCE

[ID 2018-752](#) SANETA MESA, 3RD GRADE, MARGATE ELEMENTARY

### 1) PRESENTATION(S)

**B.** [ID 2018-740](#) HOLIDAY DECORATING CONTEST WINNERS

1st PLACE - RODRIGUEZ FAMILY, 5809 NW 20TH STREET  
(\$100 VISA GIFT CARD)

2nd PLACE - YEHYA FAMILY, 7610 NORMANDE COURT  
(\$50 VISA GIFT CARD)

3rd PLACE - THORPE FAMILY, 7601 NW 23RD STREET  
(\$25 VISA GIFT CARD)

**A.** [ID 2018-719](#) ABUNDANT LIFE CHRISTIAN ACADEMY: RILEY-SKYE JACKSON (Student);  
MINDY VIAPREE (Teacher)  
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: CHAD ROBBIE (Student); LOUISE SMITH  
(Teacher)  
(Mrs. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)

LIBERTY ELEMENTARY: KAYLA CLINTON (Student); CYNTHIA SHERROD (Teacher)

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

MARGATE ELEMENTARY: KATHERINE MISHLER (Student); LOURDES SOUFFRONT (Teacher)

(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flourney, Assistant Principal)

MARGATE MIDDLE: LAILA LAWRENCE (Student); JONIE BYNES (Teacher)

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

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: MARIA GIUDICELLI (Student); DEBBIE DIEDRICK (Teacher)

(Ms. Adriana Guerra, Principal)

WEST BROWARD ACADEMY: CONNOR MCNEILL (Student); KAUNI LOGAN (Teacher)

(Ms. Donna Baggs, Principal)

## 2) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE said she has concerned regarding the two past votes and commented that they had not done their due diligence and homework. She discussed the City Attorney Item, weekly bulk pick-up and yard waste. She requested that in future, important decisions be given extra time for consideration.

COMMISSIONER ANTONIO V. ARSERIO requested an update on the progress of the City Attorney and Director of Department of Environmental and Engineering Services (DEES) positions.

CITY MANAGER SAMUEL A. MAY confirmed that the Director of DEES would commence work at the beginning of March 2019.

Discussion ensued on the Director of DEES position.

COMMISSIONER ARSERIO discussed the Broward County Penny Sales Tax improvements and referenced bicycle lanes and greenway for Margate.

CITY MANAGER MAY explained that they had a meeting with Broward County and advised that they were prioritizing the list from the Metropolitan Planning Organization (MPO). He indicated that none of the cities were happy with the way that it was conducted and were fighting back with the County on that process. He was reassured by the County that projects could be changed by the cities if they deemed them as unacceptable. He confirmed that one of the proposed plans would be for the Florida Power & Light Company (FPL) Easement behind the Carolinas between the Carolinas and Coral Bay and indicated that it could be used as a greenway project which would connect Rock Island Road down to the C-14.

COMMISSIONER ARLENE R. SCHWARTZ referenced the yard and bulk waste pick-up and suggested that the City did a poor job of informing and educating the public. She discussed the Penny Sales Tax and referenced the proposed bicycle lanes on Atlantic Boulevard and Royal Palm Boulevard. She recommended that the Commission should

receive a report on the status of open job positions. She indicated that waiting five months to fill a position in DEES was unacceptable. She also discussed doing background checks and references pertaining to the City Attorney's position and confirmed that the background check was 93% complete.

Discussion ensued on references for the City Attorney position.

COMMISSIONER SCHWARTZ also requested a follow-up on the Home Repairs, the Purchase Assistance and questioned what the income threshold was. She also requested a Code Compliance Workshop. She referenced the In The Biz Tuesday and recommended reinstituting the Meet and Greet for new businesses through the Development Services Department. She suggested that the Unsafe Structures Board convene regardless of who their City Attorney was.

VICE MAYOR TOMMY RUZZANO requested moving forward Item 7B. He discussed the garbage recycling process and Waste Management. He discussed the Penny Sales Tax and referenced the greenway trail from Sample Road to Rock Island Road. He suggested Margate should contact other neighboring cities explaining that it was a program that they could all benefit from.

CONSENSUS was given to move Item 7B forward.

## 7) DISCUSSION AND POSSIBLE ACTION

### B. [ID 2018-764](#) CITY OF MARGATE WATER BILL FEES.

VICE MAYOR TOMMY RUZZANO explained that due to the Government shutdown, people were suffering and asked if they could possibly defer payments for government employees that were being affected. He advised that if they do pass it, it would set a precedent and that every case should be treated differently.

COMMISSIONER SCHWARTZ discussed this Item and said that she agreed.

COMMISSIONER ARSERIO discussed this Item and said that he supported it and was in favor of giving the City Manager reasonable discretion. He also questioned waiving the late fee.

Discussion ensued on late fees.

CITY MANAGER MAY confirmed that they can waive the very first fee.

INTERIM CITY ATTORNEY JAMES A. CHEROF referenced Section 39.10 of the Code of Ordinance which states that there was a provision that permits the City Manager to exercise discretion on certain matters that were not addressed in the rules and regulations adopted by Ordinance regarding Utility bills and collection. He advised that the Commission could ask the City Manager to exercise his discretion as he was given authority to do under the Code.

Discussion ensued on deferred payment.

CHIEF OF POLICE, JON SHAW received confirmation from the Victim Advocate through the Family Success Center at Broward County that they have started a program to assist federal employees who reside in Broward County that were furloughed. He advised that this program would assist with paying rent, mortgage and utilities.

**A motion was made by Vice Mayor Ruzzano, seconded by Mayor Caggiano, to allow the City Manager to exercise his authority to defer the Water Utility bill payments.**

MANNY LUGO, 1129 EAST RIVER DRIVE said that there was overwhelming support for this in Margate and said that he would be very proud to see this pass. He recommended a second legal opinion on this issue and advised that they should also waive the fees for contracted employees and should receive the same treatment and consideration as federal employees.

RICHARD V. RICCARDI, 4829 SOUTH HEMINGWAY CIRCLE said that it was a great way to start the New Year and said it was a great idea.

**The motion carried as follows:**

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

## **2) COMMISSION COMMENTS CONTINUED**

VICE MAYOR RUZZANO recommended a Wounded Veterans parking spot for the City. He said that they should revisit the grants and suggested that it should be lowered to \$25,000. He referenced the Carolina Club project and advised that he had been in contact with a Lobbyist. He highlighted Coconut Creek's 911 Dispatch meeting. He questioned the City Manager if they needed to hire another 20 to 30 firefighters.

CITY MANAGER MAY confirmed that if Coconut Creek built a new station, for it to be fully operational, they would require approximately 25 firefighters. He said that a new fire station would be a financial burden for both cities.

Discussion ensued on the fire station.

VICE MAYOR RUZZANO discussed mauled animals and explained that Broward County recently had a meeting on coyotes as there had also been a number of sightings within the City. He highlighted the brand new prototype logos for the Police cars and thanked the Police Chief and those who were involved in that project.

Discussion ensued on logos and entry signs.

VICE MAYOR RUZZANO presented a picture of a proposed Veteran's Park restroom. He advised that they received confirmation from Florida Power and Light (FPL) to install the restroom and thanked everyone who was involved. He asked the Mayor to write to the new Broward County Sheriff and invite him to a future meeting. He also discussed the seawalls, the new Governor and the South Florida Water Management District (SFWMD). He referenced the Amendments that were passed at the last election and inquired as to its effective date.

MAYOR ANTHONY N. CAGGIANO discussed the New Amendments.

VICE MAYOR RUZZANO reflected on the Design Guidelines Workshop and spoke about the Comprehensive Plan. He discussed Culver's Restaurant coming to Margate and referenced the flooding at Wawa and the Development Review Committee (DRC) meetings.

DEVELOPMENT SERVICES DIRECTOR, ROBERT J. MASSARELLI explained that there was approved drainage at Wawa that had severely impacted the site for Culver's Restaurant. He said that they had resolved the issues and received approval with the County for the new drainage system.

Discussion ensued on the drainage and making a special exception for bringing forward a DRC meeting for Culver's Restaurant.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI suggested that the representative of Culver's Restaurant should contact him the following day and said that he would work with him on preparing the application that would meet the minimum basis to be processed.

CITY MANAGER MAY advised that once they were in contact with the representative of Culver's Restaurant, they would do everything they could to expedite this process.

Discussion ensued.

COMMISSIONER SCHWARTZ explained that the City of Sunrise asked for a letter of support for the renaming of two wings of a County Court House.

MAYOR CAGGIANO said that he attended a recent Broward League of Cities meeting and the Vice Mayor of the County asked them to write that letter which needed to be expedited. He said that he needed to bring it to the Commission to seek their approval.

Discussion ensued on the letter.

CITY CLERK JOSEPH J. KAVANAGH suggested that if they direct him to work with Nancy Popick to draft the letter of support, they could send it to Broward County the next day.

CONSENSUS was given to prepare the letter of support.

Discussion ensued.

MAYOR CAGGIANO discussed the length of the Fire Services contract with Coconut Creek and said that it was difficult to plan with a one-year contract. He referenced the hiring of a member of staff in DEES and noted that a member of staff was running two departments.

Discussion ensued on the structure of Commission Comments and Roberts Rules.

CHIEF OF POLICE SHAW explained that they were in contact with a company that assists hearing impaired drivers and said he was provided with a pullover pal. He advised that he was working with The Broward County Emergency Operations Center (EOC) to obtain a vulnerable population list. He explained that once that list had been established, they would find out who it could benefit within the Margate community, at possibly no cost to those residents.

Discussion ensued on the hearing impaired groups and associations in South Florida.

COMMISSIONER SIMONE explained that there had been a concern about Code pertaining to planting trees under or near power lines, which was becoming a problem to the residents. He asked if this matter could be discussed at the proposed Code Workshop.

CITY MANAGER MAY explained that when trees typically interfered with power lines, they were trimmed by the power company but they had requested that they did not want them to be planted there. He advised that the information provided by the power company would be posted on their newsletter and Facebook page. He also advised Commissioner Simone that if she had an address, this could be brought to the attention of Public Works who could contact the Tree Maintenance Division at FPL.

Discussion ensued.

COMMISSIONER SCHWARTZ discussed the structure of the Commission Comments.

Discussion ensued on Commission Comments.

MAYOR CAGGIANO provided an update on the City Attorney position and said that Commissioner Schwartz was working on the contract. He said that he had a meeting with the City Manager and the SFWMD and advised on how much damage they were doing to the City with the seawalls. He said that he looked forward to working with the new Governor to get something going for the SFWMD. He said that the reason why they did not vote against the Penny Sales Tax was due to the fact that they would not be able to participate in any benefits for the first year. He discussed bulk pick-up and bicycle lanes and highlighted the Groove & Green event.

VICE MAYOR RUZZANO asked for the contracts for the new Fire Chief, Police Chief and Assistant City Manager to be added to the next Agenda. He asked whether they were going to be a contract employees similar to the City Manager.

MAYOR CAGGIANO confirmed that they would discuss that at the next meeting and said they were working on putting the Resolutions together immediately.

CITY MANAGER MAY explained that that the language in the referendum said that they were not Charter Officers but could be hired and fired by the Commission. He confirmed that they were currently preparing agreements.

Discussion ensued on the referendum and on the Charter Officers.

### **3) PUBLIC DISCUSSION**

ARTHUR J. KRELL, 6117 EDWARDS ROAD discussed the Special Magistrate meeting which he attended on January 22, 2019 and referenced a house that the City was abating.

CHIEF OF POLICE SHAW referenced property number 6620 and said that it went in front of the Special Magistrate as all of the fines were closed that came into compliance and the property was listed for sale.

CHARLIE ARTNER, 6631 NW 22ND COURT made comments about Mayor Caggiano behavior and discussed the structure of Commission Comments. He suggested a

proposed Code change for the minimum road width of 36 feet for new communities and the minimum lot size of a 1/2 acre for new communities for single family and town homes.

INTERIM CITY ATTORNEY CHEROF repeated the rules and structure of Public Discussion.

Discussion ensued.

SUSAN H. E. RICCARDI 4829 SOUTH HEMINGWAY CIRCLE explained that as a point of reference, an interruption by another Commissioner was out of place and disruptive.

MARGATE CHAMBER OF COMMERCE RICHARD V. RICCARDI discussed the transition at the Chamber of Commerce when Director Rick Green left and said that they would probably no longer require the use of an office at the City. He advised that the focus this year would be on Margate and said that the breakfast scheduled for January 24, 2019 would be the first of the year. He also discussed the Carnival.

ELSA J. SANCHEZ, 6930 NW 15TH STREET wished everyone a Happy New Year and read a statement pertaining to how she was treated at the last Commission meeting during Public Discussion and referenced yielding of time. She also commented on the Mayor's behavior.

VICE MAYOR RUZZANO asked the City Manager if they were able to change the lot size or implement a minimum lot size to be built on a road in Margate.

INTERIM CITY ATTORNEY CHEROF advised that they could go through a process amendment to change Code provisions if they fall within existing or contemplated Code.

Discussion ensued on parking, lot sizes and adding the item onto the next Commission Agenda.

COMMISSIONER SCHWARTZ discussed the problem with parking in the City and provided an example at Oriole Section IV.

**A motion was made by Commissioner Schwartz, seconded by Commissioner Simone, to add minimum lot size and minimum road width requirements to the next Commission Agenda.**

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B explained that he sent an email to the Commission in December, 2018 and said that he was inspired by the Mayor elect's speech. He said that he requested Code changes to require elevators for any multi-family or office above one story. He said that he had previously suggested wider streets and rumble strips. He recognized that there was a parking problem and said that he recommended a grant for building circular driveways. He said that he was encouraged by the Architectural Review from the recent Design Review Workshop. He explained that he agreed on creating a major bicycle pathway either on the C-14 or Rock Island Road and to cooperate with other cities.

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

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

**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 2018-763](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: NOVEMBER 21, 2018 - REGULAR CITY COMMISSION MEETING; DECEMBER 5, 2018 - CITY COMMISSION WORKSHOP; DECEMBER 5, 2018 - REGULAR CITY COMMISSION MEETING.

**APPROVED**

- B.** [ID 2018-714](#) RESOLUTION - ASSIGNMENT OF CONTRACT BETWEEN MUNICIPAL CODE CORPORATION AND THE CITY OF MARGATE TO ENCO UTILITY SERVICE FOR UTILITY BILL PRINTING AND MAILING.

RESOLUTION 19-001

**APPROVED**

**Approval of the Consent Agenda**

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

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

**5) CITY MANAGER'S REPORT**

CITY MANAGER MAY congratulated the Police Department for receiving their seventh national award for hosting its 2018 National Night Out award against crime. He advised and thanked the Finance Department for holding their annual budget training on January 16, for the 2019/20 budget process. He asked for CONSENSUS for the Wounded Veterans Parking Spot and asked for direction on its proposed location.

Discussion ensued including whether it should be called Veterans Parking spot or Disabled American Veterans (DAV) and the location of the same.

CITY MANAGER MAY suggested that staff review and come back with a recommendation to the Commission. He also confirmed that that he would provide information on the difference between a Veteran and a DAV.

Discussion ensued.

CONSENSUS given to City Manager to move forward with Veterans Parking Signs and Locations, and return to the Commission with options.

CITY MANAGER MAY referenced the grants and asked if he had CONSENSUS to reduce amounts from \$40,000 to \$25,000. He also asked if it was for the First Home Buyers or Home Improvements.

Discussion ensued on the grants program and reducing the amount.

CITY MANAGER MAY asked for CONSENSUS to add this item to the next Agenda.

Discussion ensued.

CONSENSUS given to City Manager to add an Agenda item to the February 6, 2019 Regular City Commission meeting to address changing the dollar amount of grants from \$40,000 to \$25,000 for homebuyers and home improvements.

CITY MANAGER MAY asked for CONSENSUS to change the logo for Discussion and Possible Action to add on the Agenda.

CONSENSUS given to the City Manager to add an agenda item to the next Agenda to address changing the City logo as a Discussion and Possible Action.

CITY MANAGER MAY asked for CONSENSUS and Discussion and Possible Action to change their current design for their entrance signs.

Discussion ensued.

CITY MANAGER MAY mentioned that that changing the current entryway designs would be brought back to the Community Redevelopment Agency (CRA) Board and that he would discuss it with the Executive Director.

## 6) RESOLUTION(S)

- A. ID 2018-641** ~~APPROVING RULES OF PROCEDURE AT MARGATE CITY COMMISSION MEETINGS FOR 2019.~~

This Item was not heard.

- B. ID 2018-642** ~~APPROVING RULES OF CONDUCT OF THE PUBLIC AT PUBLIC MEETINGS FOR 2019.~~

This Item was not heard.

- C. [ID 2018-736](#)** APPROVING THE RECLASSIFICATION OF (2) TWO PARKS AND RECREATION POSITIONS AND THE ADDITION OF (1) PARKS AND RECREATION POSITION; RECLASSIFICATION OF ONE (1) DIVISION LEADER POSITION, AND THE RECLASSIFICATION OF ONE (1) SERVICE WORKER II POSITION TO THREE (3) SERVICE WORKER I POSITIONS. TO BE INCLUDED IN THE FISCAL YEAR 2019 BUDGET AMENDMENT, PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-002

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

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

- D.** [ID 2018-759](#) AWARDING RFP NO. 2019-001 - PARK IMPROVEMENTS - FIREFIGHTERS PARK TO D.W. RECREATION SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$811,474.00 INCLUSIVE OF BASE SERVICES AND DELIVERABLES, OPTIONAL SERVICES AND DELIVERABLES, AND CONTINGENCY FUNDING; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-003

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

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

COMMISSIONER SCHWARTZ said that they were the same company who put in a baseball park at The Sports Complex.

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

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

- E.** [ID 2018-762](#) AWARDING CONTINUING SERVICES AGREEMENTS WITH (1) CHEN-MOORE & ASSOCIATES, INC., (2) CARNAHAN, PROCTOR AND CROSS, INC. AND (3) LAKDAS/YOHALEM ENGINEERING, INC., FOR REQUEST FOR QUALIFICATIONS (RFQ) 2018-012 - CIVIL ENGINEERING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-004

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

MR. LUGO spoke on this Item and referenced the Margate Seawalls.

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

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

## **7) DISCUSSION AND POSSIBLE ACTION**

- A.** [ID 2018-693](#) AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER

33, ARTICLE VI. - TRAFFIC CONTROL, SECTION 33-69.50 - REGULATING TOWING OF VEHICLES FROM PRIVATE PROPERTY; PROVIDING FOR TOWING RATES.

**A motion was made by Commissioner Schwartz, seconded by Vice Mayor Caggiano, that this Item, should be discussed.**

**A motion was made by Vice Mayor Caggiano, seconded by Commissioner Schwartz, that this should be amended to change the actual rate to match the Broward County rate.**

J & J TOWING, JUDY CAMMARATTA, 5613 NW 8TH STREET said that she had documents detailing the previous rates and said that she was here to clarify any information that they may require on towing and why they need a raise.

Discussion ensued.

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

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

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:55pm.

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.