



City of Margate

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Margate, FL 33063
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Meeting Minutes Regular City Commission Meeting

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

City Manager Samuel A. May
Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.
City Clerk Joseph J. Kavanagh

Wednesday, May 16, 2018

7:00 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 2018-238](#) GABRIELLA MARCISAK, 12th GRADE, CORAL GLADES HIGH SCHOOL

1) PRESENTATION(S)

- A. [ID 2018-240](#) SPECIAL RECOGNITION - JOHN SYLVAIN
- B. [ID 2018-241](#) HOME OF THE MONTH - MAY 2018
JEREMY & DIANA BERESOVY, 7984 NW 1ST STREET

ATHLETES OF THE MONTH

- C. [ID 2018-239](#) COMPETITIVE CHEERLEADING: GABRIELLA MARCISAK
(Coral Glades High School, Jaguars)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- D. [ID 2018-242](#) LOCKSLEY G. BARTLEY, UTILITY TECHNICIAN - DEPARTMENT OF
ENVIRONMENTAL AND ENGINEERING SERVICES - 5 YEARS

PROCLAMATION(S)

- E. [ID 2018-142](#) KIDS TO PARK DAY - MAY 19, 2018 (presented to Mike Jones, Parks and
Recreation Director)

- F. [ID 2018-187](#) NATIONAL PUBLIC WORKS WEEK - MAY 20-26, 2018 (presented to Mark Collins, Public Works Director)

2) COMMISSION COMMENTS

COMMISSIONER LESA PEERMAN had no comments.

COMMISSIONER JOANNE SIMONE spoke about the Dive in Movie on May 19th at Calypso Cove and a Fishing Clinic on May 26th at Veterans Park. She thanked the City employees.

COMMISSIONER TOMMY RUZZANO spoke about the Commission and staff salaries and step increases. He also discussed staff working hours and paid lunch breaks. He highlighted the Groove+Green event on May 27th and 4th of July fireworks.

VICE MAYOR ANTHONY N. CAGGIANO highlighted the 4th of July event. He discussed not spending money on overtime for police to regulate fireworks. He also spoke about the former Grants Manager's legal situation and trying to get restitution.

MAYOR ARLENE R. SCHWARTZ discussed the Memorial Day Service at Veterans Park at 9:00am and speculation on social media concerning City of Margate business.

3) PUBLIC DISCUSSION

ARTHUR J. KRELL, 6117 EDWARDS ROAD discussed his property abatement situation. Mr. Krell was ejected from the meeting by Mayor Schwartz.

SCOTT B. GINSBURG, 1229 EAST RIVER DRIVE requested an emergency Community Redevelopment Agency (CRA) meeting for Friday, May 18th to discuss a resolution for the collapsed seawall issue.

CITY MANAGER SAMUEL A. MAY advised that meetings were due to take place with contractors. He explained that the Executive Director had the authority to execute a purchase order if needed to arrange an emergency meeting.

RICK RICCARDI, 4829 SOUTH HEMINGWAY CIRCLE AND CEO OF FELLOWSHIP LIVING FACILITIES, INC. explained that the Pompano/Margate Chamber was having an Annual Pineapple Jamboree Event on June 9th. He discussed working with Parks and Recreation on 4th of July. He highlighted the Fellowship Foundation Annual Golf Tournament on May 18th and asked for a donation.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, to sponsor a hole at the upcoming Fellowship Foundation Annual Golf Tournament in the amount of \$250.00 and have Commissioner Peerman and Commissioner Ruzzano each individually provide 50 percent of the funding for the hole.

An amendment was made by Mayor Schwartz, seconded by Vice Mayor Caggiano, to have the City of Margate sponsor the hole in the amount of \$250.00

from the City Commission from the General Donations account.

The amended motion carried by the following vote:

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

RICH ALIANIELLO, 7631 NW 23RD STREET said that Royal Palm Boulevard looked very good. He discussed the sale of the McDivots Golf Course property.

MAYOR SCHWARTZ said that there had been no sale of McDivots Golf Course.

JULIE JONES, 7871 NW 1ST STREET congratulated the hiring of Development Services Director Robert Massarelli. She discussed background checks performed on City employees.

ANTONIO V. ARSERIO discussed the National Police Week and thanked both the Fire and Police Departments.

MANNY LUGO, 1129 EAST RIVER DRIVE discussed the Public Works Proclamation and the seawall issue at 1229 East River Drive. He also discussed the cracks on the bridge on Margate Boulevard.

CITY MANAGER MAY advised that the bridge was inspected by Florida Department of Transport (FDOT) in June of 2017 and was structurally sound but was referred to as "functionally obsolete". He explained that the City requested an independent engineer to come out and perform an inspection.

Discussion ensued on the bridge and the inspection process.

RICH POPOVIC, 6066 WINFIELD BOULEVARD discussed the City Commission raises, the CRA Board and roundabouts on Winfield Boulevard.

VANESTER JONES, 1225 EAST RIVER DRIVE discussed the seawall and said she lived next door to 1229 East River Drive.

Discussion ensued on securing contractors for the seawall.

CHARLIE ARTNER, 6631 NW 22ND COURT discussed changing the start times of the Development Review Committee (DRC) meetings.

Discussion ensued on the DRC meetings.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, to start the Development Review Committee (DRC) meetings at 5:30pm as a test; with the start date for the change in meeting time to be determined as

recommended by the City Clerk. The motion carried by the following vote:

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

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 2018-233](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: MARCH 7, 2018 - REGULAR CITY COMMISSION MEETING, MARCH 8, 2018 - CITY COMMISSION WORKSHOP, MARCH 21 2018 - REGULAR CITY COMMISSION MEETING.

APPROVED

- B.** [ID 2018-230](#) RESOLUTION - APPROVING FEDERALLY-FUNDED SUBAWARD AND GRANT FORM AGREEMENT WITH THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT FOR DEBRIS REMOVAL, EMERGENCY PROTECTIVE MEASURES AND REPAIR OR REPLACEMENT OF DISASTER DAMAGED FACILITIES FROM HURRICANE IRMA.

RESOLUTION 18-050

APPROVED

Approval of the Consent Agenda

A motion was made by Vice Mayor Caggiano, seconded by Commissioner Peerman, 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 discussed the Citizens Academy. He asked for CONSENSUS on presenting a flyer to the City's schools regarding Margate's sports teams. He said that children who registered to sports teams would get a pass to Calypso Cove.

MAYOR SCHWARTZ advised that they put a disclaimer on the bottom of the flyer.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, to distribute flyers to schools with proper disclaimers.

MR. POPOVIC discussed the item.

The motion carried by the following vote:

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

A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, to give registered individuals from the sports leagues one (1) free ticket to Calypso Cove.

CITY MANAGER MAY explained that tickets would be distributed to the Presidents of the Leagues to be distributed to registrants. He advised that a list would be provided of registrants and that it would be for each season.

MR. POPOVIC discussed the item.

MR. ALIANIELLO discussed the item.

The motion carried by the following vote:

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

No: 2 - Commissioner Peerman and Commissioner Simone

CONSENSUS was given to move up 7A Quasi-Judicial to the next item to be heard.

CITY MANAGER MAY advised that the annual action plan for the Pre-Development Hearing for Community Development Block Grant (CDBG) would take place on May 21st. He explained that due to the forecasted inclement weather, Relay For Life was changed from May 19th to June 1st.

COMMISSIONER SIMONE asked about the Field of Flags for Memorial Day.

CITY MANAGER MAY confirmed that the Field of Flags would be located on the south west corner of 441 and Margate Boulevard.

PARKS AND RECREATION DIRECTOR, MICHAEL JONES mentioned a recognition for the City of Parkland by creating a giant heart with existing flags for the Field of Flags.

Discussion ensued on the item.

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

This item was heard before 6, Resolution(s).

- A. [ID 2018-194](#) CONSIDERATION OF APPEAL OF PUBLIC HEARING BA-03-2018 -
VARIANCE REQUEST FOR PERMISSION TO ALLOW A CHILD CARE
CENTER TO BE LOCATED WITHIN 1,000 FEET OF ESTABLISHMENTS
SELLING ALCOHOLIC BEVERAGES IN THE PEPPERTREE PLAZA
SHOPPING CENTER LOCATED AT 5476 WEST SAMPLE ROAD.

RESOLUTION 18-057

CITY ATTORNEY JAMES A. CHEROF City Attorney swore in parties.

MAYOR SCHWARTZ asked if they had any meetings or conversation with the petitioner.

COMMISSIONER PEERMAN said that she spoke with the petitioner.

COMMISSIONER SIMONE said that she was briefed by staff.

COMMISSIONER RUZZANO said that he spoke to staff.

VICE MAYOR CAGGIANO spoke to Stephen Wherry but did not have time to meet with him.

MAYOR SCHWARTZ said that she met with the petitioner and the Principal.

CITY ATTORNEY CHEROF asked for a brief substance of the conversation that took place with the petitioners.

COMMISSIONER PEERMAN said that she was shown the pictures of the project, discussed where it was going to be and why it could not be in another section.

MAYOR SCHWARTZ explained that she appeared at the Board of Adjustment (BoA), she met with the petitioner and his Counsel who showed her some renderings of what the site was going to look like.

Meeting went into a brief Recess.

Meeting Reconvened.

STEVE WHERRY 200 EAST BROWARD BOULEVARD, SUITE 1800 on behalf of the applicant, LSREF Peppertree LLC, presented information to the City Commission. He explained that Woolbright Development Inc., was looking to bring Learning City Academy into Palm Lakes Plaza. He introduced members of staff from Woolbright and Learning City Academy at the meeting. He said that there was a minimum of 1000 feet distance between the range between the proposed daycare center and any establishment that serves alcohol for on-premise alcohol consumption. He advised that the City approved a past request for a variance which was very similar. He advised that they had a hearing at the BoA requesting a distance variance. He discussed parking, traffic and safety and said that they would work with staff to make appropriate modifications. He discussed rendering of the proposed building. He explained that they would be willing to add two conditions namely, a policy that parents would agree to as part of enrollment that parents would only use the parking field to the west of the building. He said that they would be willing to agree to posting signs in the parking field to the south saying "No Daycare Parking Permitted".

VICE MAYOR CAGGIANO asked about putting a canopy above the plastic toys to avoid heat.

MR. WHERRY said yes it could be added.

COMMISSIONER RUZZANO asked the City Attorney if any future businesses went there, would they have to come back if they want to serve alcohol.

CITY ATTORNEY CHEROF said the distance required was mutual.

COMMISSIONER RUZZANO asked if they could have a provision that it would be accepting any future businesses

CITY ATTORNEY CHEROF said no.

COMMISSIONER RUZZANO asked about the future tenant that was replacing Golden Corral.

MR. WHERRY said that they were not sure who that may be as it was an outparcel. He said that their client, Woolbright, would not object to a variance for a future tenant.

COMMISSIONER RUZZANO referred to the entrance way into the gate area and asked if the kids would be right there.

MR. WHERRY referred to the PowerPoint slide and explained that you had to have a finger scan to gain access. He explained that they would not have access to the outdoor play area.

COMMISSIONER RUZZANO mentioned bollards and said that it would be a great idea, possibly decorative ones.

COMMISSIONER PEERMAN referenced a previous approval at Penn Dutch Plaza. She asked if conditions of variance could be made and gave an example of a previous business selling alcohol.

CITY ATTORNEY CHEROF said that he was not familiar with that previous approval but advised that if the City Commission previous additions of approval to variances, then it could be done. He did say that he would need to hear the motion and how it would be stated to find out whether it would be appropriate.

COMMISSIONER SIMONE asked if a bar could be built next door to the daycare in the parking area.

MR. WHERRY said that it would be subject to the same distance separation requirement and a variance would need to be sought.

COMMISSIONER SIMONE said the entrance and exit should be switched.

MR. WHERRY said it would cause them to turn the building around in terms of having a dumpster facing the Winn Dixie. He said that there would be a willingness to redesign the building to move the entrance to the other side.

COMMISSIONER SIMONE asked how many children would be at the facility at one time.

MR. WHERRY explained that the states regulate how many square feet were necessary per child and the ratio was 35 square feet per child. He advised that they would be licensed for a maximum of 116 children. He said that Learning City's would be typically fifty percent utilization of the facility at any one time during the daily period but the ratio would be 58 children per day.

MAYOR SCHWARTZ asked when the childcare and Roosters were introduced at Palm Lakes.

MR. WHERRY said 2013 but was unsure of the date for Roosters.

MAYOR SCHWARTZ asked about the list of shopping centers that had childcare and alcohol.

MR. WHERRY said Palm Lakes Plaza, at Lakewood had Time to Care and Wing Stop, at Penn Dutch, they had Toddler Club and within a 1,000 feet of La Pizzeria and Carolina Springs had Parrot Cove which was in close proximity of Holiday Springs Academy and Kinder Academy.

Discussion ensued on this item.

MAYOR SCHWARTZ said she had a concern with the location.

COMMISSIONER SIMONE said that she was concerned that they were going into a shopping center with eight establishments that sold alcohol. She said that it was a beautiful design but she was having a hard time putting it in the middle of a shopping center.

COMMISSIONER PEERMAN said that she had no problem with this and that she did not think that the places that sold alcohol had anything to do with it. She explained that when Mario the Baker came before them, they talked concerning changing the law about the variances. She suggested that they should put a four way Stop Sign where people were coming out. She also advised that she would add a condition that if someone moved into the Golden Corral that served alcohol, the petitioner would not have an objection. She said that as the petitioner has a school in Margate and wants to add a second, it was reason for the Commission to give thought on whether or not having restaurants that serve alcohol within 1,000 feet of it was reason enough to deny them the opportunity.

MAYOR SCHWARTZ said that this appeal had to do with a distance requirement by law which was on the books.

CITY ATTORNEY CHEROF confirmed that the distance requirement was the only thing that they were discussing. He reminded the Commission that the appeal from the BoA action and the outcome was either to sustain what they did or reverse it.

Discussion ensued.

MAYOR SCHWARTZ asked if the public could only speak if they had a direct interest in this particular hearing.

CITY ATTORNEY CHEROF said no and advised that anybody could speak and be sworn in and that he would hope that the people had an interest in the outcome of it. He also advised that it was up to the chair to decide how to control the meeting and that it was up

to the Commission to overrule the chair when they disagree.

MR. LUGO discussed the intent of the Ordinance. He said there was no foundation for this hardship claim as it was self-created as they ignored the Code requirement. He advised that it should be upheld.

PLANNING AND ZONING BOARD, RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE #B agreed with granting the variance. He said that it was an arcane law that should have been changed. He said that there were so many exceptions to this law because it was a bad law.

VICE CHAIR OF BOARD OF ADJUSTMENT CHARLIE ARTNER said that he would like their decision to be sustained and said that for this specific case, it was about multiple restaurants near the daycare. He asked Commissioner Simone if she received a campaign donation from the counselor who was representing the applicant.

COMMISSIONER SIMONE replied yes.

VICE CHAIR OF BOARD OF ADJUSTMENT ARTNER said that Commissioner Simone should sustain from voting.

MR. ARSERIO agreed with granting the variance.

MR. RICCARDI said this was a very good operation and wants to have their facility in a shopping center. He said the variance should be granted.

MR. ALIANIELLO said he did not agree with granting the variance.

LEARNING CITY ACADEMY, EZER TOSSAS, 7336 WEST ATLANTIC BOULEVARD said he never had a problem at his current facility in Margate. He said there was a need for this service and it was heavily regulated.

MAYOR SCHWARTZ said that this proposed facility has parking and the current facility had issues with stacking.

MR. TOSSAS spoke about drop-ins, pickup times and congestion.

COMMISSIONER SIMONE said her vote will never be bought. She said she had nothing against the facility.

VICE MAYOR CAGGIANO asked questions about the school security system.

COMMISSIONER PEERMAN spoke about making a motion and asked if a particular condition would be on there.

CITY ATTORNEY CHEROF advised that her motion should either be to CONFIRM or to REVERSE the variance.

Discussion ensued on the motion.

MR. WHERRY advised that nothing stops them as an applicant from making voluntary commitments on their part. He said that the matters which were discussed, they would voluntarily commit to make those changes.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, to reverse the action of the Board of Adjustment. This carried by the following vote:

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

No: 2 - Commissioner Simone and Mayor Schwartz

6) RESOLUTION(S)

- C.** [ID 2018-226](#) CONSIDERATION OF A TEMPORARY USE PERMIT (TUP), TO ALLOW A BRAZILIAN FESTIVAL AT ST. VINCENT CATHOLIC CHURCH 6350 NW 18TH STREET, FROM JUNE 9 - JUNE 10, 2018.

RESOLUTION 18-053

CONSENSUS was given to move up Resolution 6C to be heard immediately after this item.

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

DENNIS PHENIX, 6955 NW 18TH STREET (REPRESENTING ST VINCENT'S CATHOLIC CHURCH AT 6350 NW 18TH STREET) asked why this item had to come in front of the City Commission.

Discussion ensued on the details on the event.

CITY ATTORNEY CHEROF said the application says the event goes until 11:00pm.

CITY MANAGER MAY said that it changed last year that anything after 10:00pm had to go before the Commission.

An amendment was made by Commissioner Ruzzano, seconded by Commissioner Peerman, to change the Saturday date to end at midnight.

MAYOR SCHWARTZ said that if it goes on until midnight, then the speakers would need to be cut outside for the residents.

The amendment carried by the following vote:

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

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

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

- A.** [ID 2018-244](#) APPROVING THE GRANT AGREEMENT BETWEEN THE CITY OF MARGATE AND STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION LAND AND WATER CONSERVATION FUND PROGRAM-AGREEMENT NO. LW675.

RESOLUTION 18-051

A motion was carried by Vice Mayor Caggiano, seconded by Commissioner Peerman, that this Resolution be approved. This motion carried by the following vote:

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

- B.** [ID 2018-146](#) APPROVING APPOINTMENT OF A CITY COMMISSIONER TRUSTEE TO THE EMPLOYEE BENEFIT TRUST FUND FOR THE TERM OF JUNE 1, 2018, UNTIL MAY 31, 2021.

RESOLUTION 18-052

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, to insert the name Joanne Simone.

COMMISSIONER RUZZANO wanted to know more about this benefit.

Discussion ensued on this item.

An amendment was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano, to insert the name Arlene R. Schwartz.

Discussion ensued on this item.

Commissioner Ruzzano removed his second.

The original motion was carried by the following vote:

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

No: 1 - Vice Mayor Caggiano

- D. [ID 2018-209](#) APPROVING THE FUNDING OF THE NATIONAL NIGHT OUT EVENT TO BE HELD AUGUST 7, 2018, TO PROMOTE COMMUNITY INVOLVEMENT IN CRIME PREVENTION AND NEIGHBORHOOD SPIRIT AND POLICE-COMMUNITY NEIGHBORHOOD SPIRIT AND POLICE-COMMUNITY RELATIONS, AND TO ENCOURAGE NEIGHBORHOOD CAMARADERIE AS PART OF THE FIGHT FOR SAFER STREETS, AT A COST NOT TO EXCEED \$13,500.00; PROVIDING FOR FUNDING FROM THE STATE LAW ENFORCEMENT TRUST FUND.

RESOLUTION 18-054

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

COMMISSIONER RUZZANO asked if this was a pet friendly event.

Discussion ensued on this item.

PARKS AND RECREATION DIRECTOR JONES advised that the Sports Complex had a rule of no dogs at the park. He recommended caution with advertising if the event was pet friendly.

Discussion ensued on the item.

CHIEF OF POLICE DANA WATSON said he just enforced the Ordinance.

An amendment was made by Commissioner Peerman, seconded by Commissioner Ruzzano, to make the event pet friendly on leashes.

POLICE OFFICER GEORGE WOOLLEY expressed concerns with having dogs at the events interacting with police dogs.

The amendment carried by the following vote:

Yes: 3 - Commissioner Peerman, Commissioner Simone and Commissioner Ruzzano

No: 2 - Vice Mayor Caggiano and Mayor Schwartz

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

Yes: 3 - Commissioner Peerman, Commissioner Simone and Commissioner Ruzzano

No: 2 - Vice Mayor Caggiano and Mayor Schwartz

- E. [ID 2018-220](#) RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MARGATE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 18-055

Discussion ensued on this item.

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

The motion carried by the following vote:

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

- F. [ID 2018-243](#) CALLING A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 6, 2018 TO DETERMINE IF A MAJORITY OF THE ELECTORS OF THE CITY OF MARGATE APPROVE THE ISSUANCE BY THE CITY OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF FINANCING THE COST OF PARKS AND RECREATION PROJECTS.

RESOLUTION 18-056

A motion was made by Commissioner Ruzanno, seconded by Vice Mayor Caggiano, that this Resolution, be discussed.

Discussion ensued on the Parks and Recreation Master Plan, the amount of the bond and the impact of the potential \$25,000 Homestead Exemption.

Discussion ensued on lowering the bond amount and budgeting more money to Parks and Recreation capital projects.

An amendment was made by Mayor Schwartz, seconded by Commissioner Ruzzano, to change the bond amount to \$10,000,000.

MR. RICCARDI said he was in favor of bonds in general but the amount should not be limited.

Discussion ensued on the bond terms.

MR. ZUCCHINI said that improving schools should be the priority.

The amendment carried by the following vote:

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

No: 2 - Commissioner Peerman and Commissioner Simone

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

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

No: 2 - Commissioner Peerman and Commissioner Simone

8) ORDINANCE(S) - FIRST READING

- A. [ID 2018-249](#) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, CALLING A REFERENDUM TO BE HELD ON THE NOVEMBER 6, 2018 GENERAL ELECTION TO DETERMINE IF A MAJORITY OF THE ELECTORS OF THE CITY OF MARGATE APPROVE REMOVAL OF PROVISION OF SECTIONS 4.10 AND 4.11 THE CHARTER REGARDING PROCUREMENT TO FACILITATE CONSOLIDATION INTO THE CITY CODE OF ORDINANCES PROCUREMENT RULES AND REGULATION, INCLUSIVE OF MONETARY THRESHOLDS WHICH ADDRESS WHEN CITY MANAGER AND CITY COMMISSION REVIEW IS REQUIRED; PROVIDING LANGUAGE FOR THE REFERENDUM ELECTION BALLOT TITLE AND BALLOT EXPLANATION/QUESTION; AUTHORIZING THE CITY ADMINISTRATION TO TAKE APPROPRIATE ACTION TO EFFECTUATE THE INTENT OF THIS ORDINANCE INCLUDING PUBLICATION AND NOTICE TO THE SUPERVISOR OF ELECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Vice Mayor Caggiano, seconded by Mayor Schwartz, that this Ordinance, First Reading, be approved.

COMMISSIONER PEERMAN advised that it would slow business down.

Discussion ensued on this item and removing it from the Charter to address as an Ordinance.

Discussion ensued on what details would go into the possible future Ordinance to address this item.

Discussion ensued on the past history of this item in the Charter.

MR. RICCARDI discussed the item.

TONY SPAVENTO, 3194 W. BUENA VISTA DRIVE discussed purchasing amounts relative to Coral Bay.

Discussion ensued on this item.

This motion carried by the following vote:

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

No: 2 - Commissioner Peerman and Commissioner Simone

- B.** [ID 2018-247](#) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE III, ENTITLED "LEGISLATIVE " AND SPECIFICALLY SECTION 3.02, "QUALIFICATIONS OF COMMISSIONERS", SUBSECTION B "TERM LIMITATIONS" AND SECTION 3.04 "ELECTIONS AND TERMS" OF THE CHARTER OF THE CITY OF MARGATE, FLORIDA, TO ABOLISH TERM LIMITS FOR THE MAYOR AND COMMISSIONERS; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH LAW; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF MARGATE, FLORIDA, AT THE NOVEMBER 6, 2018 GENERAL ELECTION, AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

COMMISSIONER RUZZANO said that previously, there was a small amount of people who voted on it and said that 12 years was not a lot of years.

Discussion ensued on this item.

JENNIFER D. GILTRAP, 399 SW 65TH AVENUE said she was against this item.

MR. LUGO said he was against the item.

This motion carried by the following vote:

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

No: 2 - Commissioner Peerman and Commissioner Simone

- C. [ID 2018-248](#) AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO ARTICLE IV, ENTITLED "CITY MANAGER" AND SPECIFICALLY SECTION 4.08 ENTITLED "POWER AND DUTY OF THE CITY MANAGER OF THE CHARTER OF THE CITY OF MARGATE, FLORIDA, TO ADD "CHIEF OF THE POLICE DEPARTMENT" AND "CHIEF OF THE FIRE RESCUE DEPARTMENT" TO THE LIST OF POSITIONS THAT THE CITY COMMISSION RESERVES TO ITSELF THE POWER OF APPOINTMENT, SUSPENSION AND REMOVAL; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH LAW; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF MARGATE, FLORIDA, AT THE NOVEMBER 6, 2018 GENERAL ELECTION, AND SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

An amendment was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano, to add Assistant City Manager to the item.

The amendment carried by the following vote:

- Yes:** 3 - Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Schwartz
No: 2 - Commissioner Peerman and Commissioner Simone

COMMISSIONER SIMONE asked what was the intent and what were they trying to achieve.

Discussion ensued on the intent and wording of the item.

MR. RICCARDI asked about the intent of the item.

MS. GILTRAP said she was against the item.

MR. LUGO said he was against the item.

MR. ARSERIO said he was against the item.

MR. SPAVENTO said he was against the item.

Discussion ensued on the item.

CITY ATTORNEY CHEROF re-read the Ordinance as Amended into the record.

Discussion ensued on the wording of the Ordinance.

CITY ATTORNEY CHEROF clarified that the Ordinance does not have the word "direct" in it.

Discussion ensued on who directed the City Manager.

CITY ATTORNEY CHEROF re-read the ballot question into the record.

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

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


No: 2 - Commissioner Peerman and Commissioner Simone

ADJOURNMENT

There being no further business, the meeting adjourned at 1:09am.

Respectfully submitted,

Transcribed by Salene E. Edwards


Joseph J. Kavanagh, City Clerk

Date: 7/12/18

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.