



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

Wednesday, April 17, 2019

7:00 PM

Commission Chambers

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:

Assistant City Manager Cale Curtis
Interim City Attorney James A. Cherof
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 2019-181](#) SEBASTIAN DELGADO, 2ND GRADE, IMAGINE CHARTER

1) PRESENTATION(S)

A. [ID 2019-188](#) SPECIAL RECOGNITION - PEARL KATOWITZ
102 YEAR OLD MARGATE RESIDENT

ALAN L. KATOWITZ accepted the award on behalf of his mother, Pearl Katowitz.

B. [ID 2019-170](#) HOME OF THE MONTH - APRIL 2019
(GerriAnn Pane, 3250 W. Buena Vista Drive)

ATHLETES OF THE MONTH

C. [ID 2019-176](#) SEBASTIAN DELGADO - TRAVEL SOCCER U10

CHRIS HILL - BRAVES - TRIPLE A DIVISION

LOUIS ANTOINE - MARGATE YOUTH BASKETBALL

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

D. [ID 2019-139](#) NARINE GOVIND, UTILITY TECHNICIAN II - DEPARTMENT OF

ENVIRONMENTAL AND ENGINEERING SERVICES - 15 YEARS**2) COMMISSION COMMENTS**

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, to change the order of the agenda to move PUBLIC DISCUSSION before COMMISSION COMMENTS for tonight's meeting. This motion carried by the following vote:

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

3) PUBLIC DISCUSSION

ARTHUR J. KRELL, 6117 EDWARDS ROAD discussed an Abatement pertaining to his property.

PETA ZUNE, 7700 NW 5TH COURT, ORIOLE GARDENS II advised that they have 25 buildings consisting of approximately 560 units. She explained that they assigned a committee to discuss the development of Margate Executive Golf Course/Lennar and said that they were not in agreement with the same. She requested the City to look at population, wetland and traffic densities together with green space.

Discussion ensued.

CHARLIE ARTNER, 6631 NW 22ND COURT said that Margate was uniting against new development. He discussed the proposed development of 13th Floor Homes.

DANIEL SALAZAR, 6667 NW 1ST STREET, ORIOLE GARDENS II discussed the development of housing on the Executive Golf Course. He said that there were ground owls that were protected by the federal government.

JAMES A. WEISHAR, 7540 NW 28TH STREET said he protested against the Golf Course and discussed 13th Floor Homes. He discussed how this would affect the water table and referenced the number of fitness centers in the area.

CHRISTOPHER A. SNYDER, 2741 SW 81ST WAY, DAVIE said that in 1872, President Grant signed the Yellowstone National Park which started the national park system. He also spoke about green space.

MANNY LUGO, 1129 EAST RIVER DRIVE discussed the submittal of the 13th Floor site plan for the Carolina Golf Course. He advised that the Code calls for a ruling on whether it conforms to the Land Use and questioned whether this had been made. He also discussed population density and referenced the Comprehensive Plan.

JULIE JONES, 7871 NW 1ST STREET said that she was in support of Margate's Combat Auto Theft (CAT) program and encouraged the City Commission to participate in this program.

2) COMMISSION COMMENTS (CONTINUED)

COMMISSIONER JOANNE SIMONE discussed the success of Margate's Household Hazardous Waste, Electronics Disposal and Shredding events, the City's Springtime Egg Hunt, the Senior Center's Wheel bowling and thanked the staff who was involved. She highlighted the Tree Giveaway event on April 27th.

COMMISSIONER ANTONIO V. ARSERIO said that he was a member of CAT and encouraged everyone to join the program. He thanked the residents for wearing green t-shirts.

COMMISSIONER ARLENE R. SCHWARTZ said that they should consider putting Public Discussion before Commission Comments. She discussed topics from the Public Discussion. She indicated that the City Commission could not prevent a sale. She recommended an anti-discrimination/anti-bullying policy for the City of Margate and also referenced social media and City events.

VICE MAYOR TOMMY RUZZANO referenced Planning and Zoning Chair, Richard Zucchini, being in attendance and discussed the Florida Department of Transport (FDOT) \$13,000,000 project pertaining to bicycles, trash receptacles and bus shelters on 441. He highlighted the Kiwanis Club of Margate/Coconut Creek Fundraiser at the Northwest Medical Center on April 20th. He praised the residents in the green shirts, discussed the Comp Plan and referenced the dense building on the golf courses. He said that he was an opponent of removing green space in Margate and indicated that if staff were recommending this, he would have a major problem with it. He discussed downtown development.

MAYOR ANTHONY N. CAGGIANO highlighted the religious holidays of Easter, Passover and Ramadan and wished everyone a safe and enjoyable time.

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 2019-177](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: FEBRUARY 21, 2019 - REGULAR CITY COMMISSION MEETING; MARCH 6, 2019 - REGULAR CITY COMMISSION MEETING.

APPROVED

- B. [ID 2019-172](#) RESOLUTION - APPROVING AND AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY CONSENT AGREEMENT BETWEEN FLORIDA POWER & LIGHT COMPANY AND THE CITY OF MARGATE FOR THE INSTALLATION OF A PREFAB RESTROOM BUILDING WITHIN THE TRANSMISSION EASEMENT AT VETERAN'S MEMORIAL PARK

RESOLUTION 19-042

APPROVED

Approval of the Consent Agenda

A motion was made by Commissioner Simone, seconded by Commissioner Arserio, 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

ASSISTANT CITY MANAGER, CALE CURTIS explained that the City Manager's office was excited to announce that on May 30th, the Communication and Marketing Communication team would be launching a new citizen engagement initiative called Margate on the Move. He also advised that they received notification from Broward County Commissioners that they had given the go ahead to designate the Kaye Stevens House as a Historic Resource.

6) RESOLUTION(S)

- A. [ID 2019-144](#) APPROVING STANDARD GRANT AGREEMENT BETWEEN THE CITY OF MARGATE, AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE MARGATE BLUEWAY PROJECT (T1825) WITH MATCHING FUNDS OF \$50,000 (CITY), \$200,000 (FEDERAL).

RESOLUTION 19-043

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

PARKS AND RECREATION DIRECTOR MICHAEL JONES explained the Agreement.

Discussion ensued.

COMMISSIONER SCHWARTZ suggested that she would like to see paddle boats.

COMMISSIONER ARSERIO questioned whether there were any future plans to have kayak boats for rental.

Discussion ensued.

The motion carried by the following vote:

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

- B. [ID 2019-145](#) AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO MBR CONSTRUCTION, INC. AS A PIGGYBACK OF BROWARD COUNTY PURCHASING CONTRACT (PARK IMPROVEMENTS AND CONSTRUCTION) AT A PRICE NOT TO EXCEED \$691,000 FOR CONSTRUCTION OF DOG PARK PROJECT. PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-044

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

Discussion ensued.

LARRY ORENSTEIN, 7301 NW 18TH STREET questioned why Margate did not have a Dog Park. He said that as Margate residents, they deserved a Dog Park and that he was opposed to the City saying that they did not need one.

VICE MAYOR RUZZANO said that he understood Mr. Orenstein's sentiments to the Dog Park and wished the Board could find a happy medium to go ahead with this project.

COMMISSIONER ARSERIO had concerns if the Dog Park was budgeted and if the millage rate and fire assessment fee were increased to Margate residents. He suggested phasing in the project.

COMMISSIONER SCHWARTZ suggested waiting and putting this Item on the next Agenda. She also recommended a picture illustration so the public would have a better idea of what they were discussing.

COMMISSIONER SIMONE said that she took offense to comments made about the price tag and referenced the millage rate and fire assessment fee. She recommended that they should come back at budget time to see how much waste had gone in Margate and that they would see that they would have the money for this.

Discussion ensued which included doing this project in-house, capping the budget to \$500,000 and piggybacking off the components of a contract.

An amendment was made by Commissioner Arserio, seconded by Vice Mayor Ruzzano, to change the price from \$691,000 and have the cost of the Dog Park not to exceed \$500,000.

PARKS AND RECREATION DIRECTOR JONES clarified the terminology of "in-house" and explained that the City did not have a general contractor (GC), that they were unable to pull permits and that anything purchased, they would hire a contractor to undergo the installation.

Discussion ensued.

DIRECTOR OF BUILDING RICHARD R. NIXON confirmed that the City did have a licensed GC.

Discussion ensued which included doing this project in-house and budgeting the project to \$500,000.

ANNE BLATT, 6775 NW 17TH STREET discussed Commissioner's Schwartz's comments and referenced the original location of the project and \$1,000,000.

Discussion ensued.

MR. ARTNER said that he would love to have a Dog Park in Margate but would not go over \$300,000 and referenced utilities and infrastructure that required attention or repair.

Discussion ensued.

JAMES A. WEISHAR, 7540 NW 28TH STREET suggested that the Dog Park could be sponsored by a wealthy donor.

JULI VAN DER MEULEN, 2913 NW 68 LN. MARGATE explained that the Park in Coral Springs was sponsored by Dr. Paul and suggested that the City could try to obtain sponsorship from other Veterinarians. She also discussed liability issues at the Dog Park and referenced insurance.

INTERIM CITY ATTORNEY JAMES A. CHEROF said that they would be covered by City insurance but would not make comment on hypothetical liability issues.

Discussion ensued on insurance and sponsorship.

The amendment carried by the following vote:

Yes: 4 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz and Vice Mayor Ruzzano

No: 1 - Mayor Caggiano

The original motion as amended carried by the following vote:

Yes: 4 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz and Vice Mayor Ruzzano

No: 1 - Mayor Caggiano

- C.** [ID 2019-167](#) AUTHORIZING WAIVER OF BIDDING FOR THE PURCHASE OF NINETY (90) PANASONIC TOUGHBOOK CF-54 14" LAPTOP PCs AND 2-YEAR EXTENDED SERVICE AGREEMENTS FOR THE POLICE DEPARTMENT FROM CDW-G COMPUTER CENTER DUE TO SPECIAL BELOW GOVERNMENTAL CONTRACT PRICING; NOT TO EXCEED \$301,000; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-045

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

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

- D.** [ID 2019-182](#) APPROVING APPOINTMENT OF WEISS SEROTA HELFMAN COLE & BIERMAN, P.L. AS INTERIM CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-046

WEISS SEROTA HELFMAN COLE & BIERMAN DAVID M. WOLPIN introduced himself and discussed the possibility of acting as a "temporary" Interim City Attorney. He advised that they would be able to start their services on May 1st, 2019.

Discussion ensued including reducing the hourly rate to \$225 per hour, the possibility of hiring another interim firm, Stuart R. Michelson and providing a shortlist for the City Attorney position.

A motion to table was made by Commissioner Simone. This died for a lack of second.

Discussion ensued including submitting the short list from the Commission and the possibility of extending the application deadline to include Thomas J. Ansbro.

A motion was made by Commissioner Schwartz, seconded by Vice Mayor Ruzzano, that this Resolution, be approved. The motion carried by the following vote:

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

MR. WOLPIN thanked the Commission and said that they looked forward to providing service from May 1st, 2019 and they would coordinate with the current attorneys for the handover period.

A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Arserio, to open City Attorney applications until Friday April 26, 2019 and that staff turns over the applications no later than Tuesday, April 30, 2019. The motion carried by the following vote:

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

7) ORDINANCE(S) - SECOND READING

- A. [ID 2019-140](#) EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COMPREHENSIVE PLAN.

ORDINANCE 2019-3

A motion was made by Commissioner Simone, seconded by Commissioner

Schwartz, that this Ordinance, Second Reading, be discussed.

Discussion ensued including amendments to the Comprehensive Plan, re-zonings, special exceptions, design standards and the adoption hearing.

THE MELLGREN PLANNING GROUP, INC., ALTHEA P. JEFFERSON advised that she was the Consultant for the Evaluation on Appraisal Report (EAR) based amendments. She explained that they had until the beginning of July 2019 to get the adopted Ordinance to the State's Department of Economic Opportunity (DEO). She forewarned that if it was not delivered to them by that deadline, essentially, they would have to start over.

Discussion ensued.

PLANNING AND ZONING BOARD CHAIR RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B advised that site plan approval, land use and zoning change were elements that should go in front of the City Commission. He said that language was very important and referenced defining the word growth. He also advised that out of the 31 cities in Broward County, Margate had the seventh highest density.

Discussion ensued including the City Commission playing a part in the approval process and being business friendly.

MR. LUGO said that they should not accept this paragraph and that further clarity needed to be applied to the language to avoid conflict in terms of what was presented before the City Commission and those seeking City staff approval.

Discussion ensued which included the language and clarity.

A motion to table was made by Commissioner Arserio. The motion died for a lack of second.

Discussion ensued including changing the wording for the Code.

The City Commission recommended a Workshop to discuss the Comprehensive Plan.

STEVE WHERRY, 200 EAST BROWARD BOULEVARD explained that this item was just an approval of transmitting the EAR based Comprehensive Plan amendment. He advised that this was to bring the Comprehensive Plan into conformity with State law changes. He also advised that the specific provision that was being considered was part of the Comprehensive Plan which gave authority to the City to do different things such as ensuring that necessary facilities were available concurrent with development. He also discussed procedural thoughts that the Commission was having in terms of the development review process.

Discussion ensued.

MR. ARTNER said that the wording was very important and under the Parks and Recreation, he referenced the last paragraph on page 9 of the Comprehensive Plan

referring to the element on golf courses. He also discussed the re-zoning process.

Discussion ensued including re-zoning and reviewing the Code.

MR. ZUCCHINI suggested adding language to the paragraph together with a contingency statement.

Discussion ensued.

The motion carried as follows:

Yes: 3 - Commissioner Simone, Commissioner Schwartz and Mayor Caggiano

No: 2 - Commissioner Arserio and Vice Mayor Ruzzano

- B.** [ID 2019-183](#) AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER 9 - BUILDINGS, ARTICLE III.-FEES, SECTION 9-21. - SCHEDULE OF PERMIT FEES; PROVIDING FOR TRANSACTION CONVENIENCE FEES ON THE PAYMENT OF STATUTORY FEES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2019-4

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Ordinance, Second Reading, be approved. The motion carried by the following vote:

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

8) DISCUSSION AND POSSIBLE ACTION

- A.** [ID 2019-195](#) DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENTS OF FIRE CHIEF AND INTERIM CITY MANAGER.

8A - APPOINTMENT OF INTERIM CITY MANAGER

MAYOR CAGGIANO said he would like to name Cale Curtis as Interim City Manager.

COMMISSIONER ARSERIO said he would like to name Cale Curtis as Interim City Manager effective immediately and to start looking for an Interim Assistant City Manager forthwith.

VICE MAYOR RUZZANO said he would recommend naming Cale Curtis as Interim City Manager and then arrange for the City Commission to speak with Larry Vignola to be considered for Interim Assistant City Manager position. He also questioned whether they could hire two Assistant City Managers.

Discussion ensued on the maximum number of Assistant City Managers that could be hired and the application process for conducting an external search for the City Manager.

COMMISSIONER SCHWARTZ recommended a search for a City Manager.

COMMISSIONER SIMONE agreed with a search for a City Manager.

Discussion ensued including a conflict with the possibility of Larry Vignola acting as a City Manager and maintaining a City Commission job.

COMMISSIONER ARSERIO agreed with a search for City Manager.

Discussion ensued.

A motion was made by Commissioner Arserio, seconded by Vice Mayor Ruzzano, to appoint Cale Curtis as Interim City Manager, effective immediately.

Discussion ensued.

The motion carried as follows:

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

No: 1 - Commissioner Simone

8A - APPOINTMENT OF FIRE CHIEF

MAYOR CAGGIANO said that they had received three résumés that were available for review and explained that this situation was similar to the City Manager's position.

Discussion ensued on interviewing candidates for the position of Fire Chief.

COMMISSIONER SCHWARTZ said she would like to interview the candidates.

COMMISSIONER SIMONE said she already had somebody and did not need to interview candidates.

COMMISSIONER ARSERIO said he would like to interview the candidates.

VICE MAYOR RUZZANO said he would like to interview the candidates.

Discussion ensued on receiving input from Coconut Creek on the appointment of the Fire Chief at the upcoming Workshop on April 29, 2019.

8A - CONTINUED DISCUSSION - CITY MANAGER AND ASSISTANT CITY MANAGER

COMMISSIONER ARSERIO discussed the City Manager's position and said that he

talked with Larry Vignola and other potential candidates. He also said that after the new City Manager was appointed, he wanted to see drastic changes at the City. Commissioner Arserio asked to be a liaison between the City Commission and Larry Vignola.

Discussion ensued on Larry Vignola being a potential Interim Assistant City Manager.

MAYOR CAGGIANO confirmed that they would start looking for an Interim and that he would get with HR and the City Manager's office. He also spoke about the Fire Chief applicants.

Discussion ensued on the advertising for this position.

A motion was made by Commissioner Arserio, seconded by Vice Mayor Ruzzano, to start negotiating with Larry Vignola for Interim Assistant City Manager, to be discussed.

MR. ZUCCHINI questioned whether the City Commission could have discussions that were not obliged by the Sunshine Law.

MRS. JONES said that she had previously met with Mr. Vignola and that she campaigned for him for his re-election. She said that he would be a good choice.

A motion was made by Commissioner Arserio, to have more substantive conversations with Larry Vignola and potentially arrange for him to come in and have the City Commission interview him separately or at a Workshop. This died for a lack of second.

Discussion ensued on opening up the Assistant and City Manager positions and possibly scheduling a Workshop for next week if deemed necessary.

COMMISSIONER ARSERIO said he would report back to the City Commission by April 26, 2019, via the City Clerk regarding Larry Vignola and work with the City Clerk and Larry Vignola to have interviews with the City Commission within the next 10 days or so.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:08am.

Respectfully submitted,

Transcribed by Salene E. Edwards

Date: _____

Joseph J. Kavanagh, City Clerk

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.