



# 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 Cale Curtis*

*City Attorney Janette M. Smith*

*City Clerk Joseph J. Kavanagh*

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Wednesday, August 28, 2019

7:00 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 Cale Curtis

City Attorney Janette M. Smith

City Clerk Joseph J. Kavanagh

### PLEDGE OF ALLEGIANCE

[ID 2019-368](#) CUB SCOUT PACK 836

### 1) PRESENTATION(S)

- A. [ID 2019-381](#) LIFESAVER COMMENDATION - OFFICER NEIL SOHN
- B. [ID 2019-451](#) OFFICER OF THE MONTH, MAY 2019 - ADAM SPEZIALE
- C. [ID 2019-419](#) HOME OF THE MONTH - AUGUST 2019  
(William Diehl, 5708 Seton Drive)

### ATHLETES OF THE MONTH

- D. [ID 2019-387](#) BASEBALL: JORDAN M. PELLETIER, AGE 8  
(8U Margate All-Star Team)

### EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- E. [ID 2019-452](#) JULY, 2019

PAUL T. FRANKENHAUSER - POLICE SERGEANT - POLICE DEPARTMENT  
- 20 YEARS

EFRAIN SUAREZ - POLICE LIEUTENANT - POLICE DEPARTMENT - 20 YEARS

TERESA TIBBLE - POLICE TECHNICIAN - POLICE DEPARTMENT - 20 YEARS

AUGUST, 2019

PAUL CHRISTMAN - POLICE OFFICER - POLICE DEPARTMENT - 15 YEARS

LORNE BROWN - FIRE LIEUTENANT - FIRE DEPARTMENT - 15 YEARS

## 2) PUBLIC DISCUSSION

ARTHUR J. KRELL, 6117 EDWARDS ROAD discussed his attendance at a recent Special Magistrate's hearing pertaining to Code issues and referenced the abatement of his property.

JULIE JONES, 7871 NW 1ST STREET referenced a Brandon Knight Back2School Backpack Bash giveaway and highlighted that a number of Police Officers and Community Emergency Response Team (CERT) members.

MARILYN A. KNEELAND, 7955 NW 5TH CT, APT 108 spoke in opposition to Lennar's proposal to develop on the Margate Executive Golf Course and provided an update on comments from the last City Commission meeting.

JUDITH BROWN, 1061 NW 80TH AVENUE, TOWNHOUSES OF ORIOLE discussed both her and her neighbors' difficulties with commercial vehicles being prohibited from parking in their neighborhood. She explained that when they initially bought their Townhomes, they were informed that they were allowed to park their commercial vehicles. She questioned if the City could review their situation and also asked if they could park their vehicles at the Clubhouse and referenced paying a fee.

MAYOR ANTHONY N. CAGGIANO advised that the Chief was looking into it and that they were able to obtain an extension of the Order for one month so that the City could look into possible opportunities. He also advised that the Code had always been that way and that the previous President of the Association never enforced it.

Discussion ensued on commercial vehicles.

CITY MANAGER CALE CURTIS said that both he and the Chief of Police Shaw were aware of the situation and hardship that had been placed on the families in the Townhomes. He advised that they were having a Code Workshop in September 2019 where this issue would be addressed and until then, enforcement actions would be relieved and extended as they work through the process.

Discussion ensued.

ROGERIO FEITAL 8901 NW 13TH STREET, UNIT 14G explained that he had parked his commercial vehicle(s) for nine years in the same Townhomes of Oriole and spoke of the potential difficulties pertaining to the same.

FRANK W. BEECHER, 8090 NW 13 ST, TOWNHOMES OF ORIOLE advised that due to

the commercial vehicle parking situation, he paid \$1,500 per year to park his vehicle. He requested the City's definition of a commercial vehicle.

Discussion ensued on commercial vehicles and the current suspension of thirty days.

CITY ATTORNEY JANETTE M. SMITH indicated that the Code she was perusing was adopted in 2011 and advised that Mr. Beecher could obtain further information on the Code of Ordinances from the City's website pertaining to commercial vehicles.

CHARLIE ARTNER, 6631 NW 22ND COURT provided a quick solution pertaining to the parking of commercial vehicles and referenced covering vehicles and the usage of magnets.

Discussion ensued on the extension of the suspension of commercial vehicles.

CHIEF OF POLICE, JON SHAW discussed Code Enforcement and referenced commercial vehicle enforcement.

Discussion ensued on Code enforcement.

ANDREA Y. STUBBS, 1527 NW 80TH AVE, TOWNHOMES OF ORIOLE discussed commercial vehicles and referenced Code Enforcement.

Discussion ensued on commercial vehicles.

DELORES C. VITTUM, 1605 NW 80 AVE, TOWNHOMES OF ORIOLE explained that their bylaws allowed for commercial vehicles. She also spoke about a meeting with Mayor Caggiano pertaining to parking and an extension.

Discussion ensued on the parking of commercial vehicles and Homeowners Associations (HOA).

FRANK A. MESSANA, 7310 NW 1ST STREET, APT 206 suggested that it was the City Manager's responsibility to distribute memos to the City Commission pertaining to complaints.

RICHARD ZUCCHINI, 380B LAKEWOOD CIRCLE discussed his previous recommendation of an Architectural Review Committee and said that he hoped that the City were giving it good consideration.

ELSA J. SANCHEZ, 6930 NW 15TH STREET expressed her opposition to the City Commission's \$300 per month car allowance which was set to be approved in the budget. She thanked Mr. Valentino in the Building Department for his valuable help at a meeting which was scheduled earlier that day at Paradise Gardens III. She thanked Vice Mayor Ruzzano and his wife for the excellent patriotic job that they were doing with the Flag Committee. She thanked the City staff, in particular, Parks and Recreations, Police and the Fire Department for doing a great job at the National Night Out.

CHRISTOPHER A. SNYDER, 2741 SW 81ST WAY, DAVIE referenced the zoning request both in the Carolina Club and the Golf Course in Oriole and discussed a 15 percent green space allotment, requirements of buying and maintaining green space and tax money.

KAREN CASEY-ROBINSON, 7520 NW 29TH STREET discussed changes to the

Comprehensive Plan and referenced the 13th Floor and the Golf Club.

RICH ALIANIELLO, 7631 NW 23RD STREET touched on the Carolina Club and questioned what impact it would have on the City if no construction took place and referenced the loss of revenue.

### **3) COMMISSION COMMENTS**

COMMISSIONER JOANNE SIMONE requested that residents be mindful of what they place in their recycling containers and avoid contaminated materials. She hoped that the residents would remain safe should the hurricane make an impact.

COMMISSIONER ANTONIO V. ARSERIO spoke about Hurricane Dorian and asked residents to be prepared.

MAYOR CAGGIANO recommended that people should fill up their gas tanks homeward bound from the meeting.

COMMISSIONER ARLENE R. SCHWARTZ referenced Hurricane Dorian and advised that earlier today, Congressman Ted Deutch held a Roundtable on Aging Care with members of the community who provided services to the senior population. She explained that she mentioned to Congressman Deutch that residents who lived in the Royal Park Gardens area who had hard wire with AT&T telephones had not had service since August 11th, 2019. She requested that for the next meeting, if they could get an update on the Home Improvement and First Time Owners grants program. She also requested that Items should be forwarded to the City Clerk or the City Manager so that they were equally distributed as opposed to just one member of the Commission. She said it was a great National Night Out.

VICE MAYOR RUZZANO explained that a few weeks ago, there was a huge problem with signage in the City and referenced the hold on the commercial vehicle parking restrictions. He advised that everyone should be hurricane prepared and wished them the best.

MAYOR CAGGIANO provided an overview of this morning's meeting with Congressman Deutch and echoed some of Commissioner Schwartz's comments. He advised that residents should look in on a senior neighbor to check if they were okay. He wished everyone to be safe and that they should buy supplies for the hurricane.

### **4) CITY MANAGER'S REPORT**

CITY MANAGER CURTIS provided an update on Hurricane Dorian. He advised that the State Governor had declared a state of emergency and that the staff were working on the language that would be likely to declare an emergency. He also informed that they were taking precautionary efforts which would be reimbursable by the Federal Emergency Management Agency (FEMA). He advised that they had only received a partial reimbursement from FEMA and they have approximately \$800,000 outstanding.

Discussion ensued on FEMA and the Director of the organization.

CITY ATTORNEY SMITH wished everyone to be safe.

### **5) 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 2019-401](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: JUNE 25, 2019 - SPECIAL CITY COMMISSION MEETING; JULY 3, 2019 - REGULAR CITY COMMISSION MEETING; JULY 10, 2019 - REGULAR CITY COMMISSION MEETING.

**APPROVED**

- B. [ID 2019-450](#) RESOLUTION - APPROVING AMENDED RULES OF PROCEDURE AT MARGATE CITY COMMISSION MEETINGS FOR 2019.

RESOLUTION 19-090

**APPROVED**

### Approval of the Consent Agenda

**A motion was made by Commissioner Schwartz, 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

### 6) RESOLUTION(S)

- A. [ID 2019-391](#) APPROVING MEMORANDUM OF UNDERSTANDING REGARDING COLLABORATIVE STUDY AND SUBSEQUENT DEVELOPMENT OF AN INTEGRATED SOLID WASTE AND RECYCLING SYSTEM.

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

CITY MANAGER CURTIS explained that a team of Consultants were selected by Broward County in the form of a Resource Recovery system to conduct an evaluation and make recommendations.

Discussion ensued.

MR. ALIANIELLO said that there should be a sitting City Commission representing Margate.

ASSISTANT CITY MANAGER LARRY VIGNOLA discussed the working group.

Discussion ensued.

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

**Yes:** 2 - Commissioner Simone and Mayor Caggiano

**No:** 3 - Commissioner Arserio, Commissioner Schwartz and Vice Mayor Ruzzano

COMMISSIONER SCHWARTZ suggested that the City Manager contact them and that they should put it back on the Agenda next week.

- B.** [ID 2019-404](#) APPROVING ACQUISITION AND AUTHORIZING AMENDMENT TO THE EXISTING FIVE YEAR SOFTWARE AS A SERVICE (SAAS) AGREEMENT WITH AVOLVE SOFTWARE CORPORATION, FOR PROJECTDOX E-PLAN SOFTWARE SAAS ADDITIONAL BIC WORKFLOW TIER 4 FOR PLANNING AND ZONING; PROVIDING FOR ACQUISITION FROM SHI INTERNATIONAL CORPORATION UTILIZING THE STATE OF FLORIDA'S ALTERNATIVE CONTRACT SOURCE AGREEMENT; IN AN AMOUNT NOT TO EXCEED \$63,550 IN YEAR ONE AND \$7,800 IN YEARS 2 THRU 5; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 19-091

**A motion was made by Commissioner Schwartz, seconded by Commissioner Simone, that this Resolution should be approved. This 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 2019-405](#) DISCUSSION AND POSSIBLE ACTION - DEVELOPMENT PERMIT APPROVAL PROCESS.

DEVELOPMENT SERVICES DIRECTOR, ROBERT J. MASSARELLI explained that this Item had been placed on the Agenda at the request of the Commission to talk about the process that they go through for approving permits and would look at the City Commission's role and how it could be modified. He advised that the Florida Legislature passed an amended 166.033 of the Florida Statute which governed how they handled permits. He said that he had also been working with the Broward County Planning Director's Committee to get input on how they were doing it. He gave a PowerPoint presentation and discussed permit use which included the Comprehensive Plan amendments, rezoning, special exceptions, major temporary use permits, minor permits, temporary permits and site plan approval.

Discussion ensued.

MR. ZUCCHINI questioned whether it had become effective immediately as of July 1st, 2019 and also asked if it was retroactive.

CITY ATTORNEY SMITH said that she would have to double check.

MR. ZUCCHINI questioned if this was only for development order permits or was it for all permits.

CITY ATTORNEY SMITH said that it was for development permits and development orders which were stated in the Statute.

MR. ZUCCHINI questioned who had access to this new system being able to look up the plans.

CITY MANAGER CURTIS said that Development Services Director's staff would interface with departments that were associated.

MR. ZUCCHINI questioned whether the City Commission and/or Planning and Zoning would be able to have access to look at the development process.

CITY MANAGER CURTIS explained that it would depend on which software they would purchase and also a review as to who would have access to see where things were in system.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI explained that it was his understanding that they had to register on the system and that gave them certain rights. He said that the City staff would have rights to everything and that the applicant would have rights to their application but was not sure about the limitations.

Discussion ensued including access, the introduction of an Architectural Review Committee and re-zoning.

MAYOR CAGGIANO asked the City Commission to set up a future Workshop to discuss this Item in more detail.

CITY MANAGER CURTIS confirmed that they would schedule a Workshop.

MR. ZUCCHINI referenced Design Standards and repeated his request for an Architectural Review Committee with outside architectural influence so that their design standards could evolve. He asked if the City could enforce Code changes after an application but before an approval and referenced the Marquesa project and Parking Code. He also asked if the City Commission and/or the P&Z Board could make a recommendation in knowing that a Code had changed with having a Development Review Committee (DRC) approval.

CITY ATTORNEY SMITH explained that she would research those questions.

Discussion ensued

MAYOR CAGGIANO was granted permission by the City Commission that Item D would be next for discussion.

**D. [ID 2019-456](#) DISCUSSION AND POSSIBLE ACTION - SIGN CODE.**

This Item was heard immediately after 7A.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI introduced the item.

MAYOR CAGGIANO referenced Section 39.8, number 2 and said that he would like to remove the perforated signs immediately.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI explained that the history of the modifications to the Sign Code was prepared and presented to the City Commission and that it was recommended that the Architectural Design Consultant review the same. He said the only change he made was to prohibit the use of perforated vinyl signage and if the desire of the City Commission was to eliminate that section of the Code, they could bring it to the P&Z Board's attention for their recommendation immediately. He said that they should also consider that window signs were a matter of public safety as there may be a difficulty looking through the window and referenced that the 50 percent limitation being a good thing.

Discussion ensued on eliminating the perforated vinyl and the styles of tinting.

PUBLIC SPEAKER, 4932 SW 11TH PLACE said that he was a resident and had a brick and mortar business on 441 and Kimberly Boulevard.

CITY MANAGER CURTIS said that the perforated section of the Code was something simple that they could bring back, probably at on the September 18, 2019 meeting for First Reading.

Discussion ensued on making changes to the Sign Code regarding perforated signs, setbacks, building direction, building location and other related topics.

MR. ZUCCHINI explained that he sat through the various Commission meetings and two Workshops when the Sign Code was being reviewed and they struggled with something that they could not accomplish.  
Discussion ensued.

MAYOR CAGGIANO requested that Senior Planner Pinney could return with some ideas.

COMMISSIONER SCHWARTZ suggested advertising on the water bill or Margate Matters that there would be a Workshop and that they would invite a representative from each shopping center to provide input to address those issues.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI advised that initially, they would need to go to the P&Z Board and that they could advertise for a public meeting or Workshop as well as at the City Commission. He said that due to the P&Z, they could not put it on the Agenda for September 18th so it would be for the following month.

Discussion ensued on creating a flyer for the Workshop.

**B. [ID 2019-417](#) DISCUSSION AND POSSIBLE ACTION - WEEKLY BULK WASTE COLLECTION AND RATES.**

This Item was heard immediately after 7D.

CITY MANAGER CURTIS explained that the City Commission approved changing the Bulk Waste Collection service from monthly to weekly for a nine-month test period. He advised that the City Commission agreed to fund the cost from the Citizens Project Initiative Fund through September 30th with the direction of bringing it back before the Commission for review. He said that when it was first put in place, it was \$0.90 per month, per resident and with the Consumer Price Index (CPI) adjustment in the contract, it was \$0.92 per month and that staff recommended that the latter amount should go onto

the utility bill.

Discussion ensued on bulk pick up.

MR. ARTNER outlined his opposition against this Item and spoke about the problems of garbage being dumped in his community.

MRS. JONES discussed a resident who had four mattresses for collection the day after Bulk pickup. She said that something needed to be done with Code Enforcement.

MR. ZUCCHINI said that the Bulk Pickup was a great benefit and convenience for a community with a lot of blue collar workers. He said that maybe they could come up with a way to fix those problems of those who continually put out commercial garbage.

CONSENSUS was given by the City Commission to continue with the weekly bulk pickup for Fiscal Year 2020 and place the 92 cent monthly charge onto the water bill.

CITY MANAGER CURTIS confirmed that this would come back to the City Commission as an Ordinance with two readings in September.

**C. [ID 2019-447](#) DISCUSSION AND POSSIBLE ACTION - MARGATE CITY CODE SECTION 3.22 - ALCOHOLIC BEVERAGES (VIII) - DISTANCE RESTRICTIONS.**

CITY MANAGER CURTIS explained that this was an Item that made it to the Agenda due to an application request for a restaurant going into the Peppertree Plaza that sold alcohol. He said that there was a daycare that was put in the plaza which put a burden on the restaurant and they had to go for a variance. He asked if they could provide some possible solutions so that this would not occur again.

Discussion ensued on removing distance requirements from the Code.

MR. ZUCCHINI said that there were a couple of alternatives by reducing the distance to approximately 500 feet or they could make it as a special exception.

Discussion ensued.

MR. ARTNER explained that he had been working on this Code since his first day on the Board of Adjustment and for over two and half years, he requested the City Commission to change the Code. He also provided an example to have a strip club behind an elementary school.

Discussion ensued.

ASSIA ZOUBIRI, 7856 NW 1ST STREET explained her experience of working between a daycare and Walmart Liquor Store in Coral Springs. She questioned whether they could rezone daycares in the neighborhoods where there were schools.

Discussion ensued.

MRS. JONES questioned whether they could limit the number of alcohol licenses in the Peppertree Plaza. She also had concerns if a child was hit by a drunk driver from a liquor store or restaurant within that Plaza.

CITY MANAGER CURTIS said he would bring back some options for consideration by the City Commission.

COMMISSIONER SIMONE requested that they should conduct research before making arbitrary decisions.

Discussion ensued including an adult bookstore.

MR. ZUCCHINI spoke again on this Item and referenced a special exception and suggested that they could create a new segment called Conditional Use which would be an expedited process.

MR. ARTNER spoke again on this Item and said that if they removed this Code, they would have absolutely no control anymore.

Discussion ensued.

## ADJOURNMENT

There being no further business, the meeting adjourned at 12:25am.

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.

One or more members of the City of Margate advisory boards may be in attendance and may participate at the meeting.