



City of Margate

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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

Wednesday, August 21, 2019

6:30 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:

City Manager Cale Curtis

City Attorney Janette M. Smith

City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 2019-367](#) GIRL SCOUT TROOP 10269

1) PRESENTATION(S)

- A. [ID 2019-363](#) HOME OF THE MONTH - July 2019
(Bill and Roxann Holtman, 2741 NW 79th Avenue)
- B. [ID 2019-394](#) CHALLENGER BASEBALL (Presented by Randy Hibshman, Assistant District Administrator In Charge Of The Broward Challenger Program)

2) PUBLIC DISCUSSION

ARTHUR J. KRELL, 6117 EDWARDS ROAD spoke about an Abatement on his property.

ELSA J. SANCHEZ, 6930 NW 15TH STREET discussed being a proud member of the Community Emergency Response Team (CERT) and read a statement on the same. She also spoke a \$300 car allowance for the budget.

RICH ALIANIELLO, 7631 NW 23RD STREET welcomed back the City Commission and thanked them for their service.

MANAGER OF FUNDRAISING AND SPECIAL EVENTS AT SOS CHILDREN'S VILLAGES ILANA HIRSCH thanked the City for all their support over the years. She gave an overview of what their organization did and also discussed their annual 5K Run/Walk event on November 16th. She requested support from the City in the form of a \$2,500

donation and also requested the use of the show mobile and the City team.

Discussion ensued.

CITY MANAGER CURTIS said that if it was for the wish of the City Commission, staff would bring back formal action on this Item at a future meeting.

Discussion ensued

CAROLINE T. WELLS, 7705 NW 5TH CT, APT 202 discussed greenspace and said her home faced the Executive Golf Course and she also spoke about the owls. She also discussed her concerns about the potential redevelopment on the Golf Course and what impact it would have on seniors and property prices.

LESA B. PEERMAN, 6921 NW 4TH PLACE spoke about untrue comments which she alleged were made against her at the last City Commission meeting. She also made reference to the City Commission health insurance.

VICE MAYOR TOMMY RUZZANO replied to Ms. Peerman's comments.

COMMISSIONER ANTONIO V. ARSERIO said that he did not take the City's insurance but was 100 percent in agreement with Vice Mayor Ruzzano's comments.

MARILYN A. KNEELAND, 7955 NW 5TH CT, ORIOLE GARDENS II discussed the proposals for the Executive Golf Course and referenced owls and the Comp plan. She read an extract from Broward County's Comp plan pertaining to open space.

MARIELA ESTRUCH-BATEMAN, 7700 NW 5 CT, ORIOLE GARDENS II discussed and provided pictures of the burrowing owls on the Golf Course and that she was awaiting the results from the investigations.

JULIE JONES, 7871 NW 1ST STREET apologized to Mr. Krell pertaining to her comments at the last City Commission meeting and referenced former Commissioner Peerman.

MANNY LUGO, 1129 EAST RIVER DRIVE said that the senior citizens need help and referenced Lennar. He also read an extract from the Florida Statute 704.06 Conservation Easements Creation, Acquisition Enforcement.

JOHN HALL, 6421 FRENCH ANGEL TERRACE discussed the traffic and entrance problem at a Charter School at Coral Bay. He said that he would leave copies of the Charter Schools Traffic study and their recommendations with the City Clerk.

COMMISSIONER ARSERIO requested Mr. Hall to pass his information to the City Clerk and promised that he would look into this situation.

Discussion ensued.

TONY SPAVENTO, 3194 W. BUENA VISTA DRIVE spoke about the traffic problem at Coral Bay. He discussed the New Business Incentive Grant Program meeting that was held by the City on July 29, 2019. He also discussed his concerns pertaining to Commission Facebook pages.

COMMISSIONER ARSERIO said that he did not have anyone blocked on his Facebook.

Discussion ensued on Facebook and a Police incident.

TERESA L. DECRISTOFARO, 6600 BRANDYWINE DRIVE discussed the \$3,600 car allowance in the budget and also spoke about a public request pertaining to a driving reimbursement for City Commissioners.

COMMISSIONER ARSERIO requested the City Clerk to send him his mileage from his entire term.

CITY CLERK JOSEPH J. KAVANAGH confirmed that he would provide Commissioner Arserio with that information tomorrow.

3) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE thanked the Police Department for installing an electronic sign on Rock Island Road and Sample Road. She congratulated the Finance Department for receiving the 2019 Distinguished Budget Presentation Award Program from the Florida Government Finance Officers Association. She spoke about recycling and indicated that Margate's contamination rate was the second highest in Broward County.

COMMISSIONER ARLENE R. SCHWARTZ advised that there was information on the City's website pertaining to recyclable items and referenced Waste Wizard.

2) PUBLIC DISCUSSION CONTINUED

SUSAN HOFFMANN, ORIOLE GOLF & TENNIS PHASE II explained that she was informed that the golf course was already sold and that it was a done deal and questioned the City Commission whether there was any truth to this. She also discussed Lennar Homes who tried to acquire a property in Davie.

COMMISSIONER ARSERIO said that he would provide an answer by the close of meeting as to whether the golf course was sold by looking on the Broward County Property Appraiser's website.

Discussion ensued.

VALERIE PERRY, 6812 DOGWOOD LANE explained that she had been paying very close attention to development in the cities surrounding Margate. She said that she wanted to make the residents aware of some new buzz words for rezoning and referenced Land Use Plan Amendment (LUPA). She also compared an identical problem at a school in Plantation pertaining to the access and traffic flow to that of Coral Bay.

3) COMMISSIONER COMMENTS CONTINUED

COMMISSIONER ARSERIO referenced Coral Bay and requested City Manager Curtis to discuss this with Police Chief Shaw.

CITY MANAGER CURTIS discussed the Coral Bay traffic issue and indicated that the City's Police were assisting with moving the traffic along. He advised that they were continuing to work with the Charter School's Principal to get them to modify their drop off schedule and stagger time. He said to date, results have been unsatisfactory but they would continue in their pursuit.

COMMISSIONER ARSERIO requested the City Attorney to present them with some legal options that they could take against the Charter School and if they have to, Coral Springs. He referenced the Golf Course and confirmed that according to the BCPA.net, both parcels of land were still owned by J & D Golf Properties LLC. He advised that 13th Floor Homes had an exclusive option to purchase the Golf Course and that the option contract and the purchase agreement was contingent on the rezoning of the Golf Course. He discussed property values in Margate. He said that he toured the 911 Communication facility in Coral Springs and discussed the way the County operate their dispatch services. He requested the City Commission should have access to an app from the City of Coral Springs with all of the calls taken within their City. He said that the roadway work on 441 was horrendous. He proposed teaming up with Parkland and Coral Springs and getting a resolution and inform the County and State that they would not stand for sloppy work. He also referenced a lawsuit for a sidewalk trip in Margate. He referenced being business friendly and said that he heard that businesses coming to Margate were being denied on technicalities. He said that he wanted to build on business and development. He discussed a doctor's office that issued licenses for medical marijuana which were denied on a technicality which he hoped could be rectified. He advised that over 70 percent of residents voted in 2016 to allow medical marijuana and that the Commission was making a huge mistake going against the voters. He asked if this could be reconsidered at some point.

COMMISSIONER ARLENE R. SCHWARTZ said that medical marijuana was allowed and that it was an all or nothing law while continuing to discuss the same. She referenced the request to change recreation pertaining to the Golf Course and at this time, she could only discuss it outside of City Hall. She also spoke about the LUPA and Comp Plan change and said it would have to come before the City Commission. She asked the City Attorney what they could do about the traffic pattern at the Charter School. She highlighted the three rescheduled Comp Plan meetings at City Hall on August 22nd, 26th and 29th.

VICE MAYOR RUZZANO thanked the Margate Police Department for hosting the 19th National Night Out. He indicated that there were a lot of City projects emerging and advised that the Dog Park would be starting soon. He said that he attended the recent Florida League of Cities meeting in Orlando and indicated that the Broward County School Board was not financing the School Resource Officers (SRO) as it was not approved in their budget. He advised that as of right now, Margate would continue to pay for the SRO in their schools.

CITY ATTORNEY JANETTE M. SMITH informed that the County had provided a contract saying that they would reimburse \$52,000 towards the salary of four SROs which would be one per school in Margate.

Discussion ensued on financing of the SRO.

VICE MAYOR RUZZANO referenced Public Discussion speaker, Ms. Wells and said that as long as he was here, he would fight for them. He said that a new Brazilian Steakhouse was coming to Margate which was situated at the old Golden Corral in Peppertree Plaza and thanked the Board of Adjustment (BoA) for voting for that. He believed that Margate was growing very rapidly with their restaurants in dining and questioned why they were in the Chamber of Pompano and Lighthouse Point rather than the Chamber of Coral Springs & Coconut Creek or Parkland. He said that he did not think that the Chamber of Pompano helped out the City of Margate. He thanked the CERT members for what they did.

COMMISSIONER ARSERIO advised that he said the same thing about Margate being in the Coral Springs Chamber of Commerce.

MAYOR ANTHONY N. CAGGIANO thanked the Chief of Police for an amazing National Night Out. He discussed his recent visit to Coral Springs' 911 Communication System. He said that Fire Chief Lorenzo showed him around at Fire Station 58 and that he was thrilled that they would be building a new station. He spoke about the Marijuana Dispensaries.

COMMISSIONER ARSERIO said in terms of size, he was just informed by the Vice Mayor of Hallandale Beach that their City was four square miles and they had two Dispensaries with no issues.

VICE MAYOR RUZZANO discussed the Marijuana Dispensaries.

Discussion ensued on Marijuana Dispensaries.

MAYOR CAGGIANO highlighted the forthcoming Fall Festival and WinterFest events. He spoke about his membership with the Chamber of Margate and Pompano Beach.

COMMISSIONER SCHWARTZ indicated that no one assisted with ribbon cuttings since Rick Green was the Executive Director. She continued to discuss the history of the Chambers.

Discussion ensued on the Chambers.

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 2019-399](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: JUNE 5, 2019 - REGULAR CITY COMMISSION MEETING; JUNE 12, 2019 - SPECIAL CITY COMMISSION MEETING; JUNE 19, 2019 - REGULAR CITY COMMISSION MEETING.

APPROVED

- B. [ID 2019-373](#) RESOLUTION - ACCEPTING THE UTILITY AND ACCESS EASEMENTS FOR MAINTENANCE OF WATER, FIRE AND SANITARY SEWER FACILITIES AND ACCEPTING THE BILL OF SALE FOR THE WATER AND SEWER MAIN LINES AT 5485 WEST ATLANTIC BOULEVARD (CUMBERLAND FARMS).

RESOLUTION 19-084

APPROVED

- C. [ID 2019-392](#) RESOLUTION - AWARDING BID NO. 2019-009 ASPHALT REJUVENATION TO PAVEMENT TECHNOLOGY INC., IN AN AMOUNT NOT TO EXCEED \$0.95 PER SQUARE YARD FOR APPLICATIONS OF RECLAMITE ASPHALT REJUVENATION AGENT OR \$1.49 PER SQUARE YARD FOR A.R.A.-1 TI

POLLUTION-REDUCING POLYMERIZED REJUVENATING SEAL, PROVIDING FOR A JOINT COOPERATIVE BID FOR THE CITIES OF MARGATE, MIAMI-GARDENS AND PLANTATION WITH THE CITY OF MARGATE ACTING AS LEAD AGENCY.

RESOLUTION 19-085

APPROVED

- D. [ID 2019-396](#) RESOLUTION - APPROVING WORKERS' COMPENSATION WASHOUT SETTLEMENT AGREEMENT WITH TODD KROUPA IN THE AMOUNT OF \$80,000 WITHOUT ADMISSION OF COMPENSABILITY.

RESOLUTION 19-086

APPROVED

- E. [ID 2019-406](#) RESOLUTION - APPROVING WORKERS' COMPENSATION WASHOUT SETTLEMENT AGREEMENT WITH THOMAS MARTIN IN THE AMOUNT OF \$50,000 WITHOUT ADMISSION OF COMPENSABILITY.

RESOLUTION 19-087

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

5) CITY MANAGER'S REPORT

CITY MANAGER CURTIS highlighted the Margate 2.0 Comprehensive Plan meetings which intentions were to gather residents input on future development. He advised that the City staff was forming a Committee that would assist in getting a complete and accurate 2020 Census and thanked their Public Safety Communications Manager Shaw for spearheading their efforts. He said that recycling was a major issue in their City and was costing their residents a lot of money, mainly due to contamination of goods. He advised that they would be doing a number of social media and marketing campaigns and brochures so they could get their recycling costs under control. He thanked the Department of Environmental and Engineering Services (DEES) Director and Communications staff for their input. He discussed the Florida Department Of Transport (FDOT) issue and thanked the staff who addressed the City's issues. He said that their efforts had proven very successful in that Margate's right of way looked much stronger and better than Coral Springs and Parkland. He suggested moving up the City Manager's Report immediately after Commission Comments.

The City Commission agreed with his recommendation by moving the City Manager's Report.

CITY MANAGER CURTIS confirmed he would bring back formal action on moving up Commission Comments on the Agenda at a future meeting.

COMMISSIONER ARSERIO referenced the 2020 Census and said that Facebook was a wonderful tool as he was able to see what the other elected officials were doing in their cities. He said that he would love for Ted Deutch to host a Town Hall at Margate or a member of his staff to help work on their 2020 Census.

COMMISSIONER SCHWARTZ spoke about recycling. She also discussed her concerns on the time-frame issues for Special Magistrates cases and said that they should look at the deadline on Code issues.

COMMISSIONER SIMONE said that she had no objections with the City Manager moving his comments before Public Discussion or between Public Discussion and Commission Comments.

CITY MANAGER CURTIS said that he would prefer his comments to be after Commission Comments so that he could address any public discussion that may be brought up.

CITY ATTORNEY JANETTE M. SMITH thanked the City Commission and Chief of Police Shaw for the negotiations that have been going on with the SROs. She advised that the Chief of Police Shaw was working very diligently on this matter on behalf of the residents. She said that the National Night Out was the best event that she had attended in this community.

MAYOR CAGGIANO said that approximately two weeks ago, he had a meeting with other Mayors and the Broward County Sheriff Gregory Tony about the frustrations of the SRO funding.

6) RESOLUTION(S)

- A. [ID 2019-349](#) APPROVING AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF MARGATE FOR OPTIONAL COUNTY SERVICES FOR HOUSEHOLD HAZARDOUS WASTE AND ELECTRONICS.

RESOLUTION 19-088

A motion was made by Commissioner Arserio, seconded by Commissioner Schwartz, that this Resolution, should be discussed.

CITY MANAGER CURTIS explained that the County offered cities, three different types of services that they could enter into an agreement. He said that Margate utilized two of those three services, namely, the Household Hazardous Waste and Electronics Program and the Bulk Waste Drop Off Location. He advised that the County's rates had gone up significantly for all the programs and recommended the discontinuance of the Bulk Waste Drop Off Location but should continue with the Household Hazardous Waste Program. He indicated that the net effect of the increases to Household Hazardous Waste and the elimination of the Bulk Waste Drop Off Location was actually a reduction in our cost of approximately \$12,000 for a year.

Discussion ensued.

The motion carried as follows:

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

- B.** [ID 2019-402](#) AWARDING RFP NO. 2019-008 - PARK IMPROVEMENTS - SOUTHGATE PARK TO D.W. RECREATION SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$696,868.00 INCLUSIVE OF BASE SERVICES AND DELIVERABLES, BEST AND FINAL OFFER SERVICES AND DELIVERABLES, ALLOWANCES, AND CONTINGENCY FUNDING; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-089

A motion was made by Commissioner Arserio, seconded by Commissioner Schwartz, that this Resolution, should be discussed.

COMMISSIONER SCHWARTZ questioned whether this was one of the Parks that they were waiting for a bathroom to be delivered.

CITY MANAGER CURTIS said no and that it was for Southgate Park.

Discussion ensued.

MIARA MOOI WILTEN, ORIOLE GOLF AND TENNIS PHASE II queried whether this was for a private park that did not pay enough taxes.

COMMISSIONER SCHWARTZ said no.

Discussion ensued.

The motion carried as follows:

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

ADJOURNMENT

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.