



# City of Margate

5790 Margate Boulevard  
Margate, FL 33063  
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## Meeting Minutes

### Regular City Commission Meeting

**Mayor Tommy Ruzzano**

**Vice Mayor Joyce W. Bryan**

**Commissioners:**

**Lesa Peerman, Joanne Simone, Frank B. Talerico**

**City Manager Douglas E. Smith**

**City Attorney Douglas R. Gonzales**

**City Clerk Joseph J. Kavanagh**

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**Wednesday, August 24, 2016**

**7:00 PM**

**Commission Chambers**

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#### **CALL TO ORDER**

**Present:** 5 - Commissioner Joanne Simone, Commissioner Lesa Peerman, Commissioner Frank B. Talerico, Vice Mayor Joyce W. Bryan and Mayor Tommy Ruzzano

**In Attendance:**

City Manager Douglas E. Smith  
City Attorney Douglas R. Gonzales  
City Clerk Joseph J. Kavanagh

#### **PLEDGE OF ALLEGIANCE**

**A. [ID 2016-454](#) GIRL SCOUT TROOP 10269, TROOP LEADER MICHELLE STURGES**

#### **1) PRESENTATION(S)**

No presentations.

#### **2) COMMISSION COMMENTS**

*COMMISSIONER SIMONE reminded everyone that school was back in session and the school and speeding zones were in effect. She assured everyone that if the storm reaches Margate this weekend, the City was ready and prepared to help the residents.*

*COMMISSIONER PEERMAN requested a consensus from the Commission to take \$500 from the Resident Project Fund to pay the rental fees for the Kiwanis Christmas Tree event to be held on the CRA property. She explained that it previously was held on U.S. 441 where the Rising Tide Car Wash was now being built. She noted that it did fit the category of helping residents.*

**A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, to take \$500 from the Resident Project Fund to pay the rental fees for the CRA property for the Kiwanis Christmas Tree Event.**

COMMISSIONER TALERICO mentioned one of the things that the Kiwanis Club did was the Shop with a Cop with the Margate Police Department every year, where the officers took the children shopping for Christmas gifts for their family. He stated that the money came back to the community tenfold, and that this was a good organization to support.

The motion carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

COMMISSIONER PEERMAN noted that the Florida League of Cities Convention was scheduled for this week. She said that she met with the representative of Ygrene Energy Fund, who informed her that currently the Property Assessed Clean Energy (PACE) program had helped 140 residents with \$2.5 million dollars for repairs. She added that there were 83 currently under construction at \$1.4 million dollars. She stated that the program was well received and had helped a lot of people. She thanked Ygrene and Pace.

COMMISSIONER TALERICO said that he also attended the Florida League of Cities Conference, which provided a lot of networking with vendors providing a lot of information. He passed a packet to the City Manager regarding Defibrillators and mentioned that he previously asked for funding for a Defibrillator Program for the non-profit organizations in the City. He stated that his suggestion was that the City paid half and the organization paid the difference; however, they were \$1,600 to \$1,800 at the time. He noted that many of the organizations could not afford those costs. He noted that currently, Defibrillators were approximately \$800 each; therefore, he suggested adding \$4,000 to next year's Budget for this program. He also suggested having the Public Information Officer get the word out to the eligible groups.

VICE MAYOR BRYAN said that she also attended the Florida League of Cities Conference. She stated that she had a great time networking and met the Mayor of Tallahassee. She noted that she attended the first day of school at Atlantic West Elementary School and commended the new Principal. She said that she also attended Margate Middle School and met the School Superintendent, as well as Nora Rupert and three other Board Members.

MAYOR RUZZANO stated that he attended the Brandon Night Backpack Giveaway, and that over 1,000 backpacks were given away. He noted that Brandon Night previously played Basketball in Margate and was giving back to the City. He stated that on Monday, he dropped off three of his children at Margate Elementary School and mentioned that there were no Nurses in the school, which bothered him. He said that he spoke with the Principal who informed him that up until last year, there was a Diabetic child in the school; therefore, they were allowed to have a Nurse; however, the child graduated so there was no Nurse anymore. He felt that the most important thing was children's safety; therefore, he called Nora Rupert who asked that the City Attorney write a resolution to get nurses back in the school. He hoped that other Cities would join in with this project. He asked for a consensus to have the City Attorney draft a resolution.

COMMISSIONER PEERMAN said that she had no problems with doing that.

VICE MAYOR BRYAN said that the City could try; however, it was going on for several years now.

COMMISSIONER TALERICO felt that the school's policy needed to be worked on, because when his son was injured the parents were called but not the paramedics.

COMMISSIONER SIMONE noted that Atlantic West Elementary School had volunteers.

MAYOR RUZZANO noted that his son was stung by a bee and the volunteers did not know what to do.

CITY ATTORNEY DOUGLAS R. GONZALES suggested making this into a motion for drafting the resolution, which he would distribute to all other Cities, the School Board and all of the schools.

**A motion was made by Commissioner Peerman, seconded by Commissioner Simone, to have the City Attorney draft a resolution regarding having Nurses in the schools. (City Clerk Note: The ended up becoming RESOLUTION 16-274)**

COMMISSIONER TALERICO asked whether there was any way that training could be done regarding basic First Aid in the schools when no Nurse was available in the schools.

VICE MAYOR BRYAN said that she was aware of schools having a backup person providing First Aid when the Nurse was not present. She felt that the policy might vary from school to school.

CITY ATTORNEY GONZALES believed that it was a School Board Policy. He stated that if directed to draft the resolution, he could include whatever the Commission wanted.

COMMISSIONER PEERMAN mentioned other schools where training was provided to the Teachers; however, they were not allowed to give medicine as only the Principal could do that. She said that the training depended on what the child's issue was.

COMMISSIONER SIMONE noted that all of the Teachers at Atlantic West Elementary School were trained in the use of the Epipen.

EDWARD DECRISTOFARO, 6600 Brandywine Drive South, suggested talking to Nora Rupert to determine whether they wanted to take Community Emergency Response Team (CERT) Training. He noted that CERT did basic First Aid and Disaster Preparedness.

ARLENE SCHWARTZ, 7800 NW 1st Street, suggested forwarding the resolution to the League of Cities to forward to other Cities.

COMMISSIONER PEERMAN noted that most of the resolutions were sent through the Florida League of Cities.

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

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

MAYOR RUZZANO asked that Item 6D removed from the Agenda, because the CRA Chair stepped down last night. He said that after speaking with the City Attorney and reading the By-Laws, it was noted that the Vice Chair shall, in the absence,

*disqualification, resignation, death or disability of the Chair or at the Chair's discretion, exercise the function as the Chair. He noted that according to the By-Laws, Commissioner Simone would now be the Chair of the CRA.*

*COMMISSIONER PEERMAN felt that it was being read incorrectly, and that the City Commission appointed the Chair and the Vice Chair of the CRA. She said that when put on the Agenda, those positions would be appointed.*

*CITY ATTORNEY GONZALES clarified that under the Rules, there were two items looked into; the By-Laws of the CRA and the City Code. He reiterated that under the By-Laws, it stated that the Vice Chair shall, in the absence, disqualification, resignation, death or disability of the Chair, or at the Chair's direction, exercise the functions of the Chair. He noted that the City Code had a provision under 2.106 (g) that stated that the City Commission shall designate a Chair and Vice Chair who shall serve until the end of their terms or unless a Chair or Vice Chair was otherwise designated by resolution of the City Commission. He stated that there was nothing in the Code or By-Laws regarding what the term of the Chair or the Vice Chair was. He said that was not defined; however, there was a By-Law that said that upon resignation of the Chair, the Vice Chair became the Chair. He stated that there was currently a Chair of the CRA, which would be Chair Simone.*

*COMMISSIONER PEERMAN said that this was on the Agenda because it was the procedure to appoint a Chair and a Vice Chair position. She noted that after last night's meeting, it could technically be said that Vice Chair Simone was currently the Chair; however, the process to pick the Chair and the Vice Chair was to put it on the Agenda for the Commission to pick.*

*CITY ATTORNEY GONZALES also pointed out that when the CRA was created residents served as the Board of the CRA; therefore, the provision regarding having the Commission appointing the Chair and Vice Chair was intended to apply when residents were the Board.*

*COMMISSIONER PEERMAN asked that the City Attorney check 163.330 of the Code, because she believed it stated that the Commission appointed the Chair and Vice Chair because they created the CRA Board and CRA District.*

*CITY ATTORNEY GONZALES agreed that was what was followed in the Code back in 1996, when the CRA was created; however, the By-Laws must also be considered, which indicated for the CRA what would happen in the event of a resignation.*

*COMMISSIONER PEERMAN said that the proper way to replace a Chair and Vice Chair was on the Agenda tonight.*

*CITY ATTORNEY GONZALES stated that under the rules it stated, until the end of the term; however, the City did not know when the end of the term was. He understood that was done in November following an election.*

*COMMISSIONER PEERMAN disagreed and explained that it was whenever the Commission decided it wanted to put in a new Chair and Vice Chair. She said that she was certain, because the Commission previously had to get rid of a bad Chair, which was when she determined what the rules were for the Commission to appoint the Chair and Vice Chair. She noted that was how it was previously done and that was how it was on this Agenda.*



CITY ATTORNEY GONZALES clarified that the Mayor was requesting to pull the item.

COMMISSIONER PEERMAN clarified that the Mayor could pull the item, unless there were a percentage of votes not to pull the item.

CITY ATTORNEY GONZALES said that it would have to be a super majority vote of the Commission.

COMMISSIONER PEERMAN noted that the item was not on the Agenda.

CITY CLERK JOSEPH J. KAVANAGH clarified that there was a printing error on some of the Agenda's in the lobby; therefore, the CRA item might not have made it onto a few copies in the Lobby; however, the posted Agenda advertised on the website and outside City Hall contained the two CRA items.

MAYOR RUZZANO referred to the City Code, Section 2, 106 (g), which stated that the City Commission shall designate a Chair and Vice Chair who shall serve until the end of their terms, or unless the Chair or Vice Chair was otherwise designated by resolution of the City Commission. He felt that terms should be set for the Chair and Vice Chair.

COMMISSIONER PEERMAN noted that there was never a term for the CRA Chair or Vice Chair either as a Volunteer Board or as a Commission Board. She said that she was following the Code that was set up when the CRA was created, which she thought overpowered the CRA By-Laws, because the CRA was created by the City Commission.

CITY CLERK KAVANAGH noted that he had corrected Agendas if someone needed one.

MAYOR RUZZANO felt that terms needed to be set following the November election so the new Commission could appoint a Chair and Vice Chair.

COMMISSIONER PEERMAN suggested a brief recess so all could review Section 163.330. She questioned what would happen if Commissioner Simone did not want the position.

CITY ATTORNEY GONZALES said that Commissioner Simone would have to resign.

THE MEETING RECONVENED FOLLOWING A 10 MINUTE RECESS.

The following is a Verbatim Transcript from Commission Comments:

ANTHONY CAGGIANO: Good evening. Anthony Caggiano, 7856 NW 1st Street. Mister Mayor, good evening. I put this together because I was at the meeting last night and please, stop me at any time I'm uh stating a factual error. The Commissioners may be making a choice of who's the next lead Chair for the Community Redevelopment Agency because Commissioner Talerico, after signing the developing deal that most of us don't want, has decided to step down for the Chair two months before his official term ends. He is not resigning. He is stepping down. The Vice Chair should move up and assume the role, but if not, two CRA Commissioners have stated that they would like to fill the temporary opening. Mayor Ruzzano, on one hand we have you, a General Contractor with 20 plus years of experience who's respected in the community and has, without any opposition, been re-elected to another term. On the other hand, we have Commissioner Peerman, a Commissioner with zero building experience and knowledge, a Commissioner with two, two ethic violations, a Commissioner who showed no common sense when she wrote a letter of recommendation for a convicted murderer who was kicking the crap out

*of an old man at her friend's restaurant bar right across the street, a Commissioner who has endeared herself to many by calling you an idiot on Facebook. She has endeared herself to many more people in this City with her bullying tactics that didn't work and she stormed out of this hall during the Fire Assessment Hearing, abandoning her elected responsibilities to the public. She is trying to make herself look like the Lone Ranger riding into town on her white horse bringing justice and order, when in actuality all she's acting like is the Wicked Witch of the West riding into town on her broom bringing nothing but division and chaos. She is an embarrassment to every thinking person in this city. Her continued presence on the dais is a daily insult to all of us. By allowing this ethically challenged bully to represent us in any capacity, shows no respect, and I mean no respect, for the image of Margate outside of this room. Shame on any of you, any of you who give her a single vote on anything short of her expulsion. Thank you.*

*End of Verbatim Transcript.*

COMMISSIONER TALERICO questioned where the study was that stated most people in Margate did not want the development, which he said that there was no evidence of. He said that he did not like when people became nasty, and that he was a Commissioner for 22 years, which was his experience. He stated that the City was moving forward; however, he was getting ready to retire and felt he could not put enough time into the CRA. He noted that he wanted to resign before he was not able to do anything as the Chair. He clarified that the Chair had only one vote and ran the meetings, which he did for a long time and felt that moving forward should continue.

COMMISSIONER PEERMAN asked whether this discussion was about putting the item back on the Agenda or about the qualifications of the Chair.

CITY ATTORNEY GONZALES said that it pertained to putting items on the Agenda or putting them back onto the Agenda.

MANUEL LUGO, 1129 East River Drive, said that if the Commission wanted to know how residents felt they should put this to a vote of the voters. He asked that the Commission put this off until Commissioners got re-elected.

**The following roll call was taken to put the item back on the Agenda:**

**Yes:** 3 - Commissioner Simone, Commissioner Peerman and Commissioner Talerico

**No:** 2 - Vice Mayor Bryan and Mayor Ruzzano

MAYOR RUZZANO stated that terms should be set for this position in the second meeting of November so the Commission could choose the Chair and Vice Chair positions every year.

VICE MAYOR BRYAN disagreed with having a one-year term, because the position called for someone being there at least two years to become familiar.

MAYOR RUZZANO asked whether it could be readdressed in November when there were new Commissioners.

CITY MANAGER GONZALES clarified that the rules indicated that it would be when brought before the City Commission.

### 3) PUBLIC DISCUSSION

FRANK MESSANA, 7310 NW 1st Street, stated that when the CRA was first developed, he was on the original Board. He explained that it was designed for the Commissioners to pick the Board Members; however, when the Commission became the CRA they never changed the background paperwork. He felt that if keeping the Commission as the CRA, the By-Laws should be reviewed and revised to allow things to be done properly.

*The following is a Verbatim Transcript of comments made during Public Discussion:*

JULIE JONES: Good evening Mayor, City Commissioners, Chief Watson and all guests. I'd like to commend the Margate Police ...

VICE MAYOR JOYCE BRYAN: Your name and address please.

MS. JONES: I'm sorry?

VICE MAYOR BRYAN: Your name? Your name and address please?

MS JONES: Julie Jones, 7871 NW 1st Street. I'd like to commend the Margate Police Department for the job they do. There's not a time you pick up the phone that they're not there for you, but I live on a street and the Ex-Mayor Arlene Schwartz lives on the same street. We have had an enormous amount of robberies, burglaries, home invasions, on our street. The Police Department have always been there, but on another note, I believe we need Community Policing. In lieu of what has been going on, we need every live officer and we need the Police to be on the same page as the lay people. I'm not saying come to dinner at my house or have lemonade on my veranda. I'm saying come down my street and every other street, put down your window and say good morning, good afternoon ma'am or sir, how are things going on this street? We personally have had a horrible year with what's going on on our street. We've been promised a decoy. We've been promised um, signs. I run a Crime Watch on my street. I've had 24 out of 36 people show up and when I call the Police Department and ask for Chief Watson I was actually told that he's too busy to call and talk to me. I did introduce myself to him today. I'm not asking anybody personally, do anything for me personally. I think we need to get the Police and the lay people back on the same page.

*End of Verbatim Transcript.*

COMMISSIONER PEERMAN clarified for Mr. Messana that Florida Statute 163 covered the CRA as a Volunteer Board or Commission Board.

ERIC STEVER, Union President for Local 3080 Margate/Coconut Creek Fire Rescue, said that he was present to propose a change to the Civil Service Code to allow the Union President or his or her designee to be present in all hiring and promotional processes.

COMMISSIONER PEERMAN asked whether the City Attorney could look into this, because she was aware that there was nobody present during hiring and promotional processes on behalf of the actual Firemen. She asked whether the City Attorney could bring back a resolution to change the Civil Service procedure.

MAYOR RUZZANO questioned whether there was a Fire Representative present.

MR. STEVER clarified that under the Civil Service Code, a representative was allowed, and that someone from Human Resources (HR) and the Fire Chief, who was not a union

member, and a representative of the Civil Service Board were currently present; however, there was no representative from the union. He said that the request was to have someone present to be a witness during written tests, practical exams and the oral examinations.

MAYOR RUZZANO questioned whether they could have someone present.

CITY ATTORNEY DOUGLAS R. GONZALES clarified that the Civil Service Code currently provided that it was a closed meeting; therefore, under the current rules, they could not have somebody present. He explained that the resolution would have to provide for an open meeting with a union member representative would be permitted to attend. He noted that would be open to the public. He clarified that nobody else would participate but would simply monitor the situation.

MR. STEVER clarified that he just wanted a witness sitting in.

COMMISSIONER TALERICO questioned whether other unions would want to do this and if it would have to apply to every union.

CITY ATTORNEY GONZALES said that was not the case. He noted that there seemed to be some level of distrust amongst the Fire Union, which was why they requested this. He noted that it would only apply to other union testing if the Commission wanted it.

VICE MAYOR BRYAN asked what happened with other Cities.

CITY ATTORNEY GONZALES said that some Cities allowed it to be an open meeting and some Cities did not.

COMMISSIONER PEERMAN asked whether it could be written so that any unions going before the Civil Service could have a union representative present.

CITY ATTORNEY GONZALES said that was up to the Commission.

COMMISSIONER PEERMAN changed her request to include having all union representatives able to attend.

CITY ATTORNEY GONZALES reiterated that it would be monitoring only and not participating.

COMMISSIONER TALERICO asked whether the public could attend.

CITY ATTORNEY GONZALES said that it would be limited to a union representative. He expressed concern regarding Sunshine Law violations if having more than one union representative. He said that he would have to craft the change to ensure that there still would not be a Sunshine Law violation should it not be considered an open meeting. He noted that he would let the Commission know if he could not do that, and he would inform them that in order to make this happen it would require the meeting to be open as a Sunshine meeting.

COMMISSIONER TALERICO mentioned that if it was an open meeting, the proceedings could be recorded, which could create additional problems.

CITY ATTORNEY GONZALES agreed.

CITY ATTORNEY DOUGLAS E. SMITH added that there were several phases of the process that the union did observe, such as the written and the practical phases. He said that what was being discussed would be adding the oral panel interview. He mentioned that he would include management's position on the issue when it comes back to the Commission.

COMMISSIONER TALERICO questioned what happened to cause Mr. Stever to want it changed.

MAYOR RUZZANO explained that when he first came to the City, the City Manager took power away from the Civil Service Board.

COMMISSIONER TALERICO stated that the Commission controlled the Civil Service Board.

MAYOR RUZZANO said that the Commission had been asked to make changes to it, which weakened the Board at that point. He assumed something happened to cause Mr. Stever to want someone present to make sure things were fair.

VICE MAYOR BRYAN questioned whether Mr. Stever was concerned with having someone present during the oral exam.

MR. STEVER agreed.

MAYOR RUZZANO asked why the representatives were allowed at other exams.

CITY ATTORNEY GONZALES explained that the rules as they were created prior to his employment, provided that the oral exams would not be open.

MAYOR RUZZANO asked whether they could all be made to be open.

CITY ATTORNEY GONZALES said that he would do that first.

ARLENE SCHWARTZ, 7800 NW 1st Street, suggested including a sentence on the bottom of each page and publication from the City and proceeded to read verbatim from the School Board letter as follows:

*The School Board of Broward County, Florida, prohibits any policy or procedure which results in discrimination on the basis of age, color, disability, gender identity, gender expression, national origin, marital status, race, religion, sex or sexual orientation.*

MS. SCHWARTZ stated that if Margate was the City of inclusion, then we should include that statement on everything sent out.

COMMISSIONER PEERMAN agreed 100 percent, but asked the City Attorney to look into that. She thought the City first had to be inclusive of all those people, and this would be a path to make Margate work on that.

VICE MAYOR BRYAN noted that she was a School Board substitute employee and from 2009 to 2014, she was a regular School Board employee.

VINCENT YOCUM, 7610 NW 18th Street, said that he was in Palm Springs Two and wanted to know if he could ride his bike in Margate, because he saw no paths or trails. He felt that it was very dangerous where he lived because there were sidewalks on either

side. He added that the City had the worst website he had ever seen. He noted that he did not see anything in the newspaper about the meetings in Margate. He questioned whether bicycle people were charged to ride in Margate. He asked whether the Mayor rode his bicycle in Margate. He noted that if riding the bike on the sidewalk, he had to get off the bike to give someone walking a dog the right-of-way. He stated that Margate Boulevard was beautiful.

MITCH PELLECCCHIA, 6890 NW 9th Street, stated that he had been discussing dates with Parks and Recreation regarding the Charlie Katz Center for a date in September and another date in October. He noted that the dates were for candidate nights. He said that one night was for Seat 1 and the second night was for Seat 2. He noted that this was an opportunity to speak to the public, and that there were four candidates for each seat. He stated that this would be a perfect opportunity for the public to hear from every candidate, as well as localizing the election. He said that he could provide the plan in writing to the Commission for moderating the session for efficiency to allow each candidate to speak at each of the nights. He added that they would be able to field questions from the public; therefore, allowing more exposure to the voters. He added that he was trying to get the fees waived for those two nights at the Charlie Katz Community Center, because he felt the two nights served a public purpose. He felt that every candidate would welcome speaking to the public. He stated that it was not a MargateNews.net event, though it would be promoted in MargateNews.net, and he would also reach out to other avenues into the City to get as many people in attendance as possible. He noted that the center held about 125 to 150 people. He stated that he would have people setting it up and moderating it with no taxing of the City for volunteers. He said that the objective was to have people sign in, identify themselves and ask questions.

**A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, to waive the fees, if need be, for two Candidate Nights at the Charlie Katz Center.**

COMMISSIONER TALERICO noted that several years ago, the Chamber of Commerce did the same thing at the Library, which was a great venue. He asked the President of the Chamber of Commerce if they were interested in doing something as well.

RICK RICCARDI, President of the Chamber of Commerce, agreed that it was a great idea that they would like to do as well. He said that he could collaborate with Mr. Pelleccchia.

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

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

#### 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.

MAYOR RUZZANO noted that Item 4L was being pulled from the Consent Agenda.

**A. [ID 2016-448](#) RESOLUTION - APPROVING AN INTERLOCAL AGREEMENT FOR**



EMERGENCY/NON GUARANTEED SUPPLEMENTAL SUPPORT BUILDING CODE SERVICES TO BE PERFORMED BY THE BROWARD COUNTY ENVIRONMENTAL LICENSING AND BUILDING PERMITTING DIVISION OF THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT.

*RESOLUTION 16-251*

- B. [ID 2016-449](#) RESOLUTION - ACCEPTING BILL OF SALE AND APPROVING THE UTILITY AND ACCESS EASEMENTS FOR MAINTENANCE OF WATER AND SEWER FACILITIES AT 5700 COCONUT CREEK PARKWAY.

*RESOLUTION 16-252*

**APPROVED**

- C. [ID 2016-451](#) RESOLUTION - APPROVING THE INDEMNIFICATION AGREEMENT WITH HTG ARBOR VIEW, LLC FOR INSTALLATION OF A WATER MAIN NORTHEAST OF THE STATE ROAD 7 AND NW 31ST STREET INTERSECTION.

*RESOLUTION 16-253*

**APPROVED**

- D. [ID 2016-458](#) RESOLUTION - APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR COST SHARE SUPPORT OF A WATER CONSERVATION INCENTIVES PROGRAM.

*RESOLUTION 16-254*

**APPROVED**

- E. [ID 2016-459](#) RESOLUTION - AUTHORIZING THE RECLASSIFICATION OF THE LOCAL BUSINESS TAX POSITION TO AN OFFICE SPECIALIST III POSITION WITHIN THE ECONOMIC DEVELOPMENT DEPARTMENT.

*RESOLUTION 16-255*

**APPROVED**

- F. [ID 2016-462](#) RESOLUTION - APPROVING A FORM AGREEMENT FOR A NON-EXCLUSIVE FRANCHISE AGREEMENT TO PROVIDE COLLECTION SERVICE FOR OWNER-OCCUPIED MULTIFAMILY COMMUNITIES AND NON-RESIDENTIAL NON-MUNICIPAL SOLID WASTE AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY MANAGER TO EXECUTE SAID AGREEMENTS, ON AN ONGOING BASIS WITHOUT FURTHER COMMISSION ACTION, ON BEHALF OF THE CITY OF MARGATE.

*RESOLUTION 16-256*

**APPROVED**

- G. [ID 2016-475](#) RESOLUTION - APPROVING ABANDONMENT OF WESTERLY 10 FOOT

PORTION OF THE 20 FOOT CANAL EASEMENT LOCATED AT 1080 SW 50TH AVENUE (DEBRA GAHRING, PETITIONER)

*RESOLUTION 16-257*

**APPROVED**

- H. [ID 2016-477](#) RESOLUTION - APPROVING THE ACQUISITION OF MOBILE PRINTERS WITH ANCILLARY EQUIPMENT FROM CDW-G, PER CONTRACT NJPA 100614#CDW, FROM THE LAW ENFORCEMENT TRUST FUND NOT TO EXCEED \$29,000.00.

*RESOLUTION 16-258*

**APPROVED**

- I. [ID 2016-480](#) RESOLUTION - AUTHORIZING THE RECLASSIFICATION OF THE OFFICE SPECIALIST I POSITION TO AN OFFICE SPECIALIST II POSITION WITHIN THE POLICE DEPARTMENT; PROVIDING FOR CONSISTENCY WITH COLLECTIVE BARGAINING DISCUSSION BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF MARGATE FOR THE COLLECTIVE BARGAINING AGREEMENT PERIOD FROM OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2017, PREVIOUSLY APPROVED BY THE CITY COMMISSION.

*RESOLUTION 16-259*

**APPROVED**

- J. [ID 2016-486](#) RESOLUTION - APPROVING AMENDMENT NO. 2 TO THE AGREEMENT WITH ADVANCED DATA PROCESSING, INC. FOR AMBULANCE BILLING AND RELATED PROFESSIONAL SERVICES; PROVIDING FOR PRODUCT FEES; PROVIDING FOR COMPENSATION.

*RESOLUTION 16-260*

**APPROVED**

- K. [ID 2016-498](#) RESOLUTION - APPROVING AGREEMENT WITH BROWARD SHERIFF'S OFFICE TO PROVIDE EMERGENCY VEHICLES FOR TEMPORARY PURPOSES. VEHICLES INCLUDE LADDER TRUCKS, FIRE TRUCKS, AND RESCUE TRUCKS.

*RESOLUTION 16-261*

**APPROVED**

## Approval of the Consent Agenda

A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, to approve the Consent Agenda. The motion carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- 4L. [ID 2016-503](#) RESOLUTION - APPROVING THE PURCHASE OF A FORD EXPLORER UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION BID NO. 15-23-0904, IN AN AMOUNT NOT TO EXCEED \$28,717.00; PROVIDING FOR BUDGET TRANSFER.

*(City Clerk Note: As previously noted, this item was pulled from the agenda)*

## RESOLUTION 6C WAS HEARD PRIOR TO CITY MANAGER'S REPORT

- C. [ID 2016-505](#) APPROVING THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE ET. AL. V BROWARD COUNTY*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 16-262

**A motion was made by Commissioner Talerico, seconded for discussion by Commissioner Peerman, that this Resolution be made.**

COMMISSIONER PEERMAN asked for clarification.

VICE MAYOR OF COCONUT CREEK JOSHUA RYDELL, 7427 NW 51st Way, Coconut Creek, noted that the Mayor of Coconut Creek was also present. He stated that Coconut Creek was unique in that it neighbored the largest landfill in the County. He mentioned that there were issues with Waste Management with regard to waste disposal in the County in general. He explained that the Resolution on the Agenda dealt with Margate, and that in the beginning of the summer the Commission took a varied position in terms of whether the Resolution would be passed or not. He said that Margate was a part of the two-part settlement Agreement from the Resource Recovery Board (RRB) and the Margate City Manager attended the meeting about it in April. He explained that the RRB settlement monies were distributed and the second part of that was the Alpha 250 property, which was at that time going to be sold with the proceeds being distributed to the other Cities involved. He noted that the issue came up about issues with Waste Management and the County with regard to recycling and Transfer Stations indicating that it was not best to sell the Alpha 250 right away. He said that the County then undertook paying for a \$200,000 study. He noted that his City Manager was the Chair of that. He stated that all Cities needed to be on board with the study. He thanked Mayor Ruzzano for meeting with him one-on-one to discuss this issue with regard to a lack of or miscommunication. He said that people had reached out to Commissioner Furr; however, he was not present today. He understood the position and the fall back position of not wanting to pass that Resolution; however, as an elected official of a neighboring City, he urged Margate to pass the Resolution for the purpose of seeing the study and what it said so there could be a joint effort on what to do about waste, recycling, landfill and Transfer Stations in this County. He said this was a chance all the Cities had to see what the study said and to be able to look at the parcel of land in Pompano Beach to determine what could be done and whether or not it had the ability to serve the greater good, as opposed to just Margate or one City, but everybody. He again urged the Commission, on behalf of all of his colleagues, to pass the Resolution.

COMMISSIONER TALERICO noted that he spoke with Commissioner Furr who had reached out to Margate.

MAYOR RUZZANO said that the reason he asked for the Resolution to be tabled was because he had reached out to Commissioner Furr; however, after speaking with him, he felt Commissioner Furr's answers were vague. He explained that Commissioner Furr told him that he wanted to do a study and wanted the City to keep ownership of Alpha 250. He then added that he wanted the County to put an incinerator on the property that the County would pay for because the Cities did not have the money to pay for it. He felt that the reason the Cities received the property was because of a bad deal with the County, and he did not understand why the Cities would deal with the County again. He said he thought that Margate or other Cities could buy the property and rent it to the County; therefore, making money. He thanked everyone for tabling the Resolution because he still had no answers and still did not know exactly what was happening with the property and did not agree with what was happening. He stated that he had no problem with waiting the two years. He noted that he was not a big fan of the County, because there were two bad deals that went through.

MITCH PELLECCCHIA, 6890 NW 9th Street, said that the County was going to do the study with or without the City; therefore, he felt they should do the study without the City committing to it. He stated that the rest of the interested Cities could pay for the study. He said that because Margate did not want to pay for the study did not mean they had no rights to the property. He understood Cities wanting to be unified and that the cost of the study was a nominal amount of money; however, he felt they would do the study with or without Margate. He noted that Margate already paid for the land when it came back to the City from a prior deal. He stated that the backup regarding the County deal did not provide enough information on what the City would be paying for. He felt that it was hard for him to conceive as a taxpayer, that the residents were asked for more money from the County, after the land was in a Settlement Agreement to pay back the RRB money.

MAYOR RUZZANO explained that originally, the County was going to pay \$100,000, but now had increased to \$200,000 with the City paying half.

COCONUT CREEK CITY MANAGER MARY BLASI explained that when the RRB was settling with the County on the assets, it was in two parts; one was monetary, which was already distributed; the second was in a piece of property, Alpha 250, to go for Request for Proposal (RFP) with the proceeds distributed based upon the tonnages used during a specific period of time. She stated that Coconut Creek went to the other Cities informing that the Cities needed to talk to the County and put a hold on the property being sold so a study could be done. She noted that the reason Coconut Creek suggested that a study was needed was because the Settlement Agreement with the RRB happened before two major events in the County as it related to solid waste management. She stated that the first was the closure of the north Wheelabrator plant that the City used to burn garbage at. She noted that the second major event was the sale of Sun Bergeron Disposal and all of the assets of Sun Bergeron Disposal, such as the Transfer Stations and Recycling Centers, to Waste Management. City Manager Blasi explained that now every asset in north and south Broward belonged to Waste Management. She said that in 2018, there would be no more Transfer Stations, as they would all be owned by Waste Management. She said that unless the City had Waste Management as its hauler, all of the garbage trucks would have to drive down and wait in line to have garbage burnt because there will be no Transfer Station. She noted that the cost of hauling would increase significantly. She said that when there was one hauler with no competition, the price will increase. She noted that she met with Sun Bergeron and was told that in 2018, recyclables would be approximately \$80 a ton. City Manager Blasi stated that Coconut Creek, after many meetings, pleaded with the County to put the sale on hold because the County wanted to get rid of the property. She noted that she questioned the County as to whether it would



buy the property to use as a solid waste disposal facility, because the RRB settlement provided that if anyone bid on the Alpha 250 site, the County had the ability to purchase it at the highest price. She stated that the County responded that it had no money in the Enterprise Fund; however, it would purchase the property as an expansion to their bus depot. She noted that at this point, nobody but the County was going to purchase the property, unless the Cities decided to do something with the property as a Recycling Center or Transfer Station. She stated that something must be done and a plan needed to go into effect. She added that Coconut Creek pleaded with the County to do the study, because every other County in the State had a Solid Waste Master Plan. She explained that the Solid Waste Element of the Comprehensive Plan was not even in compliance; therefore, there was no plan. She stated that it was up to the Cities, which was why there was representation of the Cities present tonight. City Manager Blasi noted that she had the list of Cities that had approved the study, and there were three more Cities that had scheduled readings and guaranteed that they were favorable. She stated that five Cities were put in charge of overseeing the hiring of the Consultant and the progress made. She noted that she was made the Chair, and that there were members from the Cities of Miramar, Hollywood, Fort Lauderdale and Pembroke Pines on the Committee. She urged the Margate Commission to do this study.

MAYOR RUZZANO understood that Coconut Creek was anti Waste Management; however, he had spoken with Margate's previous City Attorney who informed him that Pompano could zone it for whatever it wanted. He then felt that if Margate purchased the property it could ask other Cities to make a deal with Waste Management. He said that he heard the County wanted to put in an incinerator on the property and charge the Cities from Commissioner Furr, because the Cities did not have the money to pay for it and the Cities would pay it back. He said that he was unsure what the study would bring back; however, he was not against the study and waiting. He understood that the Cities were trying to achieve a 75 percent goal of recycling.

VICE MAYOR RYDELL explained that it was a simple study to deal with appropriate solid waste disposal. He stated that the County went backwards and was dismantling "waste to energy" facilities, when other Counties were building them. He noted that 20 years ago, elected officials in the County made terrible backdoor deals and decisions, which he wanted no part of, but the RRB had to deal with. He said that it was terrible that the County purchased property and built property and then gave it to a private entity. He explained that this would deal with how the Cities were going to approach solid waste disposal and recycling to be better for our kids. He noted that the Cities and Counties were butting heads continually for a long time. He appreciated the residents not wanting to pay for this; however, the reality was that all that was being asked for was a Resolution to conduct a study so that the County and Cities could be on the same level for the future of solid waste and recycling for the next 20 years. He added that it was very disturbing that the County had no plan. He noted that discussions of whether there would be an incinerator or what there would be could not take place until the study was agreed upon.

MAYOR RUZZANO believed this was the right step, but he did not agree with the County putting in an incinerator and having the Cities pay for it. He asked Vice Mayor Rydell what his ideal plan was for the property.

VICE MAYOR RYDELL felt that the ultimate plan was for a Recycling Center, which he would fight for.

COMMISSIONER TALERICO stated that Commissioner Furr was supportive of the Waste Energy Facility still going. He asked whether the Cities who contracted with Waste

*Management in the past dumped the garbage at Monarch Hill in Pompano and Pembroke Pines.*

*CITY MANAGER BLASI stated that currently, 1.5 million tons of garbage went into the landfill that abutted the Cities. She said that C and D (Chemical and Demolition) waste was a majority of the garbage, which was usually could be 90 to 100 percent recycled, but was cheaper to dump. She stated that about 175,000 was bulk. She explained that the 175,000 bulk was the limit the City of Coconut Creek had added into an Agreement with Waste Management for the Wheelabrator to go through. She thanked the Cities for their attendance and help. She noted that it helped curtail the odors and the birds. She noted that contaminated soil and hazardous waste were also dumped there. She noted that there was a permit pending along with a Public Hearing in Deerfield regarding a 3,500 foot deep well injection of all of the runoff. She noted that Coconut Creek felt it was an environmental hazard, which it would be fighting. She added that Pompano Beach, Pembroke Pines and Dania Beach currently had a 20 year Agreement with Waste Management for disposal. She noted that Monarch Hill was not limited to Broward County only.*

*COMMISSIONER TALERICO questioned why that facility was being closed if all the garbage was being burnt for waste energy.*

*CITY MANAGER BLASI explained that landfilling did not require a lot of employees. She said that Waste Energy Plants were very expensive because they had highly trained professional Engineers. She said that if the plants were not making enough from Florida Power and Light (FPL) for the sale of energy, it was not profitable. She further explained that when energy prices went down and FPL was not paying a lot for energy, Waste Management sold off the Wheelabrator Plants throughout the Country. She said that because the north Wheelabrator Plant was on the landfill property, they did not want to sell the landfill to Wheelabrator. She noted that it may reopen in the future if a return on the investment could be made; however, they would continue to be landfilling.*

*MR. PELLECCIA stated that Margate and Coconut Creek did not require the commercial facilities to recycle; however, the Cities wanted to achieve a 75 percent recycling goal. He suggested that the Cities make the commercial facilities get onboard, because they were the highest consumers of glass and aluminum cans.*

*COMMISSIONER SIMONE noted that she was told there was no market for recycling, and that it used to be sold to China who did not want it anymore. She said that the value of recycling had gone to almost nothing and nobody wanted it. She questioned whether that was true.*

*CITY MANAGER BLASI stated that there was a big demand for aluminum, and that China did still take paper. She said that currently, nobody wanted plastic bottles because oil was so cheap. She added that glass caused issues with the Recycling Facility; therefore, she wanted to change the recyclables to exclude glass because of the maintenance issues caused with no big market for glass.*

*COMMISSIONER SIMONE asked why when taking aluminum to the Recycling Center, the payment was less than half of what was previously paid.*

*CITY MANAGER BLASI stated that it was a commodity; therefore, price would fluctuate. She noted that aluminum was the only thing that was actually sold nationally. She said that because plastic bottles were made mostly from oil, they were not needed as oil was now cheap and plentiful.*



COMMISSIONER TALERICO said that he previously suggested having commercial recycling; however, he was informed it was hard to control and monitor, as well as not being economically feasible.

CITY MANAGER BLASI said that he hoped that the Consultant would put something in place stating that a Commercial Recycling Ordinance was needed in the County, rather than the Cities regulating it. She felt that it should be a County-wide Solid Waste Management Resolution. She added that she wanted to see an Ordinance in place requiring and mandating all C and D to be recycled as well. She noted that Lee County on the West Coast had a wonderful program.

RICK RICCARDI, 4829 South Hemingway Circle, asked whether the cost to the Cities was \$100,000.

MAYOR RUZZANO explained that it was \$200,000 between the Cities, with Margate's share being \$3,000.

MR. RICCARDI asked whether the Mayor was against the study at any price.

MAYOR RUZZANO said that he was not against the study, but wanted to know the future of it.

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

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

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

CITY MANAGER DOUGLAS E. SMITH stated that the Scholarship Program did not get a large group of responses this year. He suggested advertising earlier next year, though the application deadline was extended this year. He said that it was previously for one male and one female recipient; however, this year he wanted to remove that restriction and the scholarship would be awarded to two recipients. He said that the Channel 78 Upgrade Project was originally planned to be in place now. He noted that it was in process and the camera had been installed. He added that the firm doing the work should have their infrastructure completed next week; however, he was waiting on equipment from Comcast. He would keep the Commission up to date as to when the streaming of the Commission meetings would begin.

COMMISSIONER TALERICO Left the meeting at 8:53PM.

CITY MANAGER SMITH said that the Window Replacement Project was ongoing and the new hurricane windows looked great. He noted that the project was close to completion. He mentioned the concept of viewing the utility box wraps as brought up by Commissioner Simone, and noted that Staff met with the City of Fort Lauderdale regarding their program. He stated that Staff would also be contacting another individual who worked with the program and would begin identifying the initial proposed locations. He stated that he would bring back further information when it was ready. He noted that those on State Roads required a fairly long lead time with regard to the approval process. He added that Staff would be working with the County as to determining the location of those currently in place to be able to identify which areas to implement first. He noted that one of the Cities had called on local artists to get involvement, which Margate would look into as well.

COMMISSIONER TALERICO returned to the meeting at 8:55PM.

CITY MANAGER SMITH stated that Calypso Cove was now open on the weekends. He added that ongoing swim lessons were also available. He said that the Coconut Creek Parkway resurfacing between State Road 7 and Banks Road was taking place with one lane of traffic closed from 6:00 PM to 6:00 AM daily until September 18th, 2016. He said that there had been Water Main Improvement work going on. He stated that the installation of the new Water Main was being completed and services were transferred to the new line at 65th Avenue, 65th Terrace and north of Margate Boulevard. He noted that restoration work in the area was ongoing. He added that contractors were currently installing a new Water Main along NW 20th Street and NW 20th Court south of Royal Palm Boulevard.

FIRE CHIEF DAN BOOKER stated that currently Florida was starting an active peak Hurricane season. He reported on the disturbance in the Caribbean. He noted that the last report at 8:00 PM indicated a 50 percent chance of developing in the next two days with an 80 percent chance of developing in the next 5 days. He said that would be between Saturday night and Monday night. He noted that it could range from a rain event to a Hurricane. He stated that because it was in close proximity, there would not be a lot of time to get ready. He noted that employees had been briefed to get their personal plans ready. He reminded residents to get their personal plans together. He stated that all emergency vehicles would be refueled. He said that another conference call would take place tomorrow morning, but for now, the City was in a holding pattern. He noted that at the very least, there would be between 5 and 10 inches of rain.

COMMISSIONER PEERMAN left the meeting at 8:58PM.

COMMISSIONER PEERMAN returned to the meeting at 8:59PM.

## 6) RESOLUTION(S)

ITEM 6A WILL BE HEARD FOLLOWING 6E, PER THE CITY ATTORNEY.

- B. [ID 2016-489](#) SUPPORTING THE CITY COMMISSION'S EFFORTS TO ENFORCE ALL CODE PROVISIONS CONCERNING THE USE OF FIREWORKS IN THE CITY.

RESOLUTION 16-263

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

**Yes:** 4 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico and Mayor Ruzzano

**No:** 1 - Vice Mayor Bryan

- D. [ID 2016-507](#) APPROVING APPOINTMENT OF \_\_\_\_\_ AS CHAIRPERSON OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD.

RESOLUTION 16-264

**A motion was made by Commissioner Talerico, seconded by Commissioner Simone, to appoint Lesa Peerman.**

A motion was made by Vice Mayor Bryan, seconded by Mayor Ruzzano, to appoint Tommy Ruzzano.

*CITY CLERK JOSEPH J. KAVANAGH clarified that per the City Attorney, a roll call on the first motion to appoint Lesa Peerman was required.*

**The original motion to appoint Lesa Peerman carried by the following vote:**

**Yes:** 3 - Commissioner Simone, Commissioner Peerman and Commissioner Talerico

**No:** 2 - Vice Mayor Bryan and Mayor Ruzzano

- E. ID 2016-508** APPROVING APPOINTMENT OF \_\_\_\_\_ AS VICE CHAIRPERSON OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD.

*RESOLUTION 16-265*

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, to appoint Joanne Simone.

A motion was made by Vice Mayor Bryan, seconded by Mayor Ruzzano, to appoint Tommy Ruzzano.

*CITY CLERK JOSEPH J. KAVANAGH clarified that per the City Attorney, a roll call on the first motion to appoint Joanne Simone was required.*

**The original motion to appoint Joanne Simone carried by the following vote.**

**Yes:** 3 - Commissioner Simone, Commissioner Peerman and Commissioner Talerico

**No:** 2 - Vice Mayor Bryan and Mayor Ruzzano

*THE MEETING RECONVENED FOLLOWING A 10 MINUTE RECESS TO ALLOW STAFF TO SET UP FOR A PRESENTATION.*

- A. [ID 2016-478](#)** APPROVING AN AMENDMENT TO THE ALEXANDER PLAT TO ALLOW FOR 132,000 SQUARE FEET OF SELF-STORAGE USE

*RESOLUTION 16-266*

*DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL gave a Powerpoint presentation pertaining to the consideration of a Plat Note Amendment for the Alexander Plat. He noted that the property was located behind the Walgreens at the intersection of North State Road 7 and NW 31st Street at the north end of the City. He explained that*

the property was within the Transit Oriented Corridor (TOC) mixed use Land Use designation and specifically was within the Corridor Zoning District, which was the most flexible of all three Zoning Districts within the TOC. He stated that the existing sites adjacent to the property now were a Walgreens and a proposed and approved Burger King and mixed retail building to the immediate south, with the Rising Tide Car Wash. He added that there were two existing residential facilities; the Merrick Preserve and Fiesta Townhomes. He said that there were three projects approved and in the process of construction; Toscana Villas, Celebration Pointe and Arbor View. He noted that Toscana Villas Phase One was under construction for and had been approved for Phase Two. He added that Arbor View was the new Senior Residential Facility at the corner of NW 31st Street and State Road 7. Director Ziskal explained that the Plat shown was a big parcel of commercial space. He noted that the development being discussed was on the right side, because Walgreens already existed and was part of the same Plat. He clarified that when amending the Plat Note, the existing Walgreens and square footage associated with the property was also part of the Plat Note. He stated that the item being heard tonight was to change the Plat, which currently read that it was restricted to 15,000 square feet of commercial use and 20,000 square feet of office use, excluding banks. He noted that banks were not permitted without prior approval from the Broward County Commission. He stated that the proposal was to amend the language so that the Plat was restricted to 14,740 square feet of existing commercial use, the Walgreens, and 132,000 square feet of self-storage use. He clarified that the 15,000 square feet of commercial was being reduced to 14,740 square feet; the 20,000 square feet of office use was being eliminated; and the 132,000 square footage of the self-storage facility was to be allowed. He noted that the storage facility would maximize all development on the Plat; therefore, the reduction of commercial space would not allow any expansion beyond the Walgreens or this particular facility. He added that within the TOC District a limited access self-storage facility was an allowable special exception use; therefore, in order to change the Plat Note to allow that use was consistent with the regulations of the Zoning Code. He stated that Staff recommended approval of this item. He noted that the item following this pertained to the self-storage facility. He explained that Plat Notes were used for Traffic Concurrence Fees; therefore, the intent of restricting it to self-storage space meant the petitioner would be charged a fee based on the amount of traffic generated from the self-storage facility. He added that no other commercial or office space could be built that may have higher traffic counts.

COMMISSIONER SIMONE questioned what office use was.

DIRECTOR ZISKAL clarified that office use could be a medical office, doctor, lawyer, chiropractor, accountant, professional services, engineer, architect or any type of office that was not general commercial, which would be retail sales.

COMMISSIONER TALERICO questioned the height of the facility.

DIRECTOR ZISKAL stated that it would be four stories high or 64 feet 5 inches high to the peak of the roof.

COMMISSIONER TALERICO questioned whether it would abut the sidewalk.

DIRECTOR ZISKAL said that it would be close to the sidewalk, and that the sidewalk had a curb. He added that it would share the existing ingress and egress that was there for Walgreens. He added that the access to Walgreens would remain and the alley behind it would remain to service the Rising Tide Car Wash. He said that the connection onto NW 31st Street would remain and connectivity would come off the entrance into the storage facility.

COMMISSIONER PEERMAN stated that she spoke with the developer.

MAYOR RUZZANO stated that he spoke with Staff.

COMMISSIONER SIMONE stated that she also spoke with Staff.

VICE MAYOR BRYAN asked whether this would restrict any office space.

DIRECTOR ZISKAL agreed that the proposed Plat Note stated that the 14,740 square feet of commercial use and 132,000 square feet of self-storage would be the maximum development allowed, unless future development sought to increase this Plat Note. He stated that the Walgreens and the self-storage facility would be the only two pieces of development on the Plat.

ARLENE SCHWARTZ, 7800 NW 1st Street, asked whether it would be visible to the people living in Fiesta and change the outlook of those 300 homes would see.

CITY ATTORNEY DOUGLAS R. GONZALES stated that the applicant had rights as a Quasi-Judicial applicant, and Ms. Schwartz's question went towards the development.

MS. SCHWARTZ suggested leaving it as office space, because people wanted to see more professional buildings.

HOPE CALHOUN, Attorney on behalf of the applicant, introduced herself.

**Roll call was taken as follows:**

**Yes:** 4 - Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

**No:** 1 - Commissioner Simone

## **7) RESOLUTION(S) - QUASI-JUDICIAL HEARING**

CITY ATTORNEY DOUGLAS R. GONZALES stated that Florida courts have determined that there are certain types of matters, including the following applications, which are to be treated differently than other issues considered by the Commission. Most decisions of the Commission are legislative in nature, which means that the City Commission is acting as policy making body. In contrast, in Quasi-Judicial matters, the Commission is applying existing rules and policies to a factual situation, and is therefore, acting like a Judge or Jury in a courtroom. In such cases, the courts have decided that due process and fundamental fairness requires that more formal procedures be followed. The City of Margate's procedures for Quasi-Judicial Hearings are as follows: All who wish to speak shall be collectively sworn in by the City Clerk. The hearing shall be conducted in an informal manner. He stated that he would read the title of the item to be considered and City Staff shall present a brief synopsis of the application and make a recommendation. He said that next there would be a presentation by the applicant. He stated that the Commission would then hear from participants in favor of and in opposition to the application. He noted that all witnesses were subject to cross examination by the City Staff, City Commission and the applicant, and a participant may request that the Commission ask questions of a witness. He said that the applicant and Staff will make concluding remarks and no further presentations or testimonies shall be permitted, and then the public hearing will then be closed. He stated that all decisions of the Commission must be based on competent substantial evidence presented to it at the hearing. He said that all backup materials provided to the City Commission as part of the



*Agenda, will automatically be made a part of the record of the hearing, and all approvals will be subject to Staff recommended conditions, unless otherwise stated in the motion for approval.*

*CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.*

*COMMISSIONER PEERMAN stated that she spoke with the developer.*

*MAYOR RUZZANO stated that he spoke with Staff.*

*COMMISSIONER SIMONE stated that she also spoke with Staff.*

**A. [ID 2016-479](#) CONSIDERATION OF A SPECIAL EXCEPTION USE TO PERMIT NEW CONSTRUCTION OF A LIMITED ACCESS SELF-SERVICE STORAGE FACILITY AT 5600 NORTH WEST 31ST STREET**

**RESOLUTION 16-267**

*DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL showed a Powerpoint presentation and explained that the subject property at the north end was within the Transit Oriented Corridor (TOC) Zoning District. He explained that the TOC District allowed office uses, general commercial, retail, restaurants and hotels, some of which were permitted uses needing no Commission approval. He said that the special exception before the Commission tonight would have the proposal evaluated based on site specific design criteria, as well as the adjacent properties and neighborhoods. He stated that this was for a limited access self-storage facility with a limited number of roll up doors or entrances for the customers. He added that the individual storage bays were accessed from within the interior of the building. He stated that the property was currently vacant and the current plans called for 133,000 square feet, which was above the 132,000 square feet that was just approved for the Plat Note; therefore, there would be some design changes. He noted that the number would drop to no greater than 132,000 square feet. He stated that the maximum height of the property would be 64 feet 5 inches, which was four stories high and was an allowable height for any development on this property. He noted that an office building could be proposed and built with the same height with no Commission approval. He showed the access from 31st Street and a picture of the site in its totality including a retention pond. He showed the proposed Site Plan with existing drive aisles off State Road 7 and NW 31st Street servicing the property. He added that the parking would be located between the existing Walgreens and the facility.*

*DIRECTOR ZISKAL stated that the main office entrance would be at a 45 degree angle facing 31st Street. He said that the building was shifted closer to the road with landscaping and a widened sidewalk to provide increased bicycle and pedestrian safety. He explained that behind the building there was a proposed fire lane with details being worked out pertaining to exact construction and design. He said that to the east there was a landscape buffer and a lake, with the Fiesta Townhomes on the other side. He noted that the distance from the back of the wall to the lake was almost 60 feet.*

*DIRECTOR ZISKAL stated that the architectural conceptual drawings that were provided looked similar to the design shown with the office building at the 45 degree angle, the entrance to the facility on the side between the Walgreens. He noted that the vision on the left side of the building would be what faced NW 31st Street. He stated that the project was reviewed by the Development Review Committee (DRC) on June 28th. He noted that there were some design revisions during the design process, and the final Site Plans, Landscape Plans and Engineering Plans would be required prior to obtaining any*



permits. He stated that the purpose of tonight's review was to review 11 specific criteria to grant a special exception. He reiterated that if the criteria were met, this was an allowable use in this Zoning District and the City would have to find competent, substantial evidence contrary to approving this in order to receive a recommendation of denial.

DIRECTOR ZISKAL reviewed the criteria as follows:

- DIRECTOR ZISKAL stated that the first three elements dealt with compatibility of the use and its Site Plan and elements to the indigenous environment and properties in the neighborhood, as well as detrimental effects of the proposal on property values and living or working conditions. He said that the property was adjacent to one existing commercial space with two approved commercial spaces, as well as two existing residential facilities and in the vicinity of three new residential facilities at the north end of the City.
- DIRECTOR ZISKAL explained that the next criteria were ingress and egress to the development, specifically dealing with automotive and pedestrian safety, services for utilities, refuse collection and fire access. He showed the two entrances off of 31st and State Road 7, which would not change; therefore, no increased traffic conflicts were anticipated. He added there would be no new curb cuts or changes to those entrances. He showed a separate trash facility being provided for this facility. He added that there was a fire lane around the entire back of the property. He showed the design change to the sidewalk, which was pushed back from the curb with a landscape buffer between the pedestrian and the automotive traffic. He noted that the sidewalk was also widened to 7 feet for 31st Street. He explained that development occurring on a primary street, such as State Road 7, would have a 12 foot wide sidewalk.
- DIRECTOR ZISKAL said that the next element for consideration was the off-street parking location in relationship to the buildings and traffic patterns. He noted that the parking was being provided in between the two buildings in a new area and did not alter the existing drive aisles for Walgreens or Rising Tides Car Wash. He added that there was access through the parking area to load and unload goods, which did not conflict with any of the traffic circulating around the building or around Walgreens.
- DIRECTOR ZISKAL said that the next criteria dealt with orientation, location, size and feature of City buildings, and appearance and harmony of buildings with nearby development, as well as sufficiency of setbacks, buffers and general amenities. He explained that the building was fronting NW 31st Street, and that the pedestrian zone was provided. He added that the architecture of the building was similar to the existing Walgreens with the tile roof and Stucco design.
- DIRECTOR ZISKAL stated that the next two categories dealt with storm water management, flooding and groundwater pollution, as well as landscaping. He said that any project must have approval by the Department of Environmental and Engineering Services (DEES), as well as the County with regards to drainage and any other storm water systems that would impact the site. He stated that the building was entirely surrounded by green space. He showed the Landscape Plan indicating a row of trees serving as a buffer to the property in the east and south. He added that there were plantings in front of the building to break up the façade and provide a living landscape buffer. He noted that there was a grass retention area in the rear of the property. He also showed green space in front of the building with wide landscape islands and trees along the front.
- DIRECTOR ZISKAL said that the last criteria were that projects should be in

compliance with the goals, objectives and policies of the Comprehensive Plan and the Redevelopment Plan. He noted that a query was run to determine where existing storage facilities were to determine whether needs were being for the new residential components and different geographical areas of the City. He showed a map indicating the 5 existing storage facilities to the east of State Road 7 between Coconut Creek Parkway and Copans Road. He showed the area in the center of the City that was currently under construction, as well as proposals brought to the City for consideration. He noted that there was currently no active storage facility north of Copans Road. He explained that the new construction in the north end of the City would not have amenities such as garages; therefore, a storage facility could be utilized.

DIRECTOR ZISKAL said that Staff found that the proposed use satisfied the review criteria provided in the Code. He added that Staff also reviewed the fact that there were a number of uses that could be built on the property without Commission approval. He noted that the last proposal for this property was a Value Place Hotel, which was an extended stay hotel where guests would stay for 7 days then leave. He stated that during the review, it was found that a hotel of that nature would be detrimental to the traffic patterns and the residential quality of the neighborhood; however, the storage facility would be 4 stories high. He clarified that this was not CRA or City owned property. He explained that a self-storage facility would have less impact than most other uses allowed on the property pertaining to noise, dust, light and traffic. He stated that Staff recommended approval of this project.

COMMISSIONER TALERICO asked about the hours of operation. He also questioned whether the rear of the property would have the windows or blank walls.

DIRECTOR ZISKAL stated that if there were false windows included and it would not be a blank wall, as the architectural review included embellishments and architectural features.

COMMISSIONER TALERICO questioned what type of trees would be planted in the rear.

DIRECTOR ZISKAL stated that they would be Category 1 trees that were tall such as a Live Oak, Mahogany or Gumbo Limbo. He added that the height restriction in the zoning category was the same for every type of development.

COMMISSIONER TALERICO asked whether there was any lighting in the rear that would bother the residents.

DIRECTOR ZISKAL explained that there would be no parking in the rear; therefore, there would be no overhead parking lights or glare. He said that he would defer to the petitioner with regard to lighting for a Security Plan. He noted that the Code did not prohibit light from spilling over past the property line, so the light would have to be angled to avoid glaring past the property line.

COMMISSIONER SIMONE noted that this storage facility would be the eighth in Margate. She asked whether the existing facilities were full up to capacity.

DIRECTOR ZISKAL said that he was not able to obtain that information, because the storage facilities did not want to share their occupancies as part of their proprietary and business operations plan. He clarified that this would be the seventh storage facility in Margate, with five operating and one under construction.

MAYOR RUZZANO questioned whether this would be the largest storage facility in the

City.

DIRECTOR ZISKAL said that the facility on Coconut Creek Parkway was a little bigger, and the proposed facility was smaller.

MAYOR RUZZANO mentioned starting an Architectural Board to make sure the City looked good.

COMMISSIONER SIMONE asked whether Director Ziskal felt that this facility would raise the property value of the existing apartments, because raising property values was part of the criteria.

DIRECTOR ZISKAL said that he had no competent or substantial evidence to state that it would raise or decrease the property value.

COMMISSIONER SIMONE asked whether Director Ziskal felt that the facility fit in with the residential neighborhood, as part of the criteria.

DIRECTOR ZISKAL said that when compared to other uses that could go on that property, Staff felt that this facility was less of an adverse impact.

COMMISSIONER SIMONE asked whether there was any movement on the property prior to this project.

DIRECTOR ZISKAL stated that in his 11 years, the only project he recalled being considered for approval was the Value Place Hotel, which was years ago.

HOPE CALHOUN, 14 SE 4th Street, Boca Raton, Attorney for the Applicant, being duly sworn, noted that the Applicant, Architect and Engineer were also present. She noted that there were 11 criteria presented with statements supported through competent substantial evidence for the request of approval of the special exception. She stated that the proposed developer was Wheat Capital Management, who had other storage facilities. She noted that before developing in any City, due diligence was performed, as well as studies and market research to determine whether there was a need for the facility. She noted that this would be the only self-storage facility at that end of the City. She noted that there were many multi-family developments coming into the City; therefore, there was a need for the facility both for existing residents and new residents coming into the City. Ms. Calhoun stated that the facility would be accessible 24 hours a day, with property management on site until 9:00 PM or 10:00 PM in the evening. She stated that this facility was fully enclosed and air conditioned; therefore, it resembled an office building from the outside. She explained that there was no rear access so there would be no lighting at night for disturbance. She said that there would be a landscape buffer, as well as a lake, which would eliminate any impact to the residential parcels to the east. She stated that there would be no boats, etc., or storage of any kind on the outside. She explained that as a commercial use, this proposal was less intense than an office building or other types of uses that could be placed there. She stated that the project was compatible with the existing Walgreens, the restaurant and the car wash. She mentioned the criteria for compatibility of the use and the Site Plan elements and explained that the Policy 2.2 of the Comprehensive Plan stated that commercial, industrial and other non-residential land uses shall be located in a manner that facilitated the serving of, but does not negatively impact, the existing designated residential areas. She stated that this use served the existing area and did not adversely affect the existing areas. She added creating a use that was needed in the area would help the neighborhood with regard to property values, and did not serve as a detriment. She

*explained that no new access points were being created, which would eliminate residents being disrupted by additional construction there. Ms. Calhoun continued by stating that the building was designed to be compatible with the existing Walgreens. She noted that there would be a substantial amount of green around the building, as well as a substantial water body between the building and the residential developments.*

*COMMISSIONER TALERICO asked whether individuals drove into the facility to obtain their storage.*

*KEN KARLSON, Architect, being duly sworn, explained that there was an area where a person could pull into the front office area to park and would then be given access to enter the gate into the secured area. He further explained that there were doors that rolled up and down. He noted that the trucks could back into the building, which provided a secure site as well. He said that inside, there were 12 foot glass sliding doors that would automatically open and shut behind you.*

*VICE MAYOR BRYAN asked whether some color foliage could be added.*

*MR. KARLSON agreed and explained that there would be a variation of Oaks with Pigeon Plums against the waterway. He added that there were colored plants with flowers. He noted that he would work with the City's Landscape Architect to make sure they provide what the City wanted.*

*VICE MAYOR BRYAN asked where there would be public art.*

*MS. CALHOUN said that was a specific Site Plan issue, which would be worked on continuously with Staff.*

*VICE MAYOR BRYAN asked how many facilities did this corporation have.*

*ROBERT SHERMAN, 1900 NE 193rd Street, Miami, Director of Development at Wheat Capital Management, being duly sworn, noted that Wheat Capital was proud to partner with CubeSmart, which was the management company that oversaw the facilities. He noted that CubeSmart was a national company that made Wheat Capital Management diligent and grounded to find sites that work within their program. He stated that CubeSmart had no ownership interest, and that Wheat Capital Management had 100 percent ownership. He stated that currently, Wheat Capital Management had four facilities under construction in different municipalities, such as Hallandale Beach and Miami. He noted that this investment would exceed \$10 million dollars, which would help the tax base and reduce traffic flow. He stated that he was working very closely with Staff to provide a nice facility to enhance the area with public art, benches, walkways and green space.*

*VICE MAYOR BRYAN asked how many employees were expected.*

*MR. SHERMAN said that there might be a maximum of 5 employees, because the facility was self-generated by the renters.*

*MAYOR RUZZANO questioned whether the road on the back east side was only for the Fire Department.*

*MR. SHERMAN agreed that the road was specifically for Fire Rescue, which had been approved by the Fire Chief and Staff. He noted that he was working on an application to bring a park bench or a walkway on the front side for connecting as a community*

enhancement, which he felt was a better use than physical art. He added that on the northern elevation of the building there was an area with a fountain and a statue.

MAYOR RUZZANO stated that he liked the concept, which he felt was moving towards the future.

MR. KARLSON explained the materials being used.

MAYOR RUZZANO said that he received some phone calls regarding NW 31st and the speeding. He noted that there was a monument placed in memory of someone, but now the monument was hit. He asked whether something could be done in the future with regard to lights.

COMMISSIONER PEERMAN asked whether any trees being removed where the road was, would be replaced with big trees.

MR. KARLSON said that the trees would be starting at 12 feet, which would grow full size to provide a continuous buffer. He clarified that there would be no Palm trees where the road was.

MAYOR RUZZANO questioned whether there were any windows in the rear.

MR. KARLSON said that there were windows in the rear that matched the front of the building.

MAYOR RUZZANO asked whether the lights were on in the building at all times.

MR. KARLSON replied that the lights were motion based, because the buildings were high efficiency.

**A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, that this Quasi-Judicial Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

## **8) DISCUSSION AND POSSIBLE ACTION**

- A.**     [ID 2016-481](#)   SPECIAL EVENTS FUNDING/DONATION REQUEST FROM WOMEN IN DISTRESS OF BROWARD COUNTY, INC. IN THE AMOUNT OF \$1,000.

*RESOLUTION 16-268*

**A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, that this Discussion and Possible Action be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

CITY ATTORNEY DOUGLAS R. GONZALES reported that he responded to a Florida League of Cities (FLOC) e-mail asking City Attorneys who wished to participate on various Policy Committees to submit an application. He felt that it was important to

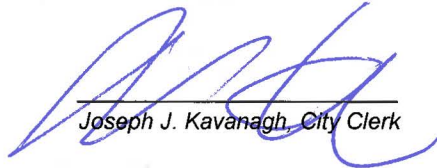
*continue the efforts of the former City Attorney in terms legislative process. He noted that the FLOC Policy Committees directly recommended things to the legislature. He stated that he signed up for one of the committees, and that elected officials may also submit applications. He added that he also applied to a couple of committees of the Broward League of Cities (BLOC).*

**ADJOURNMENT**

*There being no further business, the meeting adjourned at 10:34 PM.*

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

  
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Joseph J. Kavanagh, City Clerk

Date: 11/3/16