



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

Wednesday, September 7, 2016

7:00 PM

Commission Chambers

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

[ID 2016-517](#) DESTINI STEWART, 8TH GRADE, RISE ACADEMY

1) PRESENTATION(S)

PROCLAMATION(S)

A. [ID 2016-526](#) CHOOSE PEACE- STOP VIOLENCE WEEK - SEPTEMBER 19 - 23, 2016

THE MEETING RECONVENED AT 8:03 PM FOLLOWING A RECESS CALLED AT 7:36 PM.

2) COMMISSION COMMENTS

COMMISSIONER SIMONE had no comments.

COMMISSIONER PEERMAN reminded everyone about Margate under the Moon on September 10th.

COMMISSIONER TALERICO said that he was glad the Budget was done for another year.

VICE MAYOR BRYAN mentioned receiving Thank You notes from people who appreciated things the City did for them, such as the Broncos, the young lady who was sent to South Africa and former Receptionist Annette Daniels. She reminded everyone about the Patriots Day taking place on September 11th at Firefighters Park at 9:00 AM.

She congratulated Norman Grad.

MAYOR RUZZANO congratulated Norman Grad and wished him a Happy Birthday. He mentioned the Movie at the Pool that took place this weekend, which was a great event.

CITY ATTORNEY DOUGLAS R. GONZALES stated that he drafted a first draft of the Civil Service Ordinance change that was requested on August 24th, 2016, and that the first reading would take place on September 21st, 2016.

3) PUBLIC DISCUSSION

KEITH RAVELLO, 7458 NW 21st Street, said that he needed help on his street. He noted that a new school opened last summer at corner of Rock Island Road behind the Synagogue. He said that he had a problem with people dropping children off on a 25 mph street going 45 to 40 mph from 7:00 AM to 9:00 AM. He noted that he now referred to the street as local I-95 and he was requesting a system to stop the problem. He said that he contacted the Police Department once and two cars came, but only spent a day. He asked that the City add speed bumps, though he did not care for them.

COMMISSIONER SIMONE said that this was an ongoing problem, which she spoke to Mr. Ravello about, as well as the City Manager. She felt that it had not been properly addressed.

MAYOR RUZZANO asked that the City Manager look into the issue to resolve it.

CITY MANAGER DOUGLAS E. SMITH stated that Acting Police Chief Laura Sudman was present and she would follow up to see what could be done.

MR. RAVELLO asked what the duties of the Code Compliance Officers were. He mentioned property being used as a mechanical workshop at the school. He added that there were new people who purchased homes in the area; however, he felt that they did not know the laws. He mentioned that there was a handicapped man across the street that had to go in the street to get around the cars parked on the sidewalk. He felt that Code Compliance should be able to see the problems, such as someone using their home as a warehouse.

MAYOR RUZZANO said that Code Compliance would look into the matter. He suggested that Mr. Ravello take pictures with his phone, which he could provide when reporting the issues.

NORMAN GRAD, 7460 NW 18th Street, Palm Springs 3, commended everyone responsible for the Cops Night Out, which was held in the rain but was magnificent. He explained that when the Commission was elected they were tasked with setting policy and getting professional management to run the City. He reminded everyone that love trumps hate.

THERESA MATTHEW, 6890 Royal Palm Boulevard #H306, explained that she lived in a condominium with health issues. She noted that her husband also had Cancer, and that her Mercedes GLK was broken into on September 4th, 2016. She explained that at 2:00 AM she heard noises from someone's wife with a loud voice, as well as hearing a loud noise. She stated that she was blind; therefore, she did not want to go outside to see what was going on. She noted that Monday afternoon, a neighbor informed her that the car window was open. She clarified that it was actually broken and many things from inside the car were taken out. She said that she took pictures with her phone and contacted the Police Department. She noted that she was in the condominium for 10

years and lived in Margate for 30 years with no difficulties. She said that two weeks ago her son with his wife and four children came for vacation. She explained that there had been complaints about the children making noises. She mentioned that the lady from the H Building attempted to stop her grandson in his car while pointing her finger at him. She spoke to the person called Maria who listened to complaints of the building. She said that Maria now spoke to the lady who confronted her grandson and she was now angry. She stated that she did not know what to do about her car, because Holiday Springs had nothing to stop criminals.

MAYOR RUZZANO said that the condominium association might need to install cameras.

MS. MATTHEW felt that the condominium association should pay for her window instead of her insurance.

COMMISSIONER TALERICO noted that the City could not get involved with condominium issues; however, he mentioned having Crime Watch.

ACTING CHIEF LAURA SUDMAN said that she was familiar with the situation. She stated that she would have a Community Officer meet with Ms. Matthew.

RICH POPOVIC, 6066 Winfield Boulevard, mentioned the Office of the Inspector General (OIG) and the Alzheimer's Family Center money. He stated that there was another Grant misappropriated. He wanted to see accountability and mentioned pensions. He mentioned spending over \$1 million dollars on the Dog Park.

RICH ALIANIELLO, 7631 NW 23rd Street, stated that he had been in Margate since 1991, and felt that the City was trying to do the Budget as best as they could. He said that the City did a lot for its people.

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 2016-524](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES FOR JULY 6, 2016
CITY COMMISSION WORKSHOP.

APPROVED

Approval of the Consent Agenda

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

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH said that he submitted a request to the County to have the aerial mosquito spraying done by plane. He stated that he would provide the

date for the spraying when he received it from the County. He explained that the Channel 78 upgrade was waiting for some equipment that was on backorder, which had now been received and was being tested and reconfigured. He said that the anticipated start time was early October. He explained that the Dive-In Movie event was discussed at a prior meeting with regard to covering the charge for residents. He noted that 74 adults and 6 children were Margate residents, which calculated to \$154 to be taken from the Resident Project Fund. He stated that he provided information regarding the projects the City submitted for the Infrastructure Surtax educational effort that was underway. He said that the tagline for the program was "A Penny at Work", which was also the name of the website, apennyatwork.com. He said that he and Adam Reichbach attended an orientation to the presentation developed for promoting the educational piece of the program. He added that he would be providing information through social media, venues, newsletters and website postings. He explained that the website had various features including a project listing of projects throughout the County, as well as an interactive map. He stated that the City would be available to do presentations to civic organizations, homeowner associations and the Chamber of Commerce. He said that the focus of the presentations would be to try to provide the true education piece of the program with regard to what the ballot language meant, interpreting and understanding it. He noted that there were two pieces; a transportation piece and an infrastructure piece. He stated that there would also be an oversight board in place. City Manager Smith announced that the West Broward Academy, a K-8 educational facility opened for this school year. He stated that Staff approved the final site plans for the proposed WaWa at the southeast corner of State Road 7 and Copans Road. He noted that the Patriot's Day, September 11th, ceremony was on Sunday, September 11th, at 9:00 AM at Firefighters Park. City Manager Smith mentioned ordinances on the Agenda that dealt with the Utility Tax and water issue. He noted that those two ordinances were not put through the authorization to advertise process. He recommended that the City move away from doing that practice moving forward with the Commission's support to do so. He noted that it added an extra step in the process.

CONSENSUS – All Commissioners agreed to support the recommendation.

CITY MANAGER SMITH introduced the Solid Waste and Recycling Coordinator Malena Zarate.

6) RESOLUTION(S)

- A. [ID 2016-509](#) APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MARGATE AND THE MARGATE COMMUNITY REDEVELOPMENT AGENCY (MCRA).

RESOLUTION 16-276

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

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

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. [ID 2016-520](#) CONSIDERATION OF RENEWAL OF SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY

2016/2017 FOR:

District B

Carolina Country Club(McDivot's Restaurant) at 3011 Rock Island Road
El Balcon De Las Americas at 7932 West Sample Road
El Bohio De Mama Restaurant at 2179-2181 N. State Road 7
Parrot Cove Island Bar & Grill at 8000 West Sample Road

District C

Gerri's Sports Pub at 6500 West Atlantic Boulevard
Jasmine Thai & Chinese Restaurant at 1785 N. State Road 7
Sharkey's Blvd. Lounge at 5889 Margate Blvd
Inkwell at 238 North State Road 7

District D

American Legion Post #157 at 1791 Mears Parkway
Applebee's Neighborhood Grill & Bar at 5377 West Atlantic Boulevard
Brunswick Margate Lanes at 2020 North State Road 7
Guapo's Cocktail Bar & Lounge at 2160 Mears Parkway
Jesse's Xtreme Sports Bar at 5442 West Atlantic Blvd
O'Malley's Sports Bar, Inc. at 1388 North State Road 7
Paladium at 5688 West Sample Road
Saigon Deli, Inc. at 1392 North State Road 7
Galaxy Restaurant (Tropicante Rest.) at 5190 Coconut Creek Parkway

District E

Brady's Irish Pub at 986 South State Road 7
Centenario Night Club at 199 South State Road 7
Gold Choice Production, Inc. at 345 South State Road 7
Jawil Enterprise DBA Master Billiards at 201-205 South State Rd 7

RESOLUTION 16-277

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 could be a presentation by the applicant, but he understood the applicant may not be appearing based upon past practice for this type of item where they may acatually running their business. 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 was asked by the City Attorney to swear in those affected parties wishing to provide testimony.

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

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

No: 1 - Commissioner Simone

8) ORDINANCE(S) - FIRST READING

- A.** [ID 2016-521](#) AMENDING CHAPTER 37 TAXATION; ARTICLE II ELECTRICITY, GAS, WATER AND TELEPHONE; SECTION 37-23 EXEMPTIONS; PROVIDING FOR EDUCATIONAL AND RELIGIOUS INSTITUTIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:

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

- B.** [ID 2016-523](#) AMENDING CHAPTER 39, WATER AND SEWERS, DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES; SECTION 39-70 RULES AND REGULATIONS; PROVIDING FOR POLICIES.

A motion was made by Vice Mayor Bryan, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved on first reading. The motion carried by the following vote:

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

ADJOURNMENT

There being no further business, the meeting adjourned at 8:42 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 11/17/16