



City of Margate

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Meeting Minutes Regular City Commission Meeting

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Commissioners:
Anthony N. Caggiano, Lesa Peerman, Joanne Simone

Interim City Manager Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

Wednesday, April 19, 2017

7:00 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone, Commissioner Lesa Peerman, Vice Mayor Arlene R. Schwartz and Mayor Tommy Ruzzano

In Attendance:

Interim City Manager Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

1) PRESENTATION(S)

- A. [ID 2017-277](#) OFFICER OF THE MONTH - FEBRUARY 2017 - OFFICER ERIC WOMER
- B. [ID 2017-231](#) CIVILIAN OF THE MONTH - FEBRUARY 2017 - THERVILLE BUCHANAN, CODE COMPLIANCE OFFICER
- C. [ID 2017-274](#) HOME OF THE MONTH - APRIL 2017
- D. [ID 2017-283](#) JULIAN YAMIL GARCIA - FIRST HOMERUN OVER NEW HOMERUN FENCE AT THE MARGATE SPORTS COMPLEX - MARCH 7, 2017

ATHLETES OF THE MONTH

- E. [ID 2017-228](#) SWIM: SAMUEL OCHOA
(Margate Motion Swim Team)
- SOCCER: DANIEL JIMENEZ
(Soccer Travel Team)
- BASKETBALL: ALEX PIERRE-LOUIS
(Freshman Warriors, Margate Youth Basketball League)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- F. [ID 2017-235](#) JONATHAN SHAW, POLICE CAPTAIN - POLICE DEPARTMENT - 20 YEARS
DEREK TUTTLE, LIFEGUARD - PARKS & RECREATION - 10 YEARS

PROCLAMATION(S)

- G. [ID 2017-225](#) NATIONAL AUTISM AWARENESS MONTH - APRIL, 2017 (presented to Donna D'eri of Rising Tide Carwash)
- H. [ID 2017-223](#) CHILD ABUSE PREVENTION MONTH - APRIL, 2017 (presented to Erica Herman, Executive Director, Voices for Children of Broward)
- I. [ID 2017-219](#) WATER CONSERVATION MONTH - APRIL, 2017 (presented to Lorraine A. Mayers, Regional Representative, South Florida Water Management District)
- J. [ID 2017-220](#) WATER REUSE WEEK - MAY 14 - 20, 2017 (presented to Lorraine A. Mayers, Regional Representative, South Florida Water Management District)
- THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

2) COMMISSION COMMENTS

COMMISSIONER SIMONE said that she looked into the State Statute regarding the car allowance, which stated that if there was a conflict between City law and State, the local law prevailed. She read aloud from the Statute as follows:

"The provisions of any special or local law, present or future, shall prevail over any conflicting provisions in this section, but only to the extent of the conflict."

COMMISSIONER SIMONE stated that she believed there was a conflict because the City Charter stated that expenses had to be actual and necessary, while State Statute said typical average. She contended that there was a conflict, as well as typical average had never been established or determined in any way or form. She added that expenses were to be filed before the allowance was granted and Commissioners should never have been allowed to grant themselves an allowance per State Statute. She felt that the intent of the City Charter and State Statute were abundantly clear and needed to be followed, rather than it being a choice. She said that in her opinion, the City Commission was in violation of both the State Statute and the City Charter; therefore, she asked the City Manager to cease and assist immediately the car allowance and for the Commissioners receiving it to repay the City for what they received so far. She explained that in order to receive money, a log of actual monthly mileage and places travelled needed to be completed and then paid individually on the monthly log at the State or IRS mileage rate. She reiterated that both the City Charter and State Statute were not being followed, though the intent was clear. She again asked the City Manager to cease the car allowance and have those Commissioners pay back what was received, as they did not provide a log.

MAYOR RUZZANO asked the City Attorney whether a violation had been served.

CITY ATTORNEY DOUGLAS R. GONZALES believed that both the City Charter and State Law could be read in conjunction. He said that because the City Manager, through administration, allowed the allowance, the requirements needed to be followed

and a signed statement must be submitted stating that it was the average typical month's travel on official business. He noted that the statement should have been provided before any payments were made; however, he and Interim City Manager Sam May discussed the matter and decided to give some time to figure out what an average typical month's travel would be since there were new Commissioners. He said that each of the Commissioners had been met with and asked that the statement be completed and submitted as soon as possible.

MAYOR RUZZANO asked whether everything was fine providing the statements were completed and submitted. He said that the Commission had asked the City to look into the matter and he did not feel the Commission was at fault; however, one Commissioner mentioned being in violation. He noted that the Commission was doing what it was told to do.

CITY ATTORNEY GONZALES replied that the signed statement was needed immediately. He said that there was nothing indicating that the Commissioners had to reimburse the City for anything paid up until now, since the signed statements were not yet submitted. He noted that the statements needed to be provided on an annual basis.

COMMISSIONER PEERMAN believed that the City Charter trumped the State; therefore, she wanted the City Attorney to ask the State for an opinion.

CITY ATTORNEY GONZALES said that if directed, he would ask for an Attorney General's Opinion regarding the car allowance.

COMMISSIONER PEERMAN felt that it was necessary to determine whether or not the City of Margate was in violation of the State and whether or not the Commission had to follow the Charter law as opposed to the State.

COMMISSIONER SIMONE said that an opinion of whether there was a conflict.

INTERIM CITY MANAGER MAY also requested the Attorney General's Opinion.

COMMISSIONER SIMONE asked for a consensus on the six month moratorium on the issuance of carnival permits on City property.

MAYOR RUZZANO mentioned the National Night Out with rides and music.

COMMISSIONER SIMONE said that was not a carnival.

MAYOR RUZZANO disagreed with the moratorium because the carnivals were bringing people to the City and the businesses were making money.

COMMISSIONER SIMONE said that there was an issue because the carnivals did not have to pay for extra policing that was needed. She said that the carnivals also did not have to follow the recommendation made by the Police Chief to close at 10:00 PM. She felt that there was no benefit to the City and it was not a positive image.

COMMISSIONER PEERMAN said that she agreed with the six month moratorium.

VICE MAYOR SCHWARTZ said that the only carnivals she was aware of were from Saint Vincent's Church, the Chamber of Commerce and the Margate Waterfront.

COMMISSIONER PEERMAN added that there was a Fraternal Order of Police (FOP) carnival as well.

VICE MAYOR SCHWARTZ asked whether they were for profit, because she believed they were not for profit.

COMMISSIONER PEERMAN explained that the carnival was a for profit organization, which was different than at National Night Out.

VICE MAYOR SCHWARTZ questioned which property was being referred to.

COMMISSIONER SIMONE stated that it was CRA property and she did not know what would happen with the property; therefore, she was requesting a six month moratorium on carnivals on any City property.

MAYOR RUZZANO felt that the purpose was to get people to the City, which was what the CRA Board talked about.

COMMISSIONER CAGGIANO said that was 100 percent for carnivals and believed they brought people into the City. He said that it was beautiful seeing the lights of the carnival when driving on U.S. 441. He stated that he saw a smile on his daughter's face when he took her to the carnivals, as well as smiles on other children's faces when their parents could not afford to take them to Disney. He said that \$20 for a wristband allowed the families to take children to an event where they could ride all day, rather than spending \$85 for a quick pass. He agreed there might be an occasional issue; however, he did not want to condemn the people of the City due to the acts of a few people. He noted that the most crime in the City came from WalMart, but the City had not closed WalMart; therefore, the carnival should not be closed either.

COMMISSIONER PEERMAN said that the developer agreement stated no more carnivals. She explained that because carnivals could not take place on the CRA property, Commissioner Simone was concerned that the carnivals would now take place on other City property. She felt that the problems at the carnivals were from other Cities and suggested identifying Margate residents. She added that she was tired of being a carnival town; however, it did not matter because she believed the carnivals were over.

VICE MAYOR SCHWARTZ asked whether someone wanting to have a carnival on City property would have to come before the Commission.

ECONOMIC DEVELOPMENT DIRECTOR BEN ZISKAL said that he was not certain what Parks and Recreation Policies were with regard to renting out a park, but from the zoning standpoint, an outdoor event would require Development Review Committee (DRC) approval. He noted that there was an Ordinance currently being drafted that would set a limit that smaller events would be handled administratively and larger events, such as a carnival, would come to the Commission for approval.

VICE MAYOR SCHWARTZ asked whether Commissioner Simone would like to make the moratorium three months to start with and then come back and discuss it.

COMMISSIONER SIMONE agreed to a three month moratorium and asked for a consensus.

CONSENSUS WAS TAKEN AS FOLLOWS:

COMMISSIONER CAGGIANO: No.

COMMISSIONER SIMONE: Yes.

COMMISSIONER PEERMAN: Yes.

VICE MAYOR SCHWARTZ: Yes.

MAYOR RUZZANO: No.

The consensus passed 3-2.

COMMISSIONER SIMONE asked whether an Arbor Day Tree Giveaway could be looked into for the near future. She stated that the last one was in 2009, and many other Cities were having Tree Giveaways. She asked whether there were Grants available to do so. She also asked that it include some fruit trees.

INTERIM CITY MANAGER MAY said that he could look into it; however, it would not be on Arbor Day.

COMMISSIONER SIMONE also asked that an online Citizen's Academy, similar to a webinar, could be looked into to allow residents to go online and learn about the City.

INTERIM CITY MANAGER MAY said that he could look into that and also suggested videotaping the Citizen's Academy and putting them on YouTube. He stated that he would look into various options.

COMMISSIONER PEERMAN asked whether it was possible to get an extension on the Transit Oriented Corridor (TOC) from the County.

INTERIM CITY MANAGER MAY said that he would look into that.

COMMISSIONER SIMONE said that if an extension was granted, but the Board was not going to reconsider, she did not feel going through the extension process was needed.

COMMISSIONER PEERMAN said that they did not know if the County would ask the State for an extension. She just wanted to know if the County was willing.

COMMISSIONER SIMONE asked what difference it made if the County was willing, if the Commissioners were not willing.

COMMISSIONER PEERMAN said that she still wanted to know if the County would give the extension. She asked whether the Code for taking down hurricane shutters could be changed, because many people leave for hurricane season and shuttered their home before they left. She noted that she did not take her storm shutters down after the first threat of storm because she traveled a lot. She wanted to look into the Code to provide people with some flexibility.

INTERIM CITY MANAGER MAY said that he could look into that and also look at other Cities as well.

COMMISSIONER PEERMAN asked resident Julie Jones to come to the podium and thanked and appreciated Ms. Jones for assisting with an issue regarding the possible embarrassment to the City.

JULIE JONES, resident, thanked Commissioner Peerman for her assistance as well.

COMMISSIONER PEERMAN wanted to apologize to the residents who spoke against the \$400 car allowance at a prior meeting and were allowed to be attacked by another resident. She said that should never have been allowed and residents speaking on the podium should never be able to be attacked for their beliefs. She explained that the post memorial she did after the Pulse incident in Orlando had been brought up at the last two meetings. She said that it was brought up as a diversion from the \$400, as well as to

make her look bad. She stated that the only research Commissioner Caggiano had was a blog article about the event. She said that she was now going to tell the truth about what happened. She noted that the person who wrote the blog left her a phone message telling her he would break his bank to bring her to his knees, but she was still standing. She explained that after the Pulse Massacre killing 49 people, she waited for the City to do something such as the surrounding Cities; however, Margate was doing nothing. She noted that there were candlelight ceremonies in many surrounding Cities. She said that she received phone calls from residents asking where they could get together. She stated that she purchased candles and a P.A. system for people to speak. She said that she spoke to the City Manager, City Attorney and the CRA Director to inform them what she was going to do. She noted that she posted on her Facebook page the location of where they would be at the Chevy Chase plaza. She said that she then texted the Mayor, Vice Mayor and Commission to inform them of what she would be doing. She explained that about 30 people arrived, including the Mayor and his wife, Commissioner Simone and Vice Mayor Bryant were present. She stated that people spoke about how they felt regarding 49 people being senselessly murdered and someone sang. She said that the event lasted about two hours. She explained that this was about the residents of Margate coming together and was not about her. She said that instead of Commissioner Caggiano attacking his colleagues, he should do what he was elected to do by representing the City. She stated that he should learn about his City because a permit would never be required for a memorial. She hoped this would not be used against her again.

MAYOR RUZZANO said that he was approached by one Board Members from the Planning and Zoning Board and one member from the Board of Adjustment who felt that they needed the City Attorney present for an interpretation. He stated that he requested the City Clerk to look into other Cities to determine if they had a City Attorney present at their meetings. He noted that Plantation, Cooper City and Sunrise did not have an Attorney present while Coral Springs, Dania Beach, Pompano Beach, Lighthouse Point, Parkland, Lauderdale by-the-Sea, Oakland Park, Southwest Ranches, Tamarac, Miramar, Lauderdale and Coconut Creek did have the City Attorney present at those meetings. He asked the Commissioner whether they felt the City Attorney should be present at the board meetings. He remembered former City Attorney Eugene Steinfeld present at one of the meetings he previously attended.

VICE MAYOR SCHWARTZ said that having attended the meetings, she felt that another special meeting the following week would not have been needed if a City Attorney was present. She felt that to protect the Board Members it would be a good idea to have the City Attorney present, especially because the Board of Adjustment was sometimes the last arbiter of the rule that never comes to the Commission.

CITY ATTORNEY GONZALES stated that he would be happy to attend those meetings, which he previously discussed with Economic Development Director Ben Ziskal.

COMMISSIONER PEERMAN asked whether both meetings were still on the same night.

DIRECTOR ZISKAL said yes.

CITY ATTORNEY GONZALES stated that he would attend the meetings.

MAYOR RUZZANO apologized to any residents who were offended at the last meeting.

CITY ATTORNEY GONZALES informed the Commission of a good result with a litigation matter. He noted that an employee Samuel Efferstein sued the City during the pendency of a grievance he had against the City for his termination. He stated that the

grievance was resolved in favor of the City and the lawsuit had been dismissed against the City.

COMMISSIONER PEERMAN asked when the Relay for Life event was taking place.

CITY CLERK JOSEPH J. KAVANAGH said that he was not confident in giving a definite date. He mentioned some leadership changes at the American Cancer Society; therefore, it was still not determined whether or not there would actually be an actual Relay event. He stated that he would inform the Commission as soon as he found out any information.

3) PUBLIC DISCUSSION

NORMAN GRAD, 7460 NW 18 Street, suggested having the starting time of meetings at 6:00 PM for presentations and awards, with the business of the City beginning at 7:00 PM. He stated that he sat in on the first negotiation of the Firefighters. He said that it was handled by the new City Manager who handled it very professionally and impressed him. He suggested keeping an eye on the Fire Department, because of all the things they were doing in the community, other than saving lives. He stated that he sat in on the CRA meeting and was very confused. He said that attainable housing for the young workforce was needed to bring families into Margate. He noted that he was embarrassed about the way the car allowance was handled. He did not like seeing his City in the newspaper in a negative way. He said that he asked the City about travel benefits and determined that the Commission received \$6,000 towards a travel allowance; therefore, he did not understand the \$400 car allowance. He agreed it was not a part time job; however, he felt everything should be properly documented and itemized. He said that it should not have the appearance of a back door raise, because a raise would have to come before the public. He explained that there was an American Flag being flown upside down on Margate Boulevard and asked that it be looked into. He noted that he had a Granddaughter in the Army and a Grandson in the Marines and found it personally offending.

COMMISSIONER PEERMAN explained that the travel benefit was to attend classes, etc., outside of the City. He said that the upside down flag was the individual's freedom of speech meaning that the nation was in distress.

ARTHUR KRELL, 6117 Edwards Road, said that he applied for the Margate House of Month Club and asked if he would be disqualified because the City Attorney landscaped his house.

MAYOR RUZZANO said that the pictures would be reviewed and Mr. Krell would not be disqualified; however, the contest was based on how the property was taken care of.

MR. KRELL said that he was in favor of Arbor Day. He stated that he had many trees left on his property by the City Attorney, but employees stole the trees. He said that his house was raped. He noted that he tried for two months to obtain a list of what was considered debris.

COMMISSIONER PEERMAN said that it was not the Commissioner's job to inform him what debris was.

MR. KRELL said that he cleaned up what he considered to be debris and asked whether it looked good now.

COMMISSIONER PEERMAN stated that he had the ability to make his home look good.

RICH POPOVIC, 6066 Winfield Boulevard, said that he was annoyed about the Boards. He stated that he previously mentioned that nobody knew how to run the meetings. He mentioned the Commission attending the legislative updates and the Lobbyist that was paid for. He spoke about people driving with their phones.

RICK RICCARDI, 4829 South Hemmingway Circle, said that he attended the last CRA meeting that included a lot of conversation about negotiation with developers. He stated that he left the meeting feeling it was a waste of time unless the Commission voted for more housing in the City. He said that without that it would remain at the 503 housing limit. He asked whether the Commission was reconsidering voting for more housing than the 503 housing limit.

ANNE BLATT, 6775 NW 17th Street, felt that Commission Simone adequately explained how the car allowance was in violation of the City Charter, which trumped the State Statute. She said that she was floored when it was blown off because they did not know about it. She stated that being ignorant of the law did not mean that you could break it. She said that it was clearly against the City Charter, which stated that the Commissioners shall further receive actual and necessary expenses incurred in performance of their duties. She noted that she did not see how it could be 475 miles each month when the City was only 9 square miles. She stated that the Commission traveling 475 miles each month for City business was actually a backdoor pay increase. She noted that represented \$4,800 every year per Commissioner multiplied by five. She said that Commissioner Caggiano ran on a platform of fiscal responsibility, and asked him how he was showing the citizens that he was fiscally responsible if he was not taking the time and effort to fill out the log. She stated that was the same for Vice Mayor Schwartz and Mayor Ruzzano as well.

MAYOR RUZZANO said that he had agreed to sign and noted that within the last two weeks he used one car for City business, which was over 400 miles. He asked whether he went over the 750 miles he would be entitled to more money.

MS. BLATT said yes if he could show it was for City purpose.

MAYOR RUZZANO noted that as a Commissioner, 750 miles of driving around Margate was not a lot. He mentioned that other Cities were giving the benefit too.

MS. BLATT said that did not matter to her because she paid her taxes to Margate and felt that it was not necessary to keep up with the Jones'. She asked why the Commission could not produce a log.

MAYOR RUZZANO again asked if he went over 800 miles he was entitled to more money.

MS. BLATT said absolutely, providing it was documented for City purposes.

VICE MAYOR SCHWARTZ stated that she had no problem keeping a log, which she previously stated on the record. She stated that she had not collected \$400 for her three months as Commissioner. She clarified that she collected \$500 as of the last check.

JULIE JONES, 7871 NW 1st Street, thanked Mayor Ruzzano for suggesting the City Attorney attend the Board meetings. She said that she was responsible for a murderer being caught on State Road 7 and being put in jail for 32 years by being alert. She stated that if you see something, say something.

ELSA SANCHEZ, 6930 NW 15th Street, stated that she was opposed to the \$400 car

allowance for Commissioners. She said that at a previous meeting she entered a petition with 68 signatures from friends and neighbors also opposing the car allowance. She noted that she was now entering another petition with 60 signatures against the car allowance without having a log. She stated that she received an anonymous letter regarding Commissioner Peerman's actions when doing the vigil. She felt that the individual was a coward for being anonymous. She asked what the result of having the log was and whether it was being done or not.

MAYOR RUZZANO asked whether someone could have a vigil at the City without permission.

CITY ATTORNEY GONZALES said that would be subject to DRC approval.

COMMISSIONER PEERMAN said that it was up to the City Manager and not the DRC.

MAYOR RUZZANO asked whether it was legal.

INTERIM CITY MANAGER MAY said that he would look into that.

A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that the car allowance follow both the Charter and State Statute, with signed individual logs, open to the public, on the website, of actual mileage and places driven for City business, and based on the log submitted by individual Commissioners, the Commissioners be paid accordingly at the approved IRS rate of per mile on individual Commissioners logs, with no more \$400 blanket allowance.

(COMMISSIONER PEERMAN LATER WITHDREW HER SECOND)

VICE MAYOR SCHWARTZ noted that the City Attorney was already looking into that.

MAYOR RUZZANO believed that the City Attorney already had a log prepared.

COMMISSIONER CAGGIANO said that the City Attorney informed him he had a log prepared.

COMMISSIONER SIMONE clarified that log was for a typical average and was not on individual mileage actually driven and performed. She said that she wanted a log for actual mileage and places driven with the Commissioners being paid accordingly to that log submitted. She noted that she logged her mileage, which she would turn into the City Clerk at the end of the month, which indicated 175.8 miles since March 21, 2017.

MAYOR RUZZANO again stated that the City Attorney had a log that was acceptable by the State, which he agreed to fill out.

COMMISSIONER PEERMAN said that the motion was to follow the Charter, which was actual expenses, and she asked the City Attorney whether his log was for actual expenses.

CITY ATTORNEY GONZALES responded that the log he provided was for an average typical month's expenses.

COMMISSIONER PEERMAN stated that was not actual mileage.

COMMISSIONER SIMONE noted that an average typical mileage had not ever been

determined; therefore, how can a log be filled out for average typical that was not determined.

COMMISSIONER CAGGIANO said that it was about to be determined.

COMMISSIONER SIMONE pointed out that the Commission already received \$400. She suggested that the money received should be returned, actual mileage should be filled out and then the Commission could be paid accordingly.

VICE MAYOR SCHWARTZ believed that an Attorney General's Opinion was being obtained. She said that she wanted to see how far she traveled first.

COMMISSIONER SIMONE asked whether the Vice Mayor was willing to turn back the money already received, while not knowing the mileage she drove.

VICE MAYOR SCHWARTZ clarified that she was sworn in on November 22nd and said that if she looked at her calendar from then till now it would indicate she had not been overpaid the \$500 since November. She clarified that according to the Charter, she would have been entitled to collect from the day she was sworn in; however, she guaranteed that she would have been entitled to more. She noted that she kept track of her travel and time.

COMMISSIONER PEERMAN pulled her second.

CONNIE DERREGA, 7365 NW 18 Street, provided 10 signatures against the Commissioner taking the \$400 car allowance. She reminded everyone she was a voter who would be speaking to other voters. She felt the Commission should be reimbursed for only their actual mileage.

ANTONIO ARSERIO, resident, said that it sounded like the car allowance was open to interpretation; therefore, he was waiting to hear back from the Attorney General. He expressed concern as a taxpayer because the Commission should look out for the best interest, even if they had to change the Charter. He noted that as a person who managed a business and paid expense checks, he wished the employees were on a monthly fixed allowance, because it was probably cheaper to pay the \$400 month.

COMMISSIONER PEERMAN clarified that the City reimbursed mileage, which would come out of the \$6,000 travel expenses.

MR. ARSERIO clarified that if going somewhere in Broward County, it would come from the mileage and not out of the travel expenses. He said that he still believed it would probably be cheaper to pay \$400 a month.

COMMISSIONER SIMONE clarified that if a Commissioner took their car to Tallahassee, the \$400 could be received as mileage, or the \$400 could be received without taking their car to Tallahassee, while having the City rent a car for them on City's expenses. She noted that there was a loophole.

MR. ARSERIO said that depended on how long they were in Tallahassee. He noted that Commissioner Peerman contradicted herself when she said she would vote against it, but would take it, then she would not take it, and then she said she would donate it.

COMMISSIONER PEERMAN said that she was doing what the residents wanted her to do, which was take it; however, in the end she could not take it. She stated that she did not want it from the beginning, but she asked the residents and they wanted her to take it if the rest of the Commission was taking it.

MAYOR RUZZANO said that he did not remember a meeting where the residents told Commissioner Peerman to take the car allowance.

COMMISSIONER PEERMAN said that it was not at a meeting, but she spoke to them.

MAYOR RUZZANO clarified that at the meeting, Commissioner Peerman said that she did not want it, but then said that she would take it, and then said she did not want it again.

MR. ARSERIO added that it was handled administratively, which meant that if you wanted it, you could take it. He said that by bringing the motion and having it pass, everybody would get it; therefore, it cost the City more money by voting on it.

ITEM 7A WAS HEARD PRIOR TO CONSENT AGENDA.

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

CITY ATTORNEY DOUGLAS R. GONZALES read the following statement: 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 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. Next there would be a presentation by the applicant. The Commission would then hear from participants in favor of and in opposition to the application. 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. 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. All decisions of the Commission must be based on competent substantial evidence presented to it at the hearing. 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.

A. [ID 2017-287](#)

CONSIDERATION OF RENEWAL OF SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY 2016/2017 FOR:

AMAYA'S CENTENARIO NIGHT CLUB LLC. DBA - CENTENARIO NIGHT CLUB.

RESOLUTION 17-059

POLICE CHIEF DANA WATSON explained that he was out of the area for the past week to 10 days. He said that his Staff, in an attempt to assist, went ahead with moving this paperwork forward. He noted that he would have done a more formal written presentation otherwise. He explained that Amaya's Centenario Night Club was asking

for extended hours, which was usually done in the Fall with the other applicants. He stated that Amaya's Centenario was a new ownership; therefore, it was not fair to look at prior problems there. He noted that there were quite a few problems and he would not have been recommending extended hours to the prior owner.

CITY ATTORNEY DOUGLAS R. GONZALES said that he signed two notices of violation yesterday for improper alcohol sales on the property. He noted that the events took place in April.

AMAYA CENTENARIO, Amaya's Centenario Night Club, being duly sworn, stated that she purchased the restaurant January 2, 2017.

VICE MAYOR SCHWARTZ asked whether Ms. Centenario was aware of what the City Attorney was speaking about.

MS. CENTENARIO said no.

CITY ATTORNEY GONZALES explained that in court, he filed two Municipal Informations, which were charging documents charging that from that premises, there had been an improper sale of alcoholic beverages to two separate individuals. He noted that there were two separate notices.

VICE MAYOR SCHWARTZ asked whether they were under age or over the time.

CITY ATTORNEY GONZALES did not remember the facts, but it might have been after hours.

COMMISSIONER PEERMAN asked whether a probationary period could be provided, similar to what was done with Paladium.

POLICE CHIEF WATSON clarified that the prior establishment was given a three or six month probation period. He apologized that he was not familiar with those two violations. He said that he knew of no history from January to now with problems other than those violations.

COMMISSIONER PEERMAN asked whether Chief Watson would recommend for approval if there were only two violations.

POLICE CHIEF WATSON said that he could not discuss it because he did not know what the violation was.

CITY ATTORNEY GONZALES said that they were minor violations.

POLICE CHIEF WATSON suggested that due to the confusion, the owner be given probation of at least three months, after which he would provide a report to the Commission.

COMMISSIONER PEERMAN questioned whether this Resolution could be amended to include a three-month probation, with the owner not having to come before the Commission again.

CITY ATTORNEY GONZALES agreed that it could be done for three months; however, the owner would have to come back before the Commission. He noted that he was handed by the City Clerk, the Alcoholic Beverage Special Permit for the sales of alcohol, which was expiring September 30th; therefore, he suggested making the probation through September 30th when the owner had to come back anyway.

COMMISSIONER CAGGIANO asked whether the owner knew about the violations, because she looked stunned. He questioned how it was possible that she was written up and was not aware of it.

MS. CENTENARIO said no.

CITY ATTORNEY GONZALES said that it could have been that someone selling the alcohol was who got written up. He noted that it was done yesterday evening.

An amendment was made to the motion by Commissioner Peerman, seconded by Mayor Ruzzano, to renew through September 30th, 2017. The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Peerman and Mayor Ruzzano

No: 2 - Commissioner Simone and Vice Mayor Schwartz

MAYOR RUZZANO noted that he had discussed this issue with City Staff. He added that though there was a five month probation, it could still be revoked anytime for problems.

CITY ATTORNEY GONZALES clarified that the Commission was voting on the amended motion to grant the special permit through September 30, 2017, at which time the applicant would have to come back anyway for their renewal.

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 2017-218](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES.

APPROVED

- B. [ID 2017-230](#) RESOLUTION - URGING ALL MEMBERS OF THE BROWARD LEGISLATIVE DELEGATION TO PRESERVE AND SUPPORT STATE OF FLORIDA ECONOMIC DEVELOPMENT PROGRAMS SUCH AS ENTERPRISE FLORIDA AND THE FLORIDA SMALL BUSINESS DEVELOPMENT CENTER, AND TOURISM PROGRAMS SUCH AS VISIT FLORIDA.

RESOLUTION 17-060

APPROVED

- C. [ID 2017-265](#) RESOLUTION - AUTHORIZING THE RECLASSIFICATION OF THE ACCOUNT CLERK III POSITION TO AN OFFICE MANAGER POSITION WITHIN THE PUBLIC WORKS DEPARTMENT.

RESOLUTION 17-061

APPROVED

- D. [ID 2017-278](#) RESOLUTION - WAIVING OF BIDDING AND APPROVING THE DISCOUNTED PURCHASE OF REPLACEMENT FIELD TURF FOR FIREFIGHTERS PARK SOCCER RINK BY FIELDTURF USA, INC., NOT TO EXCEED \$87,000.

RESOLUTION 17-062

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 Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

5) CITY MANAGER'S REPORT

INTERIM CITY MANAGER SAM MAY asked that the Economic Development Director explain the proposed project to construct the Rock Island Road bicycle lanes. He noted that the project was proposed by the Metropolitan Planning Organization (MPO). He needed to know whether there was a consensus to move forward with the project or not.

ECONOMIC DEVELOPMENT DIRECTOR BEN ZISKAL explained that the State of Florida Department of Transportation (FDOT) currently had in its work plan a project to design and construct bike lanes on Rock Island Road from Royal Palm Boulevard north to Wiles Road, including portions in the City of Margate and the City of Coral Springs. He said that FDOT was ready to move forward with awarding the contracts for design, but FDOT needed support from both cities as to whether or not the cities agreed with moving forward. He stated that within Margate, the proposed plan area of Rock Island Road consisted of two travel lanes in each direction that were 12 feet wide. He said that the proposal would be to narrow the lanes to 11 feet. He noted that it was a common dimension used by FDOT and the County throughout other roads including portions of University Drive, U.S. 1 and A1A. He said that narrowing the lanes to 11 feet would gain two feet on each side, west and east, northbound and southbound. He stated that the proposal would then be to add a two-foot wide buffer and a four-foot bike lane. He noted that the current 24 foot wide section was four feet narrower than it needed to be. He explained that the proposal was to widen Rock Island Road on the outside where possible to accomplish the additional four feet for the bike lane. He said that in the event that there was not room on the outside, the median would be narrowed to accomplish the dimensions necessary. He said that the end result was to go from two 12 foot lanes of vehicles only to two 11 foot wide lanes for vehicles with a two foot buffer and a four foot bike lane. He stated that it was a budgeted project through FDOT, and that \$650,000 was budgeted for design with \$3.1 million dollars for construction.

VICE MAYOR SCHWARTZ questioned why two 12 foot car lanes were not being left.

DIRECTOR ZISKAL said that question was asked and the intent was to either widen the road or narrow the median as little as possible. He noted that it would be a higher construction cost.

VICE MAYOR SCHWARTZ stated that FDOT was saving their money, which she did not feel worked to the benefit of the residents of Margate. She felt that the roads people

drove on should not be narrowed. She added that 11 feet put the drivers a lot closer to the bikes.

DIRECTOR ZISKAL further explained that the intent was to take it from the swale, but the swale was the drainage for the roadway. He said that if not able to take it all from the swale, they proposed to narrow the median.

VICE MAYOR SCHWARTZ stated that Rock Island Road had a large piece of property in the center that she did not think would cause a drainage issue.

DIRECTOR ZISKAL noted that the plan had not gone to design yet, as FDOT needed both cities to move forward. He noted that in Coral Springs, the proposal was to go north of Sample Road and up to Wiles Road.

COMMISSIONER PEERMAN felt that there would be a worse problem going from Sample Road to Wiles Road, because of the lesser amount of width. She did not feel Coral Springs had large enough swales. She asked whether Coral Springs responded yet.

DIRECTOR ZISKAL said that he met with MPO, FDOT and Coral Springs last week, and the next step was to get the City Commission opinions. He noted that if this Commission wished to move forward, he would bring back a Resolution at an upcoming meeting. He explained that if Coral Springs or Margate said no, the FDOT could still build the other portion.

COMMISSIONER PEERMAN asked if before agreeing, it could be determined whether it would be able to be done on the swales.

DIRECTOR ZISKAL said no, because that was part of the design work. He stated that recommendations could be made and when the Resolution came back, clauses or contingencies could be addressed. He informed the Commission that if they gave direction to bring the Resolution back, there would still be an opportunity to take a vote on it. He added that when presenting the Resolution, he could provide road segments to let them know exactly what roads were 11 feet.

COMMISSIONER PEERMAN was in favor of the wide bike lanes, but felt it would be more advantageous to do it with the swale rather than narrowing the road. She asked whether the median could be taken out or if a certain amount could be used from the medians.

DIRECTOR ZISKAL said that the plan was to widen on the swale side where possible, with the median as the second alternative.

INTERIM CITY MANAGER MAY noted that medians were curbed and swales were not; therefore, it would be a greater expense.

COMMISSIONER SIMONE asked what type of buffering was being considered.

DIRECTOR ZISKAL said that it would be a two foot striped buffer. He noted that concerns or caveats could be put into the Resolution.

COMMISSIONER CAGGIANO clarified that this was State money and would not cost the City. He said that the medians on Rock Island Road were gorgeous; therefore, it should be taken from the swales. He felt that this should move forward to provide bike lanes for constituents.

VICE MAYOR SCHWARTZ suggested maintaining the 12 foot lanes and see whether part of the swale could be taken to accommodate the bike lanes. She said that taking a foot off each lane scared her.

MAYOR RUZZANO agreed that it should be taken towards the swale. He said that he was not a big fan of bike lanes with 45 mph lanes. He did not agree with cutting the streets and did not like the concept of bikes on main roads.

COMMISSIONER SIMONE asked that the Interim City Manager forward to the Commission the website she sent him on all the streetscapes, because there were states and countries that have done bicycle lanes safely. She mentioned New York that had transformed the streets.

COMMISSIONER PEERMAN said that residents had asked about bike lanes and mentioned the Share the Road Program in California.

DIRECTOR ZISKAL clarified that the consensus was to bring back a Resolution at the May 3rd meeting.

VICE MAYOR SCHWARTZ suggested speaking with Coral Springs as well.

The Commission agreed.

INTERIM CITY MANAGER MAY announced Challenger Baseball Day at Calypso Cove and noted that at the February 15th, meeting the Commission approved providing Challenger Baseball a free day at Calypso Cove including meals. He stated that Challenger Baseball was requesting only half a day from 10:00 AM to 2:00 PM. He said that Staff was seeking Commission census on admission fees for remainder of the day. He suggested bringing down the fees to free for Margate residents or \$2, with non-residents at full price of \$7.50 or drop down to half price.

COMMISSION CONSENSUS was stated as free for Margate residents and half price for the non-residents for the half day.

MAYOR RUZZANO asked whether the Challengers included the families.

INTERIM CITY MANAGER MAY agreed.

INTERIM CITY MANAGER MAY said that the Citizen's Academy was coming up on May 9th and must be applied for by May 1st. He stated that Earth Day planters were being provided free at City Hall and Parks and Recreation. He mentioned the Prescription Drug Take Back event that was on Saturday, April 29th from 10:00 AM to 2:00 PM at the CVS at Palm Lakes Plaza at Rock Island Road and Atlantic Boulevard. He added that the Household Hazardous Waste Day for electronic disposal and document shredding was on Saturday, April 29th at Oriole Park from 9:00 AM to 2:00 PM. He stated that Sounds at Sundown was scheduled for Saturday, May 6th from 5:00 PM to 10:00 PM at the northwest corner of Margate Boulevard and U.S. 441, with music, eclectic mixes of local artists and crafters and food trucks. He added that blankets and lawn chairs were welcome.

6) RESOLUTION(S)

- A. [ID 2017-162](#) APPROVING A DONATION OF \$500.00 TO "THE BROWARD VICTIM'S RIGHTS COALITION", A NON-PROFIT ORGANIZATION, TO SUPPORT THEIR EFFORTS TO ASSIST CRIME VICTIMS AND SURVIVORS WHO MAY SUFFER FINANCIAL HARDSHIP AS A RESULT OF THEIR VICTIMIZATION;

DONATION TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND
NOT TO EXCEED \$500.00.

RESOLUTION 17-063

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

Yes: 4 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman and Mayor Ruzzano

Not Present: 1 - Vice Mayor Schwartz

- B. [ID 2017-251](#)** APPROVING THE FUNDING OF THE NATIONAL NIGHT OUT EVENT TO BE HELD AUGUST 2, 2017, TO PROMOTE COMMUNITY INVOLVEMENT IN CRIME PREVENTION AND NEIGHBORHOOD SPIRIT AND POLICE-COMMUNITY NEIGHBORHOOD SPIRIT AND POLICE-COMMUNITY RELATIONS, AND TO ENCOURAGE NEIGHBORHOOD CAMARADERIE AS PART OF THE FIGHT FOR SAFER STREETS, AT A COST NOT TO EXCEED \$13,500.00; PROVIDING FOR FUNDING FROM THE STATE LAW ENFORCEMENT TRUST FUND.

RESOLUTION 17-064

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

Yes: 4 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman and Mayor Ruzzano

Not Present: 1 - Vice Mayor Schwartz

- C. ID 2017-293** ~~APPROVING WAIVING OF BIDDING FOR PURCHASE OF FIRE, MEDICAL, AND PHARMACEUTICAL SUPPLIES FROM HENRY SCHEIN, INC. (INCLUDING MATRIX MEDICAL, INC. OWNED BY HENRY SCHEIN, INC.) AND BOUND TREE MEDICAL, LLC; PROVIDING FOR ALTERNATE SUPPLIERS, PRICING AND AVAILABILITY; PROVIDING FOR EXECUTION OF RELEASE AND WAIVER OF LIABILITY; PROVIDING FOR AN EFFECTIVE DATE.~~

ITEM 6C WAS REMOVED FROM AGENDA PRIOR TO MEETING.

- D. [ID 2017-282](#)** APPROVING (1) 2017 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND MARGATE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; (2) THE 2017 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; AND (3) 2017 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND MARGATE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE

BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING FOR UPDATED POPULATION FIGURES.

RESOLUTION 17-065

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

Yes: 4 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman and Mayor Ruzzano

Not Present: 1 - Vice Mayor Schwartz

- E. [ID 2017-226](#) APPROVING COLLECTIVE BARGAINING AGREEMENT WITH THE BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION (LIEUTENANTS AND CAPTAINS) FOR THE PERIOD FROM OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2018.

RESOLUTION 17-066

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


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

ADJOURNMENT

There being no further business, the meeting adjourned at 10:20 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo



Joseph J. Kavanagh, City Clerk

Date: 7/13/17