



# City of Margate

5790 Margate Boulevard  
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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**

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Wednesday, June 7, 2017

7:00 PM

Commission Chambers

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### CALL TO ORDER

**Present:** 4 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone, Vice Mayor Arlene R. Schwartz and Mayor Tommy Ruzzano  
**Absent:** 1 - Commissioner Lesa Peerman

In Attendance:

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

### PLEDGE OF ALLEGIANCE

A. [ID 2017-388](#) BOY SCOUT TROOP 836

### 1) PRESENTATION(S)

- A. [ID 2017-364](#) IAN SCOTT HOROWITZ, EAGLE SCOUT AWARD
- B. [ID 2017-374](#) CHALLENGER BASEBALL (Presented by Randy Hibshman, Assistant District Administrator In Charge Of The Broward Challenger Program)
- C. [ID 2017-397](#) MAYOR'S FITNESS CHALLENGE 2017 OVERALL WINNERS
- ATLANTIC WEST ELEMENTARY: HERDY CLERMONT AND NEVEAH FRANCIS
- LIBERTY ELEMENTARY: PHILLIP FORD AND KIKI QUAN
- MARGATE ELEMENTARY: LUKE BOUCHARD AND SOPHIA RUIZ
- ITEM 7B WAS HEARD PRIOR TO ITEM 1D - LEGISLATIVE UPDATE

### 7) DISCUSSION AND POSSIBLE ACTION

B. [ID 2017-396](#) SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM - BARBARA PLANTE

*BARBARA PLANTE, 7421 NW 21st Street, introduced Bryson Plante. She explained that she was requesting a donation for Bryson to go to Louisiana for the World Series of the Allstar Margate Baseball Team. She noted that she had a family of eight and her son was selected to be on the team. She felt he deserved to join his team; however, she needed donations and funds to be able to send Bryson. She stated that it would cost approximately \$30,000, but only \$7,000 to \$8,000 was raised so far. She noted that it was in the beginning of July 2017. She noted that some teammates were present.*

*MAYOR RUZZANO explained that about 1 ½ years ago the Commission had a Workshop and budgeted approximately \$10,000 to fund events like this one. He noted that as of this Fiscal Year, \$1,000 was donated to an individual from this account.*

*COMMISSIONER CAGGIANO wished Bryson all the luck in the world and noted that he was wearing a Margate hat and shirt.*

*COMMISSIONER SIMONE requested that if granted, the money be paid to the individual after the event upon receipt given to the City for accounting purposes.*

*MAYOR RUZZANO explained that Bryson was looking for a donation to be able to make it to the event. He said that a contribution was being asked for and having funds paid after the event had never been done before. He noted that he was not a fan of doing that, but it could be looked into for the future. He said that last year the league was given \$5,000, which was then given back. He felt that the \$1,000 should be given tonight and disagreed with giving it after the event.*

*VICE MAYOR SCHWARTZ noted that at a prior meeting, a young man came before the Commission to attend a specific camp; however, the receipt afterwards was not implemented. She said that she was not against talking about it afterwards, but felt that it should not be done this time.*

*COMMISSIONER SIMONE stated that the issue needed to be discussed.*

*VICE MAYOR SCHWARTZ agreed.*

*MAYOR RUZZANO asked what the cost was the last time it was attended.*

*MRS. PLANT said that the air fare was about \$1,000 for a parent and child.*

*COMMISSIONER SIMONE suggested making the check payable to the airlines.*

*MRS. PLANTE explained the costs has to be paid in advance, including flights, hotels and other additional costs.*

*MAYOR RUZZANO wished Mrs. Plante the best. He noted that he went to Louisiana two years ago, and everybody there knew the teams were from Margate due to the great sports teams. He felt that it was a great cause.*

*NICOLE COLLINS, 6151 SW 16th Street, stated that the kids worked very hard and the best of the best were picked to go. She noted that Bryson was the best in his age division and had potential to beat other teams.*

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

**Yes:** 3 - Commissioner Caggiano, Vice Mayor Schwartz and Mayor Ruzzano

**No:** 1 - Commissioner Simone

**Absent:** 1 - Commissioner Peerman

## 1) PRESENTATION(S) CONTINUED

### D. [ID 2017-361](#) LEGISLATIVE UPDATE (Presented by City Lobbyist, David Sigerson)

DAVID SIGERSON, City Lobbyist, explained that the Legislative Session was difficult because of being up against a leadership group in the house determined to limit and preempt local government. He stated that one of the major activities during the Legislative Session was beating back bad Bills, such as House Bill (HB) 17, the Local Business Regulation Preemption Bill, which was defeated. He added that the CRA Bill and the Local Business Tax Bill were defeated. He stated that the Senate was kinder to local government than the current House leadership. He noted that HB 7063, Local Government Fiscal Responsibility Bill was defeated and the Homestead Exemption did pass, but was amended by the Senate to reduce some of the impact. He stated that the good Bills passed were Senate Bill 80, Public Records Attorney Fees and Sober Home Legislation. He said that the Municipal Elections Bill failed, as well as the Local Government Ethics Legislation that would have required extensive unnecessary Financial Disclosure. Mr. Sigerson said that it was not a good year for appropriations for anybody and that Margate had not received money funded for any projects. He noted that Broward County had only six water projects in the Budget and four were vetoed. He stated that Legislature was convinced on spending more money on affordable housing. He added that the Northwest Focal Point Senior Center (NWFPSC) money survived, though there was a cut on health appropriations; however Senator Thurston and Senator Book had those funds that were cut restored to recurring funds. He mentioned the Law Enforcement Services Bill that was worked on with North Lauderdale for many years; however, this year North Lauderdale did not participate so Margate took over. He noted that he went to Committee to obtain a hearing and spent 1.5 hours talking to the new Staff Director. He stated that issues that were litigated four and five years ago were now being re-litigated. He said that he planned to speak with other Cities that may be interested, and he had an alternate strategy of bringing up the issue in the Constitutional Revisions Commission. He thanked Mayor Ruzzano, Vice Mayor Schwartz and Commissioner Caggiano for coming to Tallahassee. He stated that it helped to remind Legislators from local government what it was like at the local government level. He commended City of Margate Staff for their assistance.

## 2) COMMISSION COMMENTS

COMMISSIONER CAGGIANO stated that Margate Middle School won the Vocab.org Vocabulary Award out of 38,000 schools across the Country. He added that over 271,781 words were mastered. He said that Liberty Elementary School was the only elementary school in Broward County to receive the STEM School National Award of Excellence. He noted that he attended the schools many times, such as for the Mayor's Fitness Challenge and Career Day Awards.

COMMISSIONER SIMONE asked whether the City Manager could look into changing the parameters for the Individual Special Events Donation Program. She asked for some



*qualifiers to be put in place, as well as looking into not paying for the event before to the event for accounting purposes. She asked that the check not be payable to the individual if not paying before the event.*

*MAYOR RUZZANO disagreed and stated that the people needed the money before they went.*

*COMMISSIONER CAGGIANO said that he was happy with the program as it was.*

*VICE MAYOR SCHWARTZ said that she spoke with the City Manager yesterday and noted that there were no criteria. She felt that the Commission might agree that some criteria were needed, such as the age of the individual requesting the funds. She understood that people were coming to the City for a need, and that if they could afford to pay for the travel they would not be in front of the Commission. She did not feel that the reimbursement would work when they needed the money to begin with. She stated that the criteria might include, age and purpose of the event.*

*COMMISSIONER SIMONE noted that she spoke with the Finance Department and determined that there was no proof that the money given was used for what it was intended. She said that there was no way to know if the individuals went to the event. She mentioned a prior situation when an individual could not attend and gave the money back to the City, but that might not always happen.*

*VICE MAYOR SCHWARTZ suggested having someone sign something upon receipt of the money stating what the money was being used for. She stated that if they did not use the money as intended, the money would be reimbursed. She added that receipts could be provided afterwards.*

*COMMISSIONER SIMONE agreed that receipts were needed.*

*MAYOR RUZZANO did not think receipts were needed.*

*INTERIM CITY MANAGER SAM MAY asked whether the signed document was acceptable to the Commission.*

*MAYOR RUZZANO agreed with the signed document.*

*COMMISSIONER SIMONE said that she would still like proof that the money was used as intended.*

*MAYOR RUZZANO felt that was not needed.*

*VICE MAYOR SCHWARTZ said that she would like for the individuals to come back and tell the Commission about the event, such as with conferences. She felt that the Commission should do that as well when attending events.*

*INTERIM CITY MANAGER MAY said that a statement could be included in the signed document requiring that the individual comes back and provides a presentation.*

*CONSENSUS was given for the City Manager to review criteria for Special Events Funding/Donation Request Program items. This included requesting recipient to come back before the City Commission to make a presentation and to sign a document affirming their use of funds for the intended event.*

COMMISSIONER SIMONE thanked all of the City employees for the phenomenal job they did. She mentioned always seeing the City crews and knew they took tremendous pride in their work from the Department Heads down to the crews. She felt all employees went above and beyond and were the best staff of any other City.

VICE MAYOR SCHWARTZ wished everybody a Happy Father's Day. She said that her neighbor asked about the C-14 Canal being dropped because the storm water was going up.

INTERIM CITY MANAGER MAY replied that the pumps at C-14 were running at full capacity.

VICE MAYOR SCHWARTZ said that she attended the Margate Middle School Award Ceremony and today attended the Atlantic West Elementary's Graduation and at Margate Elementary yesterday. She said that it was nice to see the 5th grade classes so hopeful and happy. She noted that the demographic of Margate had changed over the years and was now a very integrated community. She mentioned the children who sang the D.A.R.E. song. She stated that she received a call from a staff person at Commissioner Bogen's office regarding the possibility of granting a temporary permit for car salvage companies on Mears Parkway. She noted that they purchase salvage cars, repaired them and resold them. She said that the law stated that they could not have more than a salvage title until the repairs were made and they were inspected to make sure the cars were legitimately fixed and safe. She stated that Code Compliance cited them for not having tags, which they could not have legally. She said that the Staff member asked whether the City could grant a 30 day temporary permit at a nominal fee to allow the people to repair them without getting cited.

CITY ATTORNEY DOUGLAS R. GONZALES noted that the car was ticketed because it was parked in a handicapped parking zone. He said that the owner received a notice from the State of Florida stating that if the fee was not paid, the owner would lose his license.

VICE MAYOR SCHWARTZ still felt that it might be a loop hole in the Code Compliance Statutes that did not allow the car to park there.

CITY ATTORNEY GONZALES stated that it had to be a perpetual release from this, because they would be doing this with cars over time. He said that it needed to be looked into because they might be in the wrong zone.

VICE MAYOR SCHWARTZ explained that the City had rules that allowed the people on the Planning and Zoning (P&Z) Board to substitute for a person out on the Board of Adjustment (BOA); however, last night three people from the BOA were absent, which allowed three people from the other board, who may or may not have read the backup, have a majority vote for a board that had binding decisions. She suggested that when that many members were absent from a regular board, the meeting be tabled to another time.

CITY ATTORNEY GONZALES proposed an ordinance change to limit the participation of a P&Z member on the BOA to make sure it was a satisfaction of quorum, or it could be prohibited totally.

VICE MAYOR SCHWARTZ suggested that it be prevented.

MAYOR RUZZANO asked whether there was a stipulation about attending a certain amount of meetings or being removed. He questioned whether anybody had missed that

*many meetings.*

*CITY ATTORNEY GONZALES said that he would follow up on the issue and come back with an amendment to the ordinance to allow one member of the P&Z to sit for the BOA to have a quorum. He stated that if more than one person was absent, the meeting would have to be rescheduled.*

*COMMISSIONER SIMONE asked whether the individual could be made to have knowledge for voting.*

*CITY ATTORNEY GONZALES said that the issue might be that they only would know they were the board member for that night and did not know ahead of time that they would be filling in. He stated that there was no way he could ensure that they read the backup, which was a reason to not allow anybody to sit in.*

*VICE MAYOR SCHWARTZ stated that if there was no quorum, maybe there should be no meeting.*

*CONSENSUS was given for the City Attorney to bring back an ordinance regarding an attendance policy for the BOA and the P&Z Board.*

*MAYOR RUZZANO said that he was present last night for the meeting. He thanked the individual for volunteering for the position. He stated that each townhome at Celebration Pointe would have a parking garage that was considered a parking space.*

*CITY ATTORNEY GONZALES said that the discussion pertained to not using the garage for storage; however, how could that be enforced.*

*MAYOR RUZZANO said that there were areas where there was one driveway and only two cars could park there. He felt that Celebration Pointe was going to escalate into this issue. He added that the excess parking for 120 townhomes was an overflow of 26 parking spots. He asked whether this item would be coming to the Commission.*

*CITY ATTORNEY GONZALES said that it was at the P&Z level so it would be coming before the Commission.*

*MAYOR RUZZANO said that last night he heard of a proposal for a special exception to make the garages a parking space, which he was against.*

*VICE MAYOR SCHWARTZ noted that she read the backup from the Development Review Committee (DRC) and heard that the garages would not be counted, though the garages would exceed the number of parking spaces. She stated that Associate City Planner Andrew Pinney stated that he thought that would sit well with the Commission because they wanted more parking.*

*CITY ATTORNEY GONZALES reiterated that at last night's meeting it was stated that the garage would be included as a parking spot.*

*MAYOR RUZZANO added that parking in the street would be enforced by ticketing from Code Compliance. He commended the board because they voted only on what the Code allowed; however, they all agreed parking was going to be a problem in that development.*

*CITY ATTORNEY GONZALES said that to change that for the future, an ordinance revision was necessary and a possible Comprehensive Plan Amendment.*

MAYOR RUZZANO said that he had been at the schools all week, and that the schools and kids were great in Margate. He mentioned one classroom where every student had straight A's. He appreciated the residents informing the City of where the floods were due to the recent rains.

CITY ATTORNEY GONZALES said that he received a phone call from Attorney David Tolces who was needed an offer sheet from the City for purposes of the sale of the Alzheimer Building. He stated that he would provide a term sheet for Attorney Tolces tomorrow or Monday providing the City's terms. He said that this could be done in public because the Commission sat as the Community Redevelopment Agency (CRA) board. He reviewed the following terms:

- The purchase price indicated was \$309,000.
- Title Policy, Survey Update and Closing Costs were generally born by the Purchaser, the City.
- Lease back to the CRA at a rate of \$20 per square foot, subject to additional negotiation.
- 100 % share for the CRA to cover Air Conditioning and Roof Replacement costs.
- Ongoing Maintenance Costs (Operating Expenses) to be shared 50/50 between the City of Margate and the CRA. The City would maintain and would be reimbursed.

CONSENSUS was given for the terms for the sale of the former Alzheimer Building located on Atlantic Boulevard from the CRA to the City of Margate, as presented by the City Attorney. Commissioner Simone noted that she was against the sale of the former Alzheimer Building.

MAYOR RUZZANO noted that a new restaurant opened called Anne's Maries Pizza.

THE CITY MANAGER'S REPORT WAS HEARD PRIOR TO PUBLIC DISCUSSION.

## 5) CITY MANAGER'S REPORT

INTERIM CITY MANAGER SAM MAY stated that there was severe flooding in some areas. He read aloud information posted on Facebook with regard to the C-14 Canal being pumped at full capacity by the South Florida Water Management District (SFWMD). He read that other waterways were also being drained. He read that City crews continued to check for and remove obstructions from all stormwater drains and pipes to ensure movement. He read that all necessary provisions were being taken to mitigate flooding as much as possible during this unusual weather event. He added that all water in Margate drained to the C-14 Canal. He mentioned an issue with Coral Bay and the lake that was not draining. He noted that Margate would be assisting and setting up an Emergency Operation Center (EOC). He also read the Code Red message aloud from Margate to Coral Bay. Interim City Manager May stated that one year ago, on September 12th, the Pulse Nightclub tragedy happened. He said that there was outreach from some organizations to have a chiming of bells on June 12th for 49 bells to commemorate the people that lost their lives there. He asked for consensus to have the clock tower bells chime at that time.

CONSENSUS was given for the clock tower bells.

INTERIM CITY MANAGER MAY stated that in 2011, the City joined the United States Department of Energy Buildings Initiative to save money and become more energy efficient. He said that there were 125 sector partners in the local and state agencies that committed to reducing energy consumption. He noted that the goal was to reduce the

energy consumption by 20 percent by the year 2020. He stated that currently, Margate was number six in the Nation. He thanked everyone for their support making Margate able to achieve that.

MAYOR RUZZANO said that he was very proud of the City being number six in the Nation.

CITY ATTORNEY DOUGLAS R. GONZALES noted that last year he was invited to attend the Florida Legislative Committees in Orlando for two meetings. He said that there were very few attorneys on the board; however, he was asked to be on the Committee again this year and would be going next Thursday and Friday, as well as for two days in July.

VICE MAYOR SCHWARTZ asked that Assisant to the City Manager Adam Reichbach make a list of things that Margate stood out for so it could be published. She requested that when the City Attorney went to Orlando to advance Margate's agenda he address home air conditioning lemons that had very little protection like there was with the Lemon Law that allows a new car after three attempts. She said that not having air was a health, safety and welfare issue.

### 3) PUBLIC DISCUSSION

JULIE JONES, 7871 NW 1st Street, stated that the covered sports field was awesome. She said that something needed to be done with regards to parking. She spoke about people blocking sidewalks, as well as mailboxes getting blocked. She noted that calling the Police did not help because they only gave warnings. She stated that individuals needed to be ticketed. She mentioned that a Waste Management truck could not pass by either. She added that the Police had to be discreet, and she no longer gave her name when she called, because she was afraid of retaliation. She noted that she was now in possession of a restraining order because of this issue. She said that she supported the City Attorney making the City safe.

MAYOR RUZZANO explained that about two years ago, the City received over \$1 million dollars from the Resource Recovery Fund that was put in a separate account. He suggested making home improvements on the properties, such as bigger driveways by borrowing the money tax free and using it. He said that would get the money back to the residents. He questioned how the garbage was picked up due to the issue.

MS. JONES explained that there was another robbery on the street and Desiree Barnes, 7814 NW 1st Street, informed her that she could speak on her behalf. She said that most of the cars did not belong on the street and that people with multiple cars did not park in their own driveways, but blocked other driveways and streets.

RICK RICCARDI, 4829 South Hemingway Circle, noted that Lemon Tree Lake had risen to street level. He stated that STEM School at Liberty Elementary School had a student win a 3rd grade award for the best STEM student in the class with straight A's.

RICH POPOVIC, 6066 Winfield Boulevard, spoke about the schools, the legislative update, Police Tax, Boards, the Budget and the Alzheimer Center.

JERRY STEELE, 1490 NW 69th Avenue, said that this was his first meeting this year, because he was a snowbird. He thanked the City for the activities being provided for the youngsters. He noted that he lived in Minnesota, but hoped to be a permanent resident someday.



*ELSA SANCHEZ, 6930 NW 15th Street, thanked the City for the City College, which she felt was fantastic. She said that she met Karin Diaz, Northwest Focal Point Senior Center, who was doing a wonderful job, as well as Fire Chief Dan Booker.*

#### 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 2017-375](#) RESOLUTION - AWARDED BID NO. 2017-014 - FURNISH AND DELIVER XELUM LED FLOOD LIGHTS AND ZENUS UNDER-MOUNT GANTRY ASSEMBLY BRACKETS TO SPAVENTO, INC.; NOT TO EXCEED \$67,100

*RESOLUTION 17-083*

**APPROVED**

- B. [ID 2017-386](#) RESOLUTION - REJECTING BID RECEIVED FOR BID NO. 2017-004 - AERIAL UTILITY CROSSING REPLACEMENTS FOR THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES; PROVIDING FOR REBID OF THE PROJECT AT A FUTURE DATE.

*RESOLUTION 17-084*

**APPROVED**

#### Approval of the Consent Agenda

**A motion was made by Commissioner Simone, seconded by Commissioner Caggiano, to approve the Consent Agenda. The motion carried by the following vote:**

**Yes:** 4 - Commissioner Caggiano, Commissioner Simone, Vice Mayor Schwartz and Mayor Ruzzano

**Absent:** 1 - Commissioner Peerman

#### 6) RESOLUTION(S)

- A. [ID 2017-363](#) APPROVING REAPPOINTMENT OF BRUCE DAVIS TO THE UNSAFE STRUCTURES BOARD FOR A TERM COMMENCING JUNE 7, 2017 TO JUNE 6, 2020.

**All agreed to table this item to the next City Commission meeting of June 21, 2017.**

- B. [ID 2017-380](#) DESIGNATION OF ONE (1) VOTING DELEGATE AND ONE (1) ALTERNATE FOR FLORIDA LEAGUES OF CITIES' 91ST ANNUAL CONFERENCE FROM AUGUST 17-19, 2017, IN ORLANDO, FLORIDA.

*RESOLUTION 17-085*

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

Caggiano, to insert the name of Arlene Schwartz as voting delegate with Anthony Caggiano as the alternate. The motion carried by the following vote:

**Yes:** 4 - Commissioner Caggiano, Commissioner Simone, Vice Mayor Schwartz and Mayor Ruzzano

**Absent:** 1 - Commissioner Peerman

## 7) DISCUSSION AND POSSIBLE ACTION CONTINUED

- A. [ID 2017-376](#) ~~SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM—~~  
~~JEANRILES METEZIER~~

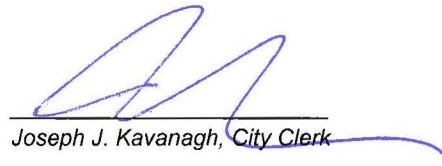
*This item was not heard.*

## ADJOURNMENT

*There being no further business, the meeting adjourned at 8:55 PM.*

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

  
\_\_\_\_\_  
Joseph J. Kavanagh, City Clerk

Date: 9/18/17