



City of Margate

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

Meeting Minutes Regular City Commission Meeting

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

City Manager Samuel A. May
Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.
City Clerk Joseph J. Kavanagh

Wednesday, March 7, 2018

6:30 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Samuel A. May
City Attorney James A. Cherof
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

ID 2018-092 DESIREE REID, 7TH GRADE, ABUNDANT LIFE CHRISTIAN ACADEMY

PROCLAMATION(S)

- C.** ID 2018-087 RECOGNITION AND APPRECIATION OF THE MARGATE POLICE DEPARTMENT AND MARGATE/COCONUT CREEK FIRE RESCUE DEPARTMENT FOR THEIR RESPONSE TO MARJORY STONEMAN DOUGLAS HIGH SCHOOL (presented by Broward County Commissioner Mark D. Bogen)

COMMISSIONER TOMMY RUZZANO mentioned the incident at Stoneman Douglas and asked about having two Police Officers in all of our schools.

1) PRESENTATION(S)

- A.** ID 2018-074 ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, DESIREE REID; TEACHER, RAMONA MCCLOUD
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)
- ATLANTIC WEST ELEMENTARY: STUDENT, SERAIAH GILMORE;
TEACHER, IMMACULA JOSEPH

(Mrs. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)

LIBERTY ELEMENTARY: STUDENT, RYDER FISKE; TEACHER, RONI TANENBAUM

(Mr. David J. Levine, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, RONALD VELASQUEZ; TEACHER, IDA ROMERO

(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: STUDENT, GERLANDA MAIGNAN; TEACHER, CLIFFORD WIGGINS

(Mr. Earnest Toliver, Principal and/or Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, WIL-GASHNA NOEL; TEACHER, KIERRA BUTLER

(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

WEST BROWARD ACADEMY: STUDENT, MEGAN KATAKITI; TEACHER, ROSSANA PADRON

(Ms. Donna Baggs, Principal)

PROCLAMATION(S)

- B. [ID 2018-070](#) WOMEN'S HISTORY MONTH - MARCH, 2018 (presented to Carole Tolomeo, Office Manager, Police Department)

COMMISSIONER RUZZANO discussed increasing police presence at Margate schools with two full-time School Resource Officers (SRO) at each school and sought the Commission's approval on the same.

COMMISSIONER LESA PEERMAN said she has no issue with an extra SRO.

COMMISSIONER JOANNE SIMONE asked about taking action on the item and if they were able to vote on the same at the meeting.

CITY ATTORNEY JAMES A. CHEROF said additional action would need to be taken.

VICE MAYOR ANTHONY N. CAGGIANO discussed a concept of having police officers at schools in two hour shifts which would not cost the City any money.

MAYOR ARLENE R. SCHWARTZ said that they should continue with the extra police officer and determine a way to fund this cost. She mentioned researching the hiring of retired police officers.

COMMISSIONER PEERMAN discussed police tactics and training. She mentioned funding two SRO officers in each school.

COMMISSIONER RUZZANO discussed the Coconut Creek SRO contract and the costs associated. He said that he wanted to continue having an extra officer moving forward.

Discussion ensued regarding the process for this item.

CITY MANAGER SAMUEL A. MAY mentioned looking into having the second SRO officer be a part-time police officer hired at a flat rate.

The City Commission voted 5-0 to direct the City Manager to look into having a second SRO at each Margate school to be staffed by a part-time police officer hired at a flat rate.

2) COMMISSION COMMENTS

COMMISSIONER PEERMAN thanked Mr. & Mrs. DeCristofaro from Margate Community Emergency Response Team (CERT), Margate Paramedics, Chief Dan Booker and the Fire and Police Departments. She asked for the City to do a Proclamation for the Margate CERT team.

MAYOR SCHWARTZ discussed the CERT's therapy dog participating in City activities.

COMMISSIONER SIMONE echoed Commissioner Peerman's thoughts on the Proclamation for CERT and said that they were a valuable asset to the City. She thanked the Police and Fire Department for their part in Parkland incident. She discussed treating each other with dignity and to avoid bullying. She indicated that she wanted to attend the Parks Master Plan Workshop but had a prior commitment. She discussed reallocating funds as she was not in favor of the bond. She mentioned the idea of doing something special for Memorial Day.

Discussion ensued on concepts for Memorial Day.

COMMISSIONER RUZZANO mentioned a lawsuit from New Urban Development suing the City Commission and the Community Redevelopment Agency (CRA). He said he was against the project. He mentioned a project on Banks Road with 200 units.

A motion was made by Commissioner Ruzzano, seconded by Vice Mayor Caggiano, to remove the Transit-Oriented Corridor (TOC) from the City of Margate.

CITY ATTORNEY CHEROF advised that the City Commission could not vote on that item but it could come back as a noticed Agenda item.

Discussion ensued on the TOC and parking.

CITY ATTORNEY CHEROF mentioned that the Code applied at the time an applicant submits an application.

COMMISSIONER PEERMAN asked the City Attorney whether they could put a moratorium on future development because of the parking issues in Margate.

CITY ATTORNEY CHEROF advised against moratoriums.

Discussion ensued on the TOC.

CHARLIE ARTNER, 6631 NW 22ND COURT discussed his concerns with parking and development.

TONY SPAVENTO, 3194 W BUENA VISTA DRIVE discussed Toscana and parking.

RICK RICCARDI, 4829 S HEMINGWAY CIRCLE discussed the TOC.

VICE MAYOR CAGGIANO questioned how many cities were part of the TOC.

Discussion ensued on the TOC.

DANNY MARINO, 2600 NW 69TH AVENUE discussed the TOC.

Discussion ensued on the TOC.

MANNY LUGO, 1129 EAST RIVER DRIVE discussed the TOC and amending the Code.

Discussion ensued regarding the TOC and parking.

The motion carried by the following vote:

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

No: 2 - Commissioner Peerman and Commissioner Simone

CITY ATTORNEY CHEROF discussed needing proper notice to revise the Code.

CITY MANAGER MAY discussed the new Development Services Director and rezoning.

Discussion ensued regarding the consultant's future presentation on amending the TOC.

DEPARTMENT OF ENVIRONMENT AND ENGINEERING SERVICES (DEES)
DIRECTOR REDDY CHITEPU discussed the TOC and mixed use.

Discussion ensued regarding parking.

DEES DIRECTOR CHITEPU affirmed that the TOC has more restricted parking than the rest of the City. He said that research would take place on parking, which was currently 2.2 spots per unit in the City and 1.6 spots in the TOC.

A motion was made by Commissioner Peerman, seconded by Mayor Schwartz, to bring back a motion to change City code to a minimum of two spots for a one bedroom unit and one spot for each additional bedroom applying City-wide.

MR. ARTNER discussed adding 5% guest parking to the motion.

Mayor Schwartz removed her second.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, to bring back a motion to change the City parking code to a minimum of two parking spots for a 1 bedroom unit, and 1 spot for each additional bedroom, applying City-wide and for guest spots and multi-family units to be calculated at 5% of the total parking. This carried by the following vote:

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

COMMISSIONER RUZZANO said he would like to see more flags in the City. He asked about the 911 system.

CITY MANAGER MAY said he was waiting on a proposal from Coral Springs on dispatch and a merged Fire Department.

Discussion ensued on the proposal.

VICE MAYOR CAGGIANO discussed gun legislation, Margate Garage Sale on March 17th and various financial topics.

COMMISSIONER PEERMAN discussed the Vice Mayor's previous comments.

MAYOR SCHWARTZ mentioned various City programs.

3) PUBLIC DISCUSSION

RICHARD W. WAITKUS, 6680 BURNING WOOD DRIVE, BOCA RATON discussed his issues with the City regarding coaching and volunteers.

MAYOR SCHWARTZ said that coaching was an administrative decision that was made by a Department Head which the Commission could not interfere with.

EDDIE D. VAZQUEZ, 7331 NW 18TH STREET discussed his issues with the City Police Department.

MR. SPAVENTO mentioned the AT&T First Responder program.

MR. RICCARDI discussed Fellowship Living and that they were doing a pilot program with Holy Cross Hospital, Broward Sheriff's Department and Henderson Mental Health.

MR. ARTNER discussed changing the time for the Development Review Committee (DRC) meetings.

Discussion ensued on this topic.

CITY MANAGER MAY said that they could look into it.

DOUGLAS R. KEMP, 795 NW 73RD AVENUE said that he represents Paradise Gardens IV. He discussed topics including pavement, shutters and impact glass. He asked about grants or group purchasing for discounts to try and promote impact glass for his complex.

Discussion ensued regarding the City Property Assessed Clean Energy (PACE) program.

MR. MARINO discussed about the possible merger of Margate Police and Margate Fire. He asked for an update on the Ring program.

COMMISSIONER RUZZANO advised that the Ring program got bought by Amazon but he was still working on it.

ELSA SANCHEZ, 6930 NW 15TH STREET thanked Mr. Nixon and Mr. Valentino for fixing the roof at the Club House. She thanked the Code Enforcement Officers and said that the City staff were amazing and helpful.

Discussion ensued on City Commission expenses and raises.

JULIE JONES, 7871 NW 1ST STREET thanked Commissioner Ruzzano for fixing the American flags and for mentioning Challenger Baseball.

LAUREN BERACHA, 6915 NW 14TH PLACE discussed the behavior of the City Commission.

4) CONSENT AGENDA

Consent Agenda Item B was pulled from the Consent Agenda by Commissioner Ruzzano.

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 2018-073](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: NOVEMBER 1, 2017 - REGULAR CITY COMMISSION MEETING.

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

- B. [ID 2018-075](#) RESOLUTION - AWARDING REQUEST FOR QUALIFICATIONS (RFQ) 2017-017 TO CAROLLO ENGINEERS; APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS FOR THE DESIGN SERVICES FOR WASTEWATER TREATMENT PLANT UPGRADE ENGINEERING; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 18-021

A motion was made by Commissioner Peerman, seconded by Commissioner Ruzzano, that this Resolution, be discussed.

COMMISSIONER RUZZANO requested more details on this Resolution.

DEES DIRECTOR CHITEPU spoke on this item.

Discussion ensued on the scope of the project and costs.

The motion carried by the following vote:

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

5) CITY MANAGER'S REPORT

CITY MANAGER MAY provided an update on three City projects that were submitted for appropriation and consideration by the Florida Legislation. He advised that Margate Sewer Piping Rehabilitation and Fire Station 58 was included in the final Legislator project and required approval by the Governor. He said that the City would be participating in the Seventh National Mayor's Challenge for Water Conservation. He said that effective March 17th, Calypso Cove would be open at the weekend and The Water Park would be open from Monday thru Friday. He highlighted the following events:

- Garage Sale on March 17th
- Spring Time Egg Hunt, March 24th at The Sports Complex
- Dive in Movie on March 24th at Calypso Cove
- Household Hazardous Waste and Document Shredding on April 28th at Oriole Park
- Prescription Drug Takeback Event on April 28th

6) RESOLUTION(S)

- A. [ID 2018-088](#)** APPROVING SETTLEMENT OF THE CLAIM OF IZAK FRIDMAN AGAINST THE CITY OF MARGATE FOR \$50,000 WITHOUT ADMISSION OF LIABILITY.

RESOLUTION 18-022

A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, that this Resolution, be discussed.

COMMISSIONER RUZZANO said that he noticed that the Officer had been involved in five "at fault" accidents.

CITY ATTORNEY CHEROF advised that the matter which the Vice Mayor raised was not the subject matter of the Resolution and would need to be discussed with the administration.

ATTORNEY ROBERT SCHWARTZ, Outside Council on behalf of the City, said that he

recommended the settlement.

Discussion ensued on the item.

This motion carried by the following vote:

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

- B.** [ID 2018-090](#) OPPOSING EFFORTS BY THE FLORIDA LEGISLATURE TO IMPEDE THE CONSTITUTIONAL RIGHT OF FLORIDA'S CITIZENS TO GOVERN THEMSELVES UNDER MUNICIPAL HOME RULE POWERS; OPPOSING THE LEGISLATURE'S PERSISTENT INTRUSION INTO LOCAL FINANCES THROUGH UNFUNDED STATE MANDATES ON CITIES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 18-023

A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that this Resolution, be approved.

MR. MARINO asked for clarification on the item.

Discussion ensued.

The motion carried by the following vote:

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

- C.** [ID 2018-095](#) CALLING ON THE STATE OF FLORIDA, GOVERNOR RICK SCOTT, PRESIDENT DONALD TRUMP, AND THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE SHOOTINGS BY REQUIRING A BACKGROUND CHECK FOR EVERY FIREARM SALE; SUPPORTING THE PASSAGE OF A RED FLAG LAW; SUPPORTING RAISING THE AGE FOR LEGAL PURCHASE OF FIREARMS, MAGAZINES AND AMMUNITION TO 21; SUPPORTING THE PASSAGE OF LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES AWAY FROM OUR SCHOOLS; AUTHORIZING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 18-024

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

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

- D. [ID 2018-093](#) APPROVING A TWO PERCENT (2.0%) COST OF LIVING (COLA) FOR THE PERIOD FROM OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018, FOR SENIOR MANAGEMENT; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 18-025

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Resolution, be approved.

VICE MAYOR CAGGIANO said he was against staff receiving raises after getting promotions. He mentioned car allowances and pay steps.

MAYOR SCHWARTZ discussed staff receiving promotions and raises. She mentioned car allowances and pay steps.

Discussion ensued on the item.

COMMISSIONER RUZZANO discussed the Cost of Living Adjustment (CoLA) and pay steps.

COMMISSIONER PEERMAN discussed the CoLA and pay steps.

MS. SANCHEZ discussed the raises.

Discussion ensued on the raises.

MR. MARINO discussed the raises and CoLA.

COMMISSIONER SIMONE discussed the item.

MR. ARTNER discussed the raises and CoLA.

This motion carried by the following vote:

Yes: 3 - Commissioner Peerman, Commissioner Simone and Commissioner Ruzzano

No: 2 - Vice Mayor Caggiano and Mayor Schwartz

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. [ID 2018-086](#) CLARIFICATION OF A CONDITION OF APPROVAL FOR SPECIAL EXCEPTION USE TO PERMIT THE CONSTRUCTION OF A CUMBERLAND FARM GASOLINE SERVICE STATION AT 5485 WEST ATLANTIC BOULEVARD.

RESOLUTION 18-026

STEPHANIE J. TOOTHAKER, ATTORNEY WITH TRIPP SCOTT said that she was representing Cumberland Farms and asked to show a PowerPoint presentation. She explained that Cumberland Farms was originally approved in January 2017. She said that

there was an abandoned Walgreens in Lakewood Plaza where they want to put the Cumberland Farms. She explained that they were asked permission to add windows on the South façade of the building which you was not able to view from the exterior. She advised that the windows that the City requested were not to the Cumberland Farm's style but were identical and sought the Commission's agreement for the glass to be modified. She explained that they wanted to install exterior security cameras which would be installed on the south side of the building.

COMMISSIONER RUZZANO said that he could not see any problems with the windows and asked about the operating hours.

DEVELOPER, MARC GOTTLIEB confirmed that they would operate 24 hours.

MAYOR SCHWARTZ asked about the windows on the front.

Discussion ensued on the windows.

MR. GOTTLIEB indicated that the security cameras had a recording mechanism.

MR. MARINO questioned why the City was hard on new businesses coming into the City.

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

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

8) ORDINANCE(S) - FIRST READING

- A.** [ID 2018-082](#) CONSIDERATION OF AN ORDINANCE TO BAN MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSARIES.

A motion was made by Vice Mayor Caggiano, seconded by Commissioner Simone, that this Ordinance, First Reading, be approved.

MICHAEL A. SIRJUE, 6811 NW 4TH STREET said that he publically supported pot dispensaries and that it was a new business to come into the community.

COMMISSIONER RUZZANO spoke on this item.

Discussion ensued on the item.

The motion carried by the following vote:

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

No: 1 - Commissioner Peerman

9) ORDINANCE(S) - SECOND READING

- A. ID 2018-069 AMENDING THE MARGATE CODE OF ORDINANCES TO CHANGE ALL REFERENCES TO "ECONOMIC DEVELOPMENT DEPARTMENT" TO THE "DEVELOPMENT SERVICES DEPARTMENT"; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

ORDINANCE 2018-1

A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that this Ordinance, Second Reading, be approved.

Discussion ensued on the item.

The motion carried by the following vote:

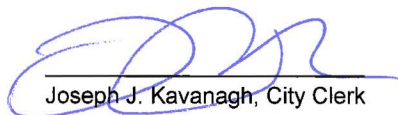
Yes: 5 - Commissioner Peerman, Commissioner Simone, Commissioner Ruzzano, Vice Mayor Caggiano and Mayor Schwartz

ADJOURNMENT

There being no further business, the meeting adjourned at 11:35pm

Respectfully submitted,

Transcribed by Salene E. Edwards


Joseph J. Kavanagh, City Clerk

Date: 5/18/18

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.