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, April 4, 2018 **6:30 PM** **Commission Chambers**

CALL TO ORDER

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

In Attendance:

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

PLEDGE OF ALLEGIANCE

ID 2018-147 SOPHIA CAGGIANO, 6TH GRADE, RAMBLEWOOD MIDDLE SCHOOL

PROCLAMATION

B. ID 2018-071 ALLEN BELLMAN DAY - APRIL 4, 2018

This item was heard before Presentation(s).

MAYOR ARLENE R. SCHWARTZ acknowledged Tom and the City's mascot and therapy dog, Coco, who also worked with the Community Emergency Response Team (CERT).

1) PRESENTATION(S)

STUDENTS AND TEACHERS OF THE MONTH

A. ID 2018-134 ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, MARILISA TORRES; TEACHER, LATOYA DEAN
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, EASON LEE; TEACHER, BARBARA SOHN
(Mrs. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)

LIBERTY ELEMENTARY: STUDENT, CHEDNA FERDINAND; TEACHER, GINA AUXILLY
(Mr. David J. Levine, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, ARIANNA DELGADO; TEACHER, MICHELLE MESSINGER
(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: STUDENT, JONATHAN OCTAVIEN; TEACHER, DENISE MOORE
(Mr. Earnest Toliver, Principal and/or Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, KOBE DESOUZA; TEACHER, BASAK CAYLI-ESMER
(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

WEST BROWARD ACADEMY: STUDENT, MEGAN KATAKITI (MARCH) STUDENT, JOSHUA DOMINGUE (APRIL); TEACHER, MARY LUBBERS
(Ms. Donna Baggs, Principal)

PROCLAMATION(S)

F. ID 2018-144 NATIONAL CRIME VICTIMS' RIGHTS WEEK - APRIL 8-14, 2018 (presented to Tara Arena, Victim Advocate)

C. ID 2018-111 WATER CONSERVATION MONTH - APRIL, 2018 (presented to Lorraine A. Mayers, Regional Representative, South Florida Water Management District)

D. ID 2018-137 FLORIDA WATER PROFESSIONALS MONTH - APRIL, 2018 (presented to Florida Water & Pollution Control Operators Association)

E. ID 2018-138 NATIONAL AUTISM AWARENESS MONTH - APRIL, 2018

2) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE thanked Mike Jones and his team from Parks & Recreation for arranging the Tree Giveaway for Margate residents on April 28th. She advised that they would be receiving $1,000,000 from the State for the building of the Fire Station 58. She shared some State and County news and said that there was a new House Bill 21 (HB 21), which puts a three day on most Opioid prescriptions and said it also helped fight the opioid epidemic state-wide. She also advised that the Governor signed into Law, legislation regarding Day Light Savings time. She mentioned a proposed Broward County Ordinance regarding tree regulations due to Hurricane Irma. She advised that people should start preparing for Hurricane season which was two months away. She mentioned a Bicycle Safety Enforcement campaign and asked to bring back a program regarding bicycle and pedestrian safety. She said that the City could organize a potential bike ride on the C-14 canal and asked for an update on a Field

of Flags program for Memorial Day.

CITY MANAGER MAY said that he had discussed with the Parks and Recreation Director having a mini version of the Field of Flags for Memorial Day but would confirm at the next meeting.

COMMISSIONER RUZZANO mentioned that the flags were half-mast in respect of the 50th anniversary of Dr. Martin Luther King Jr. He said that an email should be sent out in advance if they were doing the flags at half-mast. He discussed a recent bill that passed regarding firefighters, paramedics and law enforcement officers eligible for Posttraumatic Stress Disorder (PTSD) benefits. He said Broward County should not be managing the City Grants program. He mentioned funds received from the Building Department for various fees which showed people wanted to come to Margate and thanked Richard Nixon.

VICE MAYOR ANTHONY N. CAGGIANO said that Allen Bellman was incredible. He highlighted Sounds at Sundown on April 7th and congratulated Herb and Margaret Hermanson being recognized as April's Home of the Month. He also recognized Dr. Martin Luther King. He said that all new hires, except for the Fire and Police Departments, should be working a five day work week.

MAYOR SCHWARTZ mentioned putting up signs on Margate Boulevard and 441 notifying the public of Margate's five day work week. She mentioned the Car Seat Safety Checkup program on April 14th, as well as the upcoming Citizens Academy eight week course on May 22nd, the Bulk Trash Pickup Schedule, the Tree Giveaway, Hazardous Waste Pickup Program and the Prescription Program. She asked about receiving a quarterly budget report from the Finance Department.

3) PUBLIC DISCUSSION

RICHARD BROWN, 6695 SW 6TH STREET discussed Code Compliance issues which he had previously discussed at the last City Commission meeting.

POLICE CHIEF DANA WATSON provided a summary and explained that people had been cited and would go to Special Magistrate. He said that one of his members of staff would contact him.

CITY MANAGER MAY provided an update on Code Compliance and citations.

MR. BROWN mentioned bulk pickup, Code Compliance and renting out rooms in single family developments.

Discussion ensued on whether people could park on the grass and how the Code regulates those scenarios.

CHARLIE ARTNER, 6631 NW 22ND COURT referenced the Code in regards to parking on the grass.

RICH POPOVIC, 6066 WINFIELD BOULEVARD discussed financial issues in the City of Margate, Bond Referendums and local government issues.

SIDNEY KING, 2111 NW 76TH AVENUE AND PRESIDENT OF THE MARGATE LIONS, discussed issues with senior citizens being the victims of phone scams and an upcoming class to educate seniors on April 25th.

EDWARD A. DECRISTOFARO, 6600 BRANDYWINE DRIVE AND VICE PRESIDENT OF THE MARGATE LIONS said the Lions Club was having issues with trash being dumped on the property. He also said that Code Compliance had been absolutely phenomenon to work with but the problem had to be resolved.

Discussion ensued on ways to remedy the problem.

CITY MANAGER MAY said that he would speak with the Police Chief to do some enforcement in that area.

RICH ALIANIELLO, 7631 NW 23RD STREET thanked the Commission and public for supporting him during his illness and discussed Code Enforcement.

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 2018-132 MOTION - APPROVAL OF CITY COMMISSION MINUTES: DECEMBER 11, 2017 - CITY COMMISSION WORKSHOP; DECEMBER 13, 2017 - REGULAR CITY COMMISSION MEETING; JANUARY 24, 2018 - REGULAR CITY COMMISSION MEETING; JANUARY 31, 2018 - REGULAR CITY COMMISSION MEETING.

APPROVED

B. ID 2018-135 RESOLUTION - AWARD OF BID NO. 2018-013 FURNISH AND DELIVER SODIUM HYDROXIDE 50% BY WEIGHT TO ALLIED UNIVERSAL CORPORATION AT A COST OF $2.76/GALLON FOR TRUCKLOAD DELIVERY AND $3.34/GALLON FOR LESS THAN TRUCKLOAD DELIVERY; WITH THE CITY OF MARGATE ACTING AS LEAD AGENCY FOR THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 18-034

APPROVED

C. ID 2018-136 RESOLUTION - AUTHORIZING THE ADMINISTRATION TO NEGOTIATE CONTINUING SERVICES AGREEMENTS WITH THE TOP FIVE RANKED ENGINEERING FIRMS, (1) HAZEN AND SAWYER, P.C., (2) CAROLLO ENGINEERS, INC., (3) CHEN-MOORE & ASSOCIATES, INC., (4) ECKLER ENGINEERING, INC., AND (5) CRAIG A. SMITH & ASSOCIATES, INC. FOR REQUEST FOR QUALIFICATIONS (RFQ) 2018-009 - WATER AND WASTEWATER ENGINEERING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 18-035

APPROVED

Approval of the Consent Agenda

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

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

Absent: 1 - Commissioner Peerman

5) CITY MANAGER'S REPORT

CITY MANAGER MAY discussed various upcoming City events.

6) RESOLUTION(S)

A. ID 2018-123 AUTHORIZING THE EXECUTION OF A DECLARATION OF ACCESS EASEMENT FOR THE PURPOSE OF THE COVERED SPORTS FIELD TO BE CONSTRUCTED AT 1675 BANKS ROAD.

RESOLUTION 18-036

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

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

Absent: 1 - Commissioner Peerman

B. ID 2018-133 APPROVING APPOINTMENT OF CITY OF MARGATE DIRECTOR, FIRST ALTERNATE, AND SECOND ALTERNATE TO THE BROWARD LEAGUE OF CITIES BOARD OF DIRECTORS FOR 2018-2019.

RESOLUTION 18-037

A motion was made by Commissioner Simone to insert the name of Joanne Simone as Margate Director.

A motion was made by Vice Mayor Caggiano, seconded by Mayor Schwartz, to insert the name of Anthony N. Caggiano as Director.

Discussion ensued on the item and the following slate of members was proposed:

Director - Vice Mayor Caggiano (nominated by Vice Mayor Caggiano)

First Alternate - Commissioner Ruzzano (nominated by Vice Mayor Caggiano)

Second Alternate - Commissioner Simone (nominated by Mayor Schwartz)

This motion to approve the slate as proposed carried by the following vote:

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

Absent: 1 - Commissioner Peerman

C. ID 2018-143 ANNOUNCING ZONING IN PROGRESS RELATED TO PENDING CITY-WIDE RESIDENTIAL PARKING REQUIREMENTS AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 18-038

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

Discussion ensued on the changes from the previous version of the agenda item.

MAYOR SCHWARTZ recapped the conditions mentioned in the agenda item.

CITY ATTORNEY JAMES A. CHEROF explained that the City still had the discretion to make modifications to Exhibit A before their adoption of the Resolution.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY said the agenda item mentioned a base of two parking spots and additional spots being added based on additional bedrooms. He explained that this item would come back in the form of an Ordinance and this current Resolution would essentially be pressing a pause button on the current parking standards.

Discussion ensued on how garages apply to calculating parking standards.

CITY ATTORNEY CHEROF advised that they should add a sentence saying that garage space should not count towards parking.

Discussion ensued regarding the percentage calculation for guest parking.

COMMISSIONER RUZZANO recommended 15% for guest parking in multi-family.

Discussion ensued regarding parking in the TOC.

Discussion ensued regarding counting garages as parking spots.

CITY ATTORNEY CHEROF advised on the following changes to the Exhibit A: In the second paragraph which was the first indented paragraph, he would add a sentence, "Garage space would not count as parking". He said that in the paragraph that begins "Zoning and progress shall end no later than ...", the wording should be changed from 180 to 184 days and therefore, they would need to have an Ordinance in place for Second Reading on October 4, 2018 and at the bottom of page where it says that "it was approved by the City Commission", change wording to April 4, 2018. He said that they would need to remove the word "draft" and if they adopt the Resolution, that would be

Exhibit A.

Discussion ensued on how they could come to an agreement so that the Resolution could pass.

VICE MAYOR CAGGIANO said he would go ahead with not counting the garage space which could be sorted out at a later date.

COMMISSIONER RUZZANO mentioned adding a specific size measurement of a garage that could fit a car and have it count as one parking space.

COMMISSIONER SIMONE was concerned that if a homeowner wanted to convert or enclose their garage or patio into another bedroom they could lose an extra parking space. She asked about the possible consequences in this respect and said that they may possibly be denied a permit for an add-on.

Discussion ensued on possible limitations including sizes of driveways and the setback distance for a garage.

The City Commission was polled on the Guest Parking amount being set at 15%.

Polling on 15% for Guest Parking
COMMISSIONER SIMONE - No
COMMISSIONER RUZZANO - Yes
VICE MAYOR CAGGIANO - Yes
MAYOR SCHWARTZ - Yes

The City Commission was polled on counting Garage Spaces as one parking space, as long as it meets a minimum size requirement.

COMMISSIONER SIMONE - No
COMMISSIONER RUZZANO - Yes
VICE MAYOR CAGGIANO - Yes
MAYOR SCHWARTZ - Yes

A motion was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano, to approve Resolution with amended Exhibit A.

MR. POPOVIC discussed developer, parking spots, the Metropolitan Planning Organization (MPO) and Commissioner Simone representing two boards which may be a conflict of interest.

MANNY LUGO, 1129 EAST RIVER DRIVE discussed the Ordinance in regards to the TOC and sizes of garages based on the size of the home.

SENIOR PLANNER PINNEY commented on the Ordinance in Plantation.

MR. ARTNER discussed the Resolution.

CITY ATTORNEY CHEROF commented on the Zoning in Progress topic.

The motion carried by the following vote:

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

No: 1 - Commissioner Simone

Absent: 1 - Commissioner Peerman

D. ID 2018-008 APPROVING A TWO PERCENT (2.0%) COST OF LIVING (COLA) FOR THE PERIOD FROM OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018, FOR THE CITY CLERK; PROVIDING FOR EFFECTIVE DATE.

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

COMMISSIONER SIMONE asked to postpone this item to the next City Commission meeting so all City Commissioners could be available to vote.

Discussion ensued on the content of the Police Chief's employment contract.

CITY MANAGER MAY said that he would research it and let the Commission know about the Police Chief's contract.

An amendment was made by Commissioner Ruzzano, seconded by Vice Mayor Caggiano, to give the City Clerk a 3 percent raise.

MAYOR SCHWARTZ advised that it would be a merit increase separate from that particular item.

Discussion ensued on the pay raise for the City Clerk.

CITY CLERK KAVANAGH explained that when his contract was drafted the cost of living was tied directly to senior management. He advised that if senior management was approved for a 2% cost of living, he should recieve them same. He said if the Commission decide to go above that percentage, then it should be classified as a merit increase to keep the terms consistent.

An amendment was made by Commissioner Ruzzano, seconded by Vice Mayor Caggiano, to approve a 2% COLA and 1% merit increase.

COMMISSIONER SIMONE said she did not agree with going higher than a 2% increase.

She mentioned that very few City Clerks receive a 457 account and that his salary was adjusted.

VICE MAYOR CAGGIANO discussed merit raises versus raises across the board.

COMMISSIONER RUZZANO discussed staff raises and concurred with Vice Mayor Caggiano.

VICE MAYOR CAGGIANO discussed the agenda item and said that the City Clerk was doing an extraordinary job.

MAYOR SCHWARTZ discussed ending the 457 and rolling the amount into the salary. She discussed the contract terms of the Charter Officers.

VICE MAYOR CAGGIANO asked the City Attorney to review the contracts of the Charter Officers.

Discussion ensued on the nature of the employment contracts.

COMMISSIONER SIMONE said all five Commissioners should vote on this item.

A motion was made by Commissioner Simone, seconded by Vice Mayor Caggiano, to table this agenda item to the Regular City Commission Meeting on April 18, 2018.

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

Absent: 1 - Commissioner Peerman

7) DISCUSSION AND POSSIBLE ACTION

A. ID 2018-152 SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM - FIRE CHIEFS ASSOCIATION OF BROWARD COUNTY.

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

VICE MAYOR CAGGIANO said the event was not taking place in Margate and he would be willing to go to $250.

MR. DECRISTOFARO explained that the Fire Chief's Association had a 501(c)(3) non profit organization where they use that to get other donations and people would be able to used it as a tax write-off. He advised that the money would go directly to the CERT program to buy raffle prizes to increase their funding for the Florida Safety Fest on April 25th. He indicated that there was discussion for the event to come back to Margate next year.

Discussion ensued on the item.

An amendment was made by Vice Mayor Caggiano, seconded by Commissioner Ruzzano, for the donation amount to be reduced to $250.

COMMISSIONER SIMONE explained that CERT was a good organization and vital to the community.

Discussion ensued on the item.

An amendment was made by Commissioner Simone to increase the donation back to $1,000.

Commissioner Simone withdrew her motion.

Vice Mayor Caggiano withdrew his motion.

A motion was made by Commissioner Simone, seconded by Commissioner Ruzzano, to approve a donation of $1,000. This carried by the following vote:

Yes: 3 - Commissioner Simone, Commissioner Ruzzano and Mayor Schwartz

No: 1 - Vice Mayor Caggiano

Absent: 1 - Commissioner Peerman

B. ID 2018-151 RULES OF PROCEDURE AT MARGATE CITY COMMISSION MEETINGS FOR 2017-2018.

A motion was made by Mayor Schwartz, seconded by Commissioner Ruzzano, that this item be discussed.

COMMISSIONER RUZZANO recommended that if a motion calls for a vote, with an amendment, that you let the public speak on both.

COMMISSIONER SIMONE recommended having City Commission meetings end at 11:00 p.m.

VICE MAYOR CAGGIANO said that he did not agree with the end time.

MAYOR SCHWARTZ said that she did not agree with the end time.

MR. ARTNER said he did not agree with the 11:00 p.m. end time.

MR. ALIANIELLO said he did not agree with the 11:00 p.m. end time.

The motion carried by the following vote:

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

Absent: 1 - Commissioner Peerman

C. ID 2017-780 RULES OF CONDUCT OF THE PUBLIC AT PUBLIC MEETINGS FOR 2017-2018.

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

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

Absent: 1 - Commissioner Peerman

ADJOURNMENT

There being no further business, the meeting adjourned at 10:22pm.

Respectfully submitted, Transcribed by Salene E. Edwards

Joseph J. Kavanagh, City Clerk Date: 6/7/18

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.