



# City of Margate

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## 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**

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Wednesday, August 22, 2018

6:30 PM

Commission Chambers

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### 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  
Interim City Attorney Ian P. Singer  
City Clerk Joseph J. Kavanagh

### PLEDGE OF ALLEGIANCE

[ID 2018-417](#) GIRL SCOUT TROOP 10269

A REPRESENTATIVE from Margate Cub Scout Pack 836 highlighted a Pancake Breakfast event on Sunday, August 26, 2018, at the American Legion on Mears Parkway.

### 1) PRESENTATION(S)

- B.** [ID 2018-418](#) ISRAEL SWEIG DAY - AUGUST 22, 2018 (Presented to Mr. Sweig's Sister-In-Law, Harriette Sweig)

Item 1B was heard before 1A.

- C.** [ID 2018-401](#) SOS CHILDREN'S VILLAGES FLORIDA (Presented by Luis Garcia, Manager of Fundraising and Special Events)

Item 1C was heard after 1B.

SOS CHILDREN'S VILLAGES FLORIDA representative made a donation request of \$2,500 for Steps for SOS for a 5K run to take place on November 3rd at Tradewinds Park. She spoke about her request for the show mobile and asked for support and the engagement of the City to form a team from all the different departments.

SOS CHILDREN'S VILLAGES FLORIDA LUIS GARCIA asked for an internal kickoff and

would provide gifts for completion of registration. He explained that they would also perform raffles.

COMMISSIONER LESA PEERMAN requested that this item be added to the August 29, 2018, Regular City Commission agenda.

- A. [ID 2018-376](#) HOME OF THE MONTH - JULY 2018  
(Joseph and Esme Maldonado, 2192 NW 77th Terrace)  
The owners were not present.

## 2) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE explained that she received praise from a member of the public who spoke highly of the City Clerk's office and said that the Minutes produced were phenomenal.

COMMISSIONER TOMMY RUZZANO congratulated Acting Chief of Police Jon Shaw and new Assistant City Manager, Cale Curtis. He sent Back to School wishes and advised drivers to be careful on the roads, especially during peak hours.

VICE MAYOR ANTHONY N. CAGGIANO said that drivers should be careful on the road.

MAYOR ARLENE R. SCHWARTZ highlighted the Groove + Green event on Sunday. She spoke about schools and traffic.

## 3) PUBLIC DISCUSSION

ARTHUR J. KRELL, 6117 EDWARDS ROAD discussed his property issues and spoke about the Code Officers.

JOHN FRANCIS, 2990 NW 2ND AVENUE, POMPANO BEACH AND PRESIDENT OF MARGATE/COCONUT CREEK KIWANIS CLUB spoke about his organization and that they had a Liberty School backpack program. He said that they support four key clubs within their community. He explained that they were a small club of eight and were looking for new members. He advised that they also supported SOS Children's Village for the last 14 years. He indicated that they were preparing paperwork for the tree lot. He advised that the Kiwanis Margate/Creek organization would have been ongoing for 45 years from 2019.

COMMISSIONER RUZZANO asked about the cost of an annual membership.

MR. FRANCIS said that an annual membership was \$150. He said that on July 6th, they distributed 3,000 backpacks to the homeless children of Broward County at the BB&T Center.

Discussion ensued on the Kiwanis Club.

ROBERTO A. AGRAMONTE, 5568 LAKEWOOD CIRCLE W #G AND PRESIDENT OF HOME OWNERS ASSOCIATION (HoA) said that he heard the City had approved signs for HoAs for Lakewood on the Greens and acquired information on changing the same.

CITY MANAGER SAMUEL A. MAY said that they were working with an architect to come up with the design standards for their signs. He asked Mr. Agramonte to leave his contact details with the City Clerk.

COMMISSIONER RUZZANO asked if Lakewood on the Greens was in the Community Redevelopment Agency (CRA). He advised that there were two programs, one being with the CRA and the other with the City.

CITY MANAGER MAY said that the entrance was not part of the CRA. He said that he spoke with Mr. Francis who was going to speak with the supplier of the trees and that he hoped to meet with them.

CHARLIE ARTNER, 6631 NW 22ND COURT asked if they could consider moving item 7A and 7B after the City Manager's Report. He asked if 7B could be heard before 7A. He asked if some members of his group could yield their three minutes to Chris Snyder who wanted to speak on both items.

INTERIM CITY ATTORNEY IAN SINGER said that they could yield the 3 minutes but he needed to check that information.

MAYOR SCHWARTZ asked for the wish of the Commission if those two items could be moved up.

COMMISSIONER PEERMAN asked if they could move 8C and 8D up as well.

CONSENSUS given to move up those 7B, 7A, 8C and 8D.

MAYOR SCHWARTZ advised that item 4D was being removed from the Agenda pending further backup.

GRAHAM O'DONNELL OR Mac/McDonald, 3011 HOLIDAY SPRINGS BOULEVARD APARTMENT 205 spoke about the Code Enforcement's care of the golf course grass and said that they were cutting it too low and that it was burning. He said that it looked bad and that there were no sprinklers.

COMMISSIONER RUZZANO asked how long did it take to receive a fine after being issued a Code violation.

COMMISSIONER PEERMAN explained the citing of grass issues.

ACTING CHIEF OF POLICE JON SHAW said that Commissioner Peerman was correct that they could write a notice of violation and that they had 10 days to correct it. He said that thereafter, they would be cited with another notice and then have them appear at a Special Magistrate hearing.

Discussion ensued on the violation.

ELSA J. SANCHEZ, 6930 NW 15TH STREET spoke about a petition signed by some of the homeowners for Paradise Gardens III. She explained that they wanted to ask for an exception on Ordinance, Section 40.12, for boarded up buildings and closing shutters for windows. She explained that they had residents for a certain period of the year and asked for their consideration.

Discussion ensued on the HoA's Code.

CITY MANAGER MAY explained that they were looking into Ordinances at other cities that have Hurricane Shutter Codes for residents who were out of town. He explained that

there were some cities that had programs where they fill out a form and pay a small fee.

Discussion ensued.

MS. SANCHEZ spoke about the departure of Chief Watson.

RICHARD REICKEN 7600 NW 28TH STREET explained that he was a new resident in Margate and was attracted to buying his property at the back of a golf course. He asked for an update on the future of the golf course.

Discussion ensued.

COMMISSIONER PEERMAN advised that there were Facebook groups for the Carolina Club and also 13th Floor Homes pertaining to the future of the golf course.

VICTOR M. VARELA, 1600 NW 62ND TERRACE said that he was concerned about the integrity of the seawall at his property. He said that he had received a survey and was provided with an estimate which cost approximately \$27,000 to repair and asked for cooperation and assistance from the City. He stated his case on this matter and said that it was due to the City's negligence of maintaining the drains and pipes.

Discussion ensued on the seawalls.

CITY MANAGER MAY said that he should contact Public Works Director, Mark Collins, to inspect the pipes.

COMMISSIONER PEERMAN asked for a copy of Mr. Varela's survey.

Discussion ensued on the seawalls.

MANNY LUGO, 1129 EAST RIVER DRIVE spoke and read a statement pertaining to the Capital Improvement and flood canals pertaining to the concrete flood control wall erosion. He said that the City should address this problem.

TIMOTHY L. LETTIERI, 1661 NW 61ST AVENUE explained that in 2009, he wrote a letter to Mayor Bross about the canal wall. He said Mayor Bross advised that it was his responsibility to take care of the seawall.

Discussion ensued on repairing the seawalls.

CONSENSUS that Discussion & Possible Action will come back at the August 29, 2018 Regular City Commission meeting.

RODRIGO PULECIO, 1610 NW 62ND TERRACE spoke about a compromised seawall. He asked that if the residents could not pay for the repair, what would happen to their house.

MAYOR SCHWARTZ said that they need to find a funding mechanism which could result in raising taxes or putting in a special assessment.

Discussion ensued on funding the repair for the seawalls.

COMMISSIONER PEERMAN advised that there was research being conducted on a special taxing district and that they were still looking into grants.

CITY MANAGER MAY advised that they sought advice from their law firm and that they were looking into special taxing districts for the seawall repair which was very similar to Punta Gorda.

COMMISSIONER RUZZANO asked if they could sue the South Florida Water Management District (SFWMD).

Discussion ensued.

LILLIAN PULECIO, 1610 NW 62ND TERRACE spoke about the seawall and asked for the City's definition of "maintenance".

MAYOR SCHWARTZ advised that they would be having a full discussion about the seawalls on next week's agenda.

Discussion ensued on the seawalls.

JAMES A. WEISHAR, 7540 NW 28TH STREET indicated that their canal was over draining. He explained that he brought this problem to the attention of the City and SFWMD which they did not know anything about it. He also spoke to a surveyor about his problem and said that his master HoA was in charge of the lakes. He also spoke about 13th Floor Homes and was concerned about global warming.

Discussion ensued on the canals.

CITY MANAGER MAY said that those canals were connected to the Margate canals but they did not maintain the canals inside the Lake Carolina Master HoA.

JULIE JONES, 7871 NW 1ST STREET congratulated Acting Police Chief Shaw. She spoke about the National Night Out. She spoke about the last Board of Adjustment (BoA) meeting where a Planning and Zoning member questioned what they were doing on the board.

VICE MAYOR CAGGIANO advised that as long as there was a quorum, they could continue their business as it was.

MS. JONES thanked Commissioner Peerman concerning volunteers for Primary Day and charity work for SOS Childrens' Village.

RICH ALIANIELLO, 7631 NW 23RD STREET addressed a hygiene protocol which resulted in an infection at the Emergency Room (ER) at NW Medical Center.

Discussion ensued on Mr. Alianiello's health.

JENNIFER D. GILTRAP, 399 SW 65TH AVENUE advised that she was representing the Guardian Ad Litem. She explained that they were looking for volunteers and that she had left self-explanatory pamphlets in City Hall. She advised that she that they were doing a shoe drive and asked the City if they could leave a donation box in City Hall.

INTERIM CITY ATTORNEY SINGER said that he had no objections but would refer to the City Manager.

CITY MANAGER MAY asked for CONSENSUS from the Commission.

CONSENSUS was given by the Commission to have the donation box for the shoe drive in City Hall until October 20, 2018.

MAYOR SCHWARTZ advised Ms. Giltrap to provide information to the Communications and Marketing Manager to put it on the City's Facebook page and Margate Messenger.

Discussion ensued on the shoe drive.

#### 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 2018-415](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: JUNE 6, 2018 - REGULAR CITY COMMISSION MEETING; JUNE 20, 2018 - REGULAR CITY COMMISSION MEETING; JUNE 26, 2018 - CITY COMMISSION WORKSHOP; JULY 3, 2018 - REGULAR CITY COMMISSION MEETING; JULY 11, 2018 - REGULAR CITY COMMISSION MEETING; JULY 16, 2018 - CITY COMMISSION BUDGET WORKSHOP; JULY 31, 2018 - SPECIAL CITY COMMISSION MEETING.

**APPROVED**

- B. [ID 2018-410](#) RESOLUTION - AWARDING CONTINUING SERVICES AGREEMENT WITH HAZEN AND SAWYER, P.C. FOR REQUEST FOR QUALIFICATIONS (RFQ) 2018-009 - WATER AND WASTEWATER ENGINEERING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 18-083

**APPROVED**

- C. [ID 2018-411](#) RESOLUTION - APPROVING A RECREATION LEASE AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (SBBC) TO PROVIDE FOR THE LEASE OF SBBC OWNED PROPERTY FOR PLAYGROUND AND RECREATIONAL PURPOSES; PROVIDING FOR TWENTY-FIVE (25) YEAR TERM; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 18-084

**APPROVED**

#### Approval of the Consent Agenda

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



- D. [ID 2018-412](#) RESOLUTION - AWARDING AN AGREEMENT WITH PANTROPIC POWER, INC. FOR BID NO. 2018-015 - GENERATOR ENCLOSURE REPLACEMENT (CORAL GATE) IN THE AMOUNT OF \$124,600; PROVIDING FOR AN EFFECTIVE DATE.

Item 4D was removed from the agenda.

## 5) CITY MANAGER'S REPORT

CITY MANAGER MAY thanked Acting Chief of Police Jon Shaw and introduced the Assistant City Manager, Cale Curtis. He advised that Richard Nixon was filling in as the Department Of Environmental And Engineering Services (DEES) Director. He advised that City Staff had attended meetings with the Cities of Coral Springs, Coconut Creek and Parkland on the efforts of repairing a consolidated Fire Rescue-Emergency Medical Services (EMS), Community Risk Reduction and also the dispatch services and spoke about arranging one on one meetings with Commissioners in September followed by a Workshop in October. He asked if the Commission wanted to participate in the Pompano Chamber of Commerce Shining Stars Awards Luncheon on Friday, September 7, 2018. He explained that the Vice Mayor had been a long time member of the Chamber and would be awarded. He advised that the individual tickets for this event were \$55, purchasing a table of 10 was \$700 which included a half page of ad. He said a full ad was \$225 and a half page was \$150.

COMMISSIONER PEERMAN said that she had a prior engagement that day but suggested putting in an ad.

COMMISSIONER RUZZANO spoke about a previous request for money which was turned down as it had to be on the Agenda. He said that he was opposed to this.

INTERIM CITY ATTORNEY SINGER explained that for consistency, if the City Manager was asking the Commission as a body for money, it would have to be put on the Agenda and advertised for discussion.

CITY MANAGER MAY advised that the deadline for the purchase of the ad was Friday, August 24, 2018.

Discussion ensued.

MAYOR SCHWARTZ asked for CONSENSUS from the Commissioners.

COMMISSIONER RUZZANO said he was in favor of an ad.

VICE MAYOR CAGGIANO said he was in favor of an ad.

MAYOR SCHWARTZ said she was in favor of an ad.

CONSENSUS was reached to purchase a full page ad and have the tickets come back at the next Regular City Commission meeting on August 29, 2018.

INTERIM CITY ATTORNEY SINGER read Consent items into the record 4A, 4B and 4C.

## 7) ORDINANCE(S) - FIRST READING

- B. [ID 2018-387](#) AN ORDINANCE TO INCREASE RESIDENTIAL PARKING REQUIREMENTS.

7B was heard immediately after the City Manager's Report.

7B died for lack of a MOTION.

**A motion was made by Mayor Schwartz, seconded by Commissioner Ruzzano, to reconsider item 7B.**

COMMISSIONER PEERMAN spoke about the unintended consequences of a resident wanting to put a bedroom on his house and was advised that he had to put a minimum amount of parking space in his yard.

Discussion ensued.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY explained that this Item was raised in March when there was a need to increase parking requirements. He said that he conducted a brief City survey and found that there were some comparative deficiencies to other cities. He explained that by April, they declared a Zoning in Progress with a requirement for any residential to be built between then and the next 180 days would be moratorium unless it voluntarily complied with the new requirement of two spaces for the first bedroom and then one space for each additional bedroom. He said that guest parking would be calculated for multi-family, 15 percent add-on and garages would only count as one space. He advised that they wrote the Ordinance to that effect and took time by adding illustrations pertaining to driveways. He explained they came up with the minimum dimensions for garages, carports, driveways and circular driveways. He said that the Planning and Zoning Board recommended approval with four modifications which included count for all parking spaces that could fit into the garage, height exclusion for overhead storage and a grandfather clause.

Discussion ensued on the Ordinance.

DEVELOPMENT SERVICES DIRECTOR, ROBERT J. MASSARELLI gave a PowerPoint presentation detailing the history of the Ordinance and proposed changes and the impact as a result of the Ordinance. He advised that only two of the four Planning and Zoning recommendations were included in this current Ordinance.

Discussion ensued on the Transit Oriented Corridor (TOC), parking and Mass Transit.

JULI VAN DER MEULEN, 2913 NW 68 LN MARGATE said that she would be yielding her time to Chris Snyder.

BRUCE VAN DER MEULEN, 2913 NW 68 LN MARGATE said that he would be yielding his time to Chris Snyder.

LAUREN L. FEHER, 6966 NW 32ND STREET said that she would be yielding her time to Chris Snyder.

CHRISTOPHER A. SNYDER, 2741 SW 81 WAY, DAVIE explained that since 1955, they have had 62 years of decisions which they were suffering from. He advised that one problem that they had was the highest density per square mile in Broward County. He said that it was irrelevant for the Planner's basis to compare to other towns as they had



more people. He advised that Davie had two thirds less residents than Margate per square mile and therefore, it was difficult to make cognitive based decisions from that. He spoke about the housing and the HoAs and indicated that the only thing that they could control at this meeting was to take advantage of the Workshop, the input and take the Ordinance before them and apply it to new construction and developments. He said as that Margate was eager to bring in more people, their schools could not withstand the impact. He said that new construction brought lower insurance rates which made the housing more affordable. He spoke about the density of golf courses, the conflict of the TOC's language vs the City's language and dwellings of multi-family parking.

Discussion ensued on garage space, multi-home and parking spots for new developments.

VALERIE PERRY, 6812 DOGWOOD LANE said that density was the problem with parking.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B said that Margate was a suburban community and that they could not design as an urban community. He indicated that it was not a reality to build cycle and bus lanes and that in concept, he did agree with the new parking requirements for new construction. He said that they did not need narrow but wider streets.

Discussion ensued.

ERIK WOLMER, YOUR PLACE PUB, 3400 BANKS ROAD, #103 said that he was yielding his time to Charlie Artner.

CHARLIE ARTNER, 6631 NW 22ND COURT spoke about the lack of motion. He said that initially, he said that changes should only apply to new construction which was previously ignored. He spoke about the environmental impact if there were 6,000 – 9,000 additional cars in the City and water usage if there were more residents. He spoke about vehicle statistics and said that one third that drove within Margate were pick-up trucks that would not fit in the garage. He recommended that a garage should be a minimum length of 22 feet – 24 feet. He also spoke about parking within HoAs.

COMMISSIONER PEERMAN advised that Margate was not under a water shortage but they were under Broward County's watering restrictions.

MR. LUGO spoke about the TOCs being opposed to the interest of the established residents. He said that the public transport in Broward County did not provide transportation for anything more than one or two percent of the population and said that it did not work. He said that they could not substitute public transportation for adequate parking. He said that the TOC was a direct contradiction to truth and reality.

Discussion ensued on the TOC.

TONY SPAVENTO, 3194 W. BUENA VISTA DRIVE advised that Margate should get out of the TOC. He also said that the reason why there was an increase in traffic is that they were allowing two or three families to live in a single family home hence the number of cars. He spoke about parking in HoAs.

Discussion ensued.

STEVE WHERRY, 200 EAST BROWARD BOULEVARD gave a handout of an excerpt

from a study from the American Planning Association and read a paragraph from the same. He referenced his handout and spoke about the suggested parking regulations.

Discussion ensued on the hand written proposal and density.

**The motion to reconsider approved by the following vote:**

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

**No:** 1 - Commissioner Peerman

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that there were two Ordinances, one was for the increase in residential parking and the other to amend the TOC Land Development Regulations.

Discussion ensued.

**A motion was made by Commissioner Ruzzano, seconded by Mayor Schwartz, to approve as presented by staff.**

Discussion ensued.

**An amendment was made by Commissioner Peerman, seconded by Commissioner Simone, to go with staff recommendations in the backup, to add wording providing for two cars for a two bedroom with one car for each additional bedroom, to add wording that this applies only to new construction, to add wording that the Ordinance is effective upon passing of the Second Reading, and to add wording relating to garage depth.**

MR. ZUCCHINI cautioned the Commission to recognize a loophole pertaining to parking in the TOC to mixed use.

Discussion ensued.

MR. WHERRY discussed the item.

Discussion ensued on grandfathering.

MR. ARTNER asked if they could consider 24 feet in length applying to driveways to accommodate a truck.

Discussion ensued on the length of cars fitting into driveways.

MR. SPAVENTO referenced the size of the garage size and explained that in Coral Bay, they got around this by putting in steps.

MR. SNYDER thanked the City employees for staying to sort out this difficult issue. He said that adding 24 feet clear space would probably be reasonable.

**The amendment carried by the following vote:**

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

**The original motion as amended carried by the following vote:**

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

**A motion was made by Vice Mayor Caggiano, seconded by Commissioner Peerman, to defer 8A and 8B to the next Commission meeting.**

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

## **8) DISCUSSION AND POSSIBLE ACTION**

Mayor Schwartz requested to move up items 8C and 8D to be heard.

Items 8C and 8D were heard after 7B.

**A. [ID 2018-337](#) UPDATE ON CITY ATTORNEY PROCESS.**

Item 8A deferred to the next meeting.

**B. [ID 2018-425](#) COMPLETE STREETS PROGRAM.**

Item 8B deferred to the next meeting.

**C. [ID 2018-435](#) BANNING SMOKING ON PUBLIC PROPERTY.**

Item 8C was heard after 7B.

COMMISSIONER RUZZANO said that they could not ban smoking and said that other cities have an Ordinance.

INTERIM CITY ATTORNEY SINGER read an excerpt from Florida Statutes Section 386.209. He explained that it was the opinion of the City Attorney's office that there was nothing in the municipality to regulate smoking at any level. He said that the Attorney General Opinion (AGO) listed as 2005-63 was guidance but was binding and said that it

was for the State to regulate smoking. He advised that other cities have Ordinances in play such as the City of Davie from 2003 before the State pre-empted. He referenced Item D. ID 2018-436 and explained that other cities have put into action an Affidavit which they make applicants sign declaring that they had not been a smoker for 12 months.

Discussion ensued on the State pre-emption on smoking.

COMMISSIONER RUZZANO suggested putting more non-smoking signs up in parks although he realized that the sign was not enforceable.

Discussion ensued on erecting non-smoking signs.

INTERIM CITY ATTORNEY SINGER confirmed that they could have designated smoking areas in parks with additional non-smoking signs.

CITY MANAGER MAY advised that they could put up a designated smoking area signs.

Discussion ensued on where to erect the signs.

**D. [ID 2018-436](#) "NO SMOKING" POLICY FOR NEW HIRES.**

Item 8D was heard after 8C.

COMMISSIONER RUZZANO spoke about the insurance costs increasing every year and noted that other cities were implementing a non-smoking policy for new hires and asked if the City wanted to consider this as an option.

INTERIM CITY ATTORNEY SINGER explained that although this policy could not go through the Commission, they could make a recommendation and that the City Manager would make the final decision. He said that the City could ask the applicants to sign an Affidavit that they had been non-smokers but there was nothing in place that they could start smoking after they were hired. He said that other cities were not allowing their employees to smoke during office hours which was also legal.

Discussion ensued.

CITY MANAGER MAY said that employees were not allowed to smoke in their work vehicles. He also advised that by State law, firefighters were not allowed to smoke one year prior to employment but that they did not have anything in their provision that would disallow them to smoke after they were hired.

Discussion ensued on whether they should allow employees to start smoking after they were employed.

INTERIM CITY ATTORNEY SINGER said that they could not prohibit people from smoking who were not on duty.

## **6) RESOLUTION(S)**

Item 6A was heard after 8D.

**A. [ID 2018-414](#) HONORING FIFTY YEARS OF MUNICIPAL HOME RULE IN THE FLORIDA CONSTITUTION AND COMMITTING TO AN EDUCATIONAL INITIATIVE TO HELP FLORIDIANS UNDERSTAND THIS BENEFICIAL RIGHT.**

## RESOLUTION 18-085

**A motion was made by Vice Mayor Caggiano, seconded by Commissioner Peerman, 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

- B. [ID 2018-393](#)** APPROVING LETTER OF AGREEMENT AND CONTRACT WITH THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM) AS PART OF THE FLORIDA DEPARTMENT OF TRANSPORTATION BICYCLE PEDESTRIAN FOCUSED INITIATIVE HIGH VISIBILITY ENFORCEMENT PROJECT; PROVIDING FOR REIMBURSEMENT IN AN AMOUNT NOT TO EXCEED \$11,000.00.

## RESOLUTION 18-086

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, 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

- C. [ID 2018-419](#)** APPROVING A LETTER OF SUPPORT FOR THE DISTRIBUTION OF \$195,797 OF SURPLUS FEDERAL FISCAL YEAR 2016-2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT-COUNTYWIDE (JAG-C) PROGRAM FUNDS TO BROWARD COUNTY.

## RESOLUTION 18-087

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, 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 2018-397](#)** APPROVING AN EXTENSION OF THE AGREEMENT WITH THOMPSON CONSULTING SERVICES, LLC FOR DISASTER DEBRIS MONITORING SERVICES, THROUGH DECEMBER 17, 2018, OR UNTIL A NEW AGREEMENT IS AWARDED; WHICHEVER OCCURS FIRST; PROVIDING FOR AN EFFECTIVE DATE.

## RESOLUTION 18-088

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, 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

- E. [ID 2018-391](#)** APPROVING REJECTION OF ALL BIDS AND RESCINDING THE PRIOR AWARD OF BID NO. 2018-019 - CDBG FUNDED REPLACEMENT OF PEDESTRIAN CROSSWALK (14) AND ROUNDABOUT SOLAR POWERED LED SIGNS TO STONE CONCEPT MIAMI, INC., IN AN AMOUNT NOT TO EXCEED \$314,110, PREVIOUSLY APPROVED UNDER CITY RESOLUTION



18-072.

RESOLUTION 18-089

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

CITY MANAGER MAY advised that the Housing and Urban Development (HUD) said to move forward with the Coral Gate project for new handicap playground equipment. He explained that they were in the process of drafting up the Request for Proposal (RFP) which he hoped would be advertised by the end of next week.

Discussion ensued.

COMMISSIONER PEERMAN said that she would prefer to see the Southgate Park redone as Coral Gate looked pretty good.

Discussion ensued on Southgate Park and how this money was being spent.

CONSENSUS was given to move forward with the project at Southgate Park.

**This motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Peerman

- F. [ID 2018-428](#) AUTHORIZING THE ADMINISTRATION TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKED FIRM, THE MELLGREN PLANNING GROUP, INC., FOR REQUEST FOR PROPOSALS (RFP) 2018-022A - COMPREHENSIVE PLAN AMENDMENT CONSULTING SERVICES; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE FINAL NEGOTIATED AGREEMENT FOR A TOTAL COMPENSATION AMOUNT NOT TO EXCEED BUDGETED FUNDS IN THE AMOUNT OF \$200,000; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 18-090

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

VICE MAYOR CAGGIANO said that he was concerned about the costs of an extra \$60,000 and that none of the companies responded to the recommendations.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said that he had recently presented a two year work plan for the Development Services Department which addressed changing the Zoning Ordinance to do the TOC and that they had to change the Comprehensive Plan first. He spoke about a Request for Qualifications (RFQ) where the

firms were based on their qualifications and said that there was a significant difference in their cost estimates. He advised that they were selecting a firm based on their qualifications and that they would negotiate with them and come back with a price for them which would come before the Commission for authorization. He also spoke about the interview process.

Discussion ensued on the negotiations process.

**The motion carried as follows:**

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

**Absent:** 1 - Commissioner Peerman

## **7) ORDINANCE(S) - FIRST READING**

- A.** [ID 2018-371](#) AN ORDINANCE TO REVISE THE TOC LAND DEVELOPMENT REGULATIONS.

**A motion was made by Commissioner Simone to table to the next City Commission meeting. The motion failed for lack of a second.**

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY gave a PowerPoint presentation on the proposed changes and impact. He spoke about Jeffrey N. Katims from The Mellgren Planning Group attending a November 2017 Workshop discussing four big issues with the TOC. He said that there was a follow up meeting in March 2018 to discuss his recommendations. He spoke about the reason why the word "required" had been exchanged to "encouraged" and said that it would not really be enforceable and that it would give the developer free reign on where they want to put the building on the property. He spoke about shared parking provisions were being removed from the Ordinance, Residential would reference Article 33 and that there would be a two and a half to five percent reduction. He said that they were reclassifying residential within the TOC to a special exception use giving the power and authority to the City Commission and it would also increase the review criteria. He advised that no residential building would front State Road 7 and that the only vertical mixed use which would be allowed would be the City center by Special Exception. He indicated that they were adding clarity to their urban greenway requirement and that the intent of the changes were to address the concerns by the Commission and allow additional flexibility in the design of the TOC. He referenced Page 27 of the Ordinances where they changed the parking calculations and that they had struck many of the exemptions. He said that everything would revert back to standard parking ratio if it was not specifically mentioned. He advised that impacts were going to increase flexibility for developers. He explained that at the Planning and Zoning, staff recommended a maximum setback to be included with the TOC and the thought process was looking at existing developments in Margate such as Walmart.

MAYOR SCHWARTZ referred to increased parking requirements and asked why would they lose greenery and landscaping.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained about the return on

the developer's investment and that there would be no return on parking but there would be a return on square footage.

Discussion ensued.

MAYOR SCHWARTZ asked if someone would be returning to discuss eliminating uses.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said that some of those undesirable uses such as new tire shop or a used car dealer would have to come to the Commission as a Special Exception. He advised that uses would be looked at during the Comprehensive Plan. He said that at Planning and Zoning, he recommended the maximum setback of four rows of parking and also spoke about perimeter landscape buffer of 137 feet from the property line to the front of the building.

Discussion ensued on the orientation, layout of a building and signage.

MR. SNYDER referenced Development Services memorandum dated August 16, points 3. and 10. and spoke about adding language pertaining to parking. He also referenced Page 27, line 45, Residential, referring to Section 33.3 about the TOC having an extra fifteen percent.

Discussion ensued about reduced ratio parking and when a new development comes into a TOC.

MR. ZUCCHINI apologized to his Planning and Zoning board members that recommended the setback on commercial designs and said that they should not have a limit on the maximum setback on commercial design.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY explained that the motion Mr. Zucchini spoke about failed at Planning and Zoning and was not included in this Ordinance.

Discussion ensued on the setback on parking.

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

COMMISSIONER RUZZANO asked if all TOC projects had to come back in front of the Commission.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY said not all of them and that Residential was being reclassified as a Special Exception. He explained that if they all had to come back to the Commission, then all uses would have to be made as a Special Exception.

Discussion ensued on final approval with the Commission.

MAYOR SCHWARTZ asked about Architectural Standards.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said that they had a draft of the facade standard. He said that the CRA Board would get a draft presentation.

Discussion ensued.

COMMISSIONER RUZZANO reminded the staff that he wanted to be informed about new projects coming to the City.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said that he needs guidance from the City Attorney.

Discussion ensued.

**This motion carried by the following vote:**

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

**No:** 1 - Commissioner Simone


**Absent:** 1 - Commissioner Peerman

**ADJOURNMENT**

There being no further business, the meeting adjourned at 1:11am.

Respectfully submitted,

Transcribed by Salene E. Edwards

  
Joseph J. Kavanagh, City Clerk

Date: 10/18/18

**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.