



City of Margate

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Meeting Minutes Regular City Commission Meeting

Mayor Anthony N. Caggiano

Vice Mayor Tommy Ruzzano

Commissioners:

Antonio V. Arserio, Arlene R. Schwartz, Joanne Simone

City Manager Samuel A. May

*Interim City Attorney Weiss Serota Helfman Cole & Bierman,
P.L.*

City Clerk Joseph J. Kavanagh

Wednesday, June 5, 2019

6:30 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Samuel A. May

Interim City Attorney David M. Wolpin

City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

1) PRESENTATION(S)

- A. [ID 2019-274](#) ART SCHMALL, 2019 BROWARD SENIOR HALL OF FAME ELECTEE.
- B. [ID 2019-287](#) "CONSERVATION PAYS" SECOND PLACE WINNER- THOMAS MICHAUD (Presented by Samantha Baker, Program/Project Coordinator of the Broward County Environmental Protection and Growth Management Department)
- C. [ID 2019-288](#) FLORIDA CITY & COUNTY MANAGEMENT ASSOCIATION (FCCMA) PRESENTATION OF THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA) RECOGNITION CERTIFICATE TO CELEBRATE MARGATE'S 40TH YEAR AS A COMMISSION-MANAGER FORM OF GOVERNMENT (Presented by Sharon Ragoonan, Assistant City Manager, City of North Miami Beach)

2) PUBLIC DISCUSSION

ARTHUR J. KRELL, 6117 EDWARDS ROAD discussed an Abatement Order pertaining to his property.

RICH ALIANIELLO discussed the last City Commission meeting and referenced the new City Manager Cale Curtis.

BARBARA ALBRECHT, ORIOLE GARDENS II discussed her opposition to construction on the Margate Executive Golf Course.

MARILYN A. KNEELAND, ORIOLE GARDENS II discussed her opposition to construction on the Margate Executive Golf Course. She also discussed a recent Keep Margate Green Committee meeting. She said that the Vice Mayor Ruzzano was also in attendance and referenced revenue pertaining to the golf course project.

ROSEMARIE LYNN, ORIOLE GARDENS II discussed her opposition to construction on the Margate Executive Golf Course.

BOARD OF DIRECTORS OF GARDEN PATIO VILLAS MARSHALL HYMAN explained the history and legalities of Oriole Gardens and also discussed the Margate Executive Golf Course. He provided literature to the City Clerk.

ELSA J. SANCHEZ, 6930 NW 15TH STREET expressed her concerns pertaining to the new Chair of the Planning and Zoning (P&Z) Board.

TONY SPAVENTO, 3194 W. BUENA VISTA DRIVE discussed recent public records requests and referenced his building permit.

RICH POPOVIC, 6066 WINFIELD BOULEVARD discussed government officials, the order of the Public Discussion on the Agenda and pay raises for the Commission.

DARA KUSTLER, 551 NW 76TH TERRACE addressed the Lennar Development Project and referenced the Comprehensive Plan.

JULIE JONES, 7871 NW 1ST STREET wished City Manager May the best. She requested that new appointees and promotions within the City should be highlighted in Margate Matters. She referenced Mr. Spavento's suggestion of putting business names on benches. She also reported an incident of a video sent to her phone.

MANNY LUGO, 1129 EAST RIVER DRIVE discussed the site plan and the "55 and over" community pertaining to of the Executive Golf Course.

STEVE WHERRY, 200 EAST BROWARD BOULEVARD discussed the Executive Golf Course and said that he had extra fact sheets available. He also advised that they were able to meet with residents.

SUSAN HOFFMANN, ORIOLE GOLF & TENNIS PHASE II discussed her concerns about the Executive Golf Course and referenced traffic and pollution.

BARBARA REUL, 7708 MARGATE BLVD discussed her opposition to construction on the Margate Executive Golf Course.

NAME INAUDIBLE, ORIOLE GOLF & TENNIS PHASE II said that Margate Boulevard was beautiful but expressed her concerns about the building of 180 town houses.

3) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE thanked the Department of Environmental and Engineering Services (DEES) for work on a water main break at Paradise Gardens IV on Memorial Day weekend. She also thanked the Police Department for the Military Troops Support program. She congratulated Chief of Police Shaw for being invited to speak at the Marjory Stoneman Douglas (MSD) Commission Meeting and for representing

Margate. She spoke about two Advance Life Support (ALS) teams competing with their Fire Department, one of which won first place. She thanked and paid tribute to City Manager May for his years of committed service to Margate and said that he dedicated his life to the City.

COMMISSIONER ANTONIO V. ARSERIO thanked City Manager May for his 30 years within the City and also thanked new City Manager Cale Curtis. He also thanked Public Works and referenced the repair of speed bumps and asked him for the length of that project.

PUBLIC WORKS DIRECTOR, MARK COLLINS provided a project update and said that they were building a concrete sidewalk which was estimated to be completed within three to four months.

COMMISSIONER ARSERIO asked if someone could advise the Community Redevelopment Agency (CRA) Director to do something about the grass on the median at Royal Palm as it needed to be weed wacked.

CITY MANAGER SAMUEL A. MAY confirmed that this matter had already been addressed with their attorney and the CRA staff. He advised that the contractor would be handling this shortly.

COMMISSIONER ARSERIO thanked all of the members on the Board of Adjustment (BoA) and Planning and Zoning (P&Z) Board and said that they have his support.

COMMISSIONER ARLENE R. SCHWARTZ advised that school was out so they should be cautious not to park over the sidewalk. She said that she was proud that for the third consecutive year, Margate Middle School won National Vocabulary Championship and said that she wanted to highlight how good the City's schools were. She discussed the access difficulties with Coral Bay residents pertaining to Renaissance Charter School.

MAYOR ANTHONY N. CAGGIANO advised that Chief of Police, Jon Shaw, would delegate a colleague to speak with John Hall to get the problem at Coral Bay rectified.

CITY MANAGER MAY said that they spoke with their respective Chief of Police who would have their Police Detail Officer allow traffic to come out in increments of time which would give a break in the traffic to allow residents easier access.

Discussion ensued.

COMMISSIONER SCHWARTZ requested an update if they asked someone to examine the seawalls by boat from the vantage point of the Margate canals to prevent people from building on it.

CITY MANAGER MAY said that he would need to find out from the Building, Police or Code Enforcement.

Discussion ensued on the C14 and seawalls.

COMMISSIONER SCHWARTZ addressed Elsa Sanchez's concerns about voicing her opinion. She suggested that they should put a picture of new employees in Margate Matters. She thanked and appreciated in advance, all candidates who have been interviewed for City positions and said it was a very difficult decision. She wished City Manager May good luck for the future.

VICE MAYOR TOMMY RUZZANO congratulated City Manager May on his work in the City. He congratulated Mayor Caggiano on becoming a Grandfather. He discussed the seawalls and referenced the City Code.

Discussion ensued on the seawalls and inspection of pipes.

VICE MAYOR RUZZANO said that he attended the recent P&Z meeting and said it was very disturbing. He discussed the difficulties pertaining to an application for a movie theatre and level two lighting and recommended changing the Code. He also discussed City Code pertaining to landscaping and parking and said that it should be the plaza owner's responsibility. He discussed Dandee Donuts and referenced difficulties in signage. He recommended that they remove the Sign Code and have it come before the P&Z and City Commission for approval. He discussed his attendance at the Oriole Gardens II meeting pertaining to green space and advised that Lennar had submitted papers. He said that he was not in agreement with the changes made to Public Discussion.

Discussion ensued on having a courtesy review process for development.

COMMISSIONER SCHWARTZ addressed the reason why Public Comments was brought forward before Commission Comments on the Agenda.

VICE MAYOR RUZZANO questioned whether the Commission could make comment if there was a meeting that was posted about a potential project where nothing had been submitted.

INTERIM CITY ATTORNEY DAVID M. WOLPIN said that as long as the Sunshine Law was complied with, it would require public notice, access by the public and brief minutes recorded.

Discussion ensued on whether the Commission could have attended Oriole Gardens II meeting.

VICE MAYOR RUZZANO discussed the current Comp plan and recommended that it should be tweaked as opposed to redoing it. He requested an update pertaining to the renovation of a bathroom in Southeast Park.

DIRECTOR OF BUILDING RICHARD R. NIXON indicated that he was waiting for the delivery of the building.

CITY MANAGER MAY advised that he was waiting on an update from Parks and Recreation Director pertaining to final numbers. He said that the bathroom was due to be shipped tomorrow from Texas.

Discussion ensued on whether the bathroom was supposed to be ready by June 1st.

CITY MANAGER MAY advised that the bathroom at Veterans Park was complete but they did not have the Florida Building Code Insignia and that they needed an engineer to certify it.

VICE MAYOR RUZZANO discussed a resident's house that caught on fire and said that he posted it on his Facebook page which subsequently led to raising approximately \$6,000 within a couple days. He thanked the Margate Fire Department, Edward B.

Pickering, and Patrick R. Laprade. He also thanked Officer Bob Peerman for his help with veterans and a number of other associates who assisted and did a great job for the resident in need from the fire.

Discussion ensued on assisting that resident.

COMMISSIONER ARSERIO questioned whether the Board ignored public speakers during quasi-judicial hearings.

INTERIM CITY ATTORNEY WOLPIN said that was incorrect as the public speakers would be under oath but if not, the Board would give due weight and consideration but should consider their fact based testimony.

Discussion ensued in hiring experts in various fields pertaining to quasi-judicial hearings.

VICE MAYOR RUZZANO referenced voluntary Boards and said that a Board member asked if they could get cards for their P&Z positions. He asked for CONSENSUS from the City Commission for business cards to be given to the volunteer Boards, as well as a shirt.

Discussion ensued.

COMMISSIONER ARSERIO suggested that the Board members should also have City emails as they were subject to Sunshine and public record laws.

CITY MANAGER MAY said he received a thumbs up from the IT Director that the email would be very easily accomplished.

Discussion ensued.

CITY CLERK JOSEPH J. KAVANAGH suggested that as P&Z and the BoA members work directly with the Development Services Department, he recommended adding the Department information on the business cards.

CONSENSUS was given by the City Commission to provide City-issued email addresses and business cards for members of the BoA and P&Z Board. The business card will have contact information for the Development Services Department and include the email address for the respective board member.

MAYOR CAGGIANO spoke about his first grandchild. He highlighted the Margate Coconut Creek Fire Department's Explorer's Award Ceremony and the St. Vincent's annual Brazilian Festival. He read a statement from a mosque on Holiday Springs Boulevard where he attended their celebration and thanked the Police Department for their assistance. He invited people to participate in the 4th of July Parade. He paid tribute to City Manager May. He advised that Principals Earnest Toliver and David J. Levine were being moved to different schools respectively and hoped that their replacements would equally be of the same high standard. Mayor Caggiano asked for CONSENSUS to move up Items 8D and 8E immediately after the Consent Agenda.

CONSENSUS was not reached.

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 2019-292 MOTION - APPROVAL OF CITY COMMISSION MINUTES: APRIL 17, 2019 - REGULAR CITY COMMISSION MEETING; APRIL 29, 2019 - CITY COMMISSION WORKSHOP.

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

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

5) CITY MANAGER'S REPORT

CITY MANAGER MAY highlighted Margate's new employees:

- Jamal Duncan, Service Worker I at Parks and Recreation
- Joanna Brighton, Parks Supervisor at Parks and Recreation
- Julian Tropepe, Service Worker I at Parks and Recreation
- Four part-time lifeguards
- 12 part-time Summer Counselors

CITY MANAGER MAY advised that the Parks and Recreation Department was reimbursed 100% of the \$204,500 grant match for the Margate Sports Complex project and thanked the Parks and Recreation team for their hard efforts. He said that the Fire Department took first place at the First There First Care (FTFC) Mike Haygood ALS Competition and said that they had a trophy for their trophy case. He provided and read an update on the draft agreements for the Coral Springs Dispatch. He asked for CONSENSUS from the City Commission to bring back the proposed agreement for Coral Springs Dispatch Services at a July City Commission meeting.

CONSENSUS given by the City Commission.

CITY MANAGER MAY advised that they would also place it in their budget and would establish the funding sources at a later date.

Discussion ensued on revamping the 911 system which included dispatch negotiations, the two-year time frame, length of the contract and performance measures.

CHIEF OF POLICE, JON SHAW provided an update on dispatch and referenced the County's Office of Regional Communications and Technology (ORCAT) which handled the technical issues and Broward Sheriff's Office (BSO) who managed personnel. He also advised that the Florida Department of Management Services (DMS) Commission discussed the radio towers today and that the City of Hollywood voted 7-0 against allowing towers.

Discussion ensued on contracts pertaining to dispatch and merging the Computer Aided Dispatch (CAD) systems.

CITY MANAGER MAY thanked the Commission for giving him the opportunity to lead this great City for the last two and a half years as City Manager and for the last 31 years of

employment. He also thanked the Department heads, past and present employees, residents and his wife and family.

6) RESOLUTION(S)

- A. ID 2019-276 APPROVING AN AGREEMENT FOR PARTIAL FUNDING OF ONE (1) SCHOOL RESOURCE OFFICER IN MARGATE ELEMENTARY SCHOOL FOR SUMMER SCHOOL, JUNE 24, 2019, THROUGH JULY 25, 2019.

RESOLUTION 19-061

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

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

- B. ID 2019-291 REQUEST TO PURCHASE OFF-ROAD UTILITY VEHICLE FOR POLICE APPROVING ACQUISITION OF ONE (1) 2019 POLARIS RANGER OFF-ROAD VEHICLE UTILIZING AN EXISTING FLORIDA SHERIFF'S ASSOCIATION BID AWARD, AND APPROVING WAIVING OF BIDDING FOR THE ANCILLARY EQUIPMENT TO MAINTAIN STANDARDIZATION, WITH THE ACQUISITION BEING FUNDED FROM THE LAW ENFORCEMENT TRUST FUND (FEDERAL) AT A COST NOT TO EXCEED \$13,000.

RESOLUTION 19-062

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

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

- C. ID 2019-295 ~~AUTHORIZING EXPENDITURES FOR BOND RELATED PROJECTS AT SOUTHEAST PARK, PHASE I TO INCLUDE CONVERSION OF TWO (2) ARTIFICIAL TURF SOCCER FIELDS, AND A NEWLY CONSTRUCTED PLAYGROUND, UTILIZING ESTABLISHED GOVERNMENTAL CONTRACT PRICING; ALL PHASES SHALL NOT EXCEED \$1,900,000.~~

- D. ID 2019-300 APPROVING AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF MARGATE PROVIDING FOR FUNDING AND ADMINISTRATION OF FISCAL YEAR 2015 AND PRIOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; PROVIDING FOR AMENDMENT AND EXTENSION OF THE AGREEMENT WITHOUT FURTHER COMMISSION ACTION; PROVIDING FOR TERMINATION; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-063

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

MS. KUSTLER asked for an explanation of this Item.

INTERIM CITY MANAGER CALE CURTIS provided an explanation on this Item.

The motion carried by the following vote:

- Yes:** 4 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz and Mayor Caggiano
- No:** 1 - Vice Mayor Ruzzano

- E. [ID 2019-278](#)** APPROVING ACQUISITION AND AUTHORIZING EXECUTION OF A FIVE-YEAR SOFTWARE AS A SERVICE (SAAS) AGREEMENT FOR PROJECTDOX E-PLAN SOFTWARE SOLUTION BY AVOLVE SOFTWARE CORP. FOR THE BUILDING DEPARTMENT; TO BE ACQUIRED FROM SHI INTERNATIONAL CORP. UTILIZING THE STATE OF FLORIDA'S ALTERNATIVE CONTRACT SOURCE AGREEMENT NO. 43230000-NASPO-16-ACS-SVAR; NOT TO EXCEED \$175,000 IN YEAR ONE AND \$102,000 IN YEARS 2 THRU 5; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-064

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Resolution, should be discussed.

COMMISSIONER SCHWARTZ provided an explanation on this Item.

MS. KUSTLER questioned the contract detail.

Discussion ensued.

The motion carried as follows:

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

- F. [ID 2019-284](#)** DESIGNATION OF ONE (1) VOTING DELEGATE AND ONE (1) ALTERNATE FOR FLORIDA LEAGUES OF CITIES' 93RD ANNUAL CONFERENCE FROM AUGUST 15-17, 2019, IN ORLANDO, FLORIDA.

RESOLUTION 19-065

COMMISSIONER ARSERIO spoke on this Item.

A motion was made by Commissioner Arserio, seconded by Mayor Caggiano, to insert Mayor Caggiano as the Primary Delegate and Commissioner Arserio, as the Alternate Delegate. This carried by the following vote:

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

G. [ID 2019-210](#) APPROVING RULES OF PROCEDURE AT MARGATE CITY COMMISSION MEETINGS FOR 2019.

RESOLUTION 19-066

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this Resolution, should be discussed.

COMMISSIONER ARSERIO asked for clarification on this Item.

CITY CLERK KAVANAGH explained that the City had to be in compliance with the Broward County's Charter amendment that passed regarding agenda backup deadlines and posting requirements.

Discussion ensued.

CHARLIE ARTNER, 6631 NW 22ND COURT spoke against this Item.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B spoke on this Item and said that there could be a happy medium.

BILL KOVAK spoke against this Item.

COMMISSIONER ARSERIO addressed Mr. Kovak's concerns and provided clarification on this Item.

MS. KUSTLER spoke on this Item.

MR. SPAVENTO spoke on this Item.

COMMISSIONER ARSERIO addressed Mr. Spavento's concerns.

MR. ALIANIELLO spoke against this Item.

MAYOR CAGGIANO addressed Mr. Alianiello's concerns.

MR. LUGO spoke on this Item.

Discussion ensued.

The motion carried as follows:

Yes: 4 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz and Mayor Caggiano

No: 1 - Vice Mayor Ruzzano

- H. [ID 2019-270](#) APPROVING AN EMPLOYMENT CONTRACT WITH CALE CURTIS AS CITY MANAGER OF THE CITY OF MARGATE; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 19-067

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

VICE MAYOR RUZZANO referenced maintaining green space, providing a community feel and requested a five-day work week being implemented prior to making his decision.

INTERIM CITY MANAGER CURTIS advised that he would do what was in his legal authority to carry out the wish of the Commission. He said that a strategic plan meeting would be the appropriate time to discuss those issues.

Discussion ensued including deadlines, organizing a Workshop, five-day work week, accountability, Comp plan and Dispatch.

COMMISSIONER SIMONE said that she did not agree with the salary assigned for the new City Manager and continued to discuss her concerns.

Discussion ensued on the Assistant City and City Manager's salaries.

MR. ARTNER advised that Margate should work with the money they have and to stop making comparisons with other cities pertaining to salaries and general expenditure. He also discussed the introduction of merit based pay raises.

Discussion ensued on salaries.

MR. ZUCCHINI suggested that the City should hire a recruiter to do negotiations which would avoid these types of conversations.

Discussion ensued on salaries.

MR. ALIANIELLO said that this position was previously discussed at the last meeting and he advised that they should move on. He also discussed salaries.

Discussion ensued.

MS. KUSTLER said that she did not agree with the salary and asked for their position on the Comp plan and what were they going to do for Margate.

Discussion ensued including comparable salaries.

JULI VANDERMEULEN, 2913 NW 68 LN. said that she was an Executive Recruiter for over 20 years and discussed salaries.

Discussion ensued.

MR. NOVAK questioned why they were discussing this item again when it was previously discussed at the last City Commission meeting.

Discussion ensued pertaining to the City Manager's contract.

MS. SANCHEZ agreed with Commissioners Schwartz and Simone's views pertaining to the new City Manager's salary. She said that he was doing a great job but did not agree with granting him the same salary as his predecessor due to a lack of experience.

An amendment was made by Commissioner Schwartz to change the salary to \$180,000 and review the salary after a six-month period. This amendment died for a lack of second.

The original motion carried as follows:

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

No: 1 - Commissioner Simone

- I. [ID 2019-275](#) APPROVING AN EMPLOYMENT CONTRACT WITH LARRY VIGNOLA AS ASSISTANT CITY MANAGER OF THE CITY OF MARGATE; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 19-068

COMMISSIONER ARSERIO advised that they needed to insert a salary before they could make a motion. He explained that tonight's objective was to finalize a suitable contract to present to Mr. Vignola. He requested that they appoint the new City Manager Curtis to take over the very final negotiations due to the Sunshine law.

Discussion ensued including salaries for Department Heads and car allowance.

INTERIM CITY MANAGER CURTIS highlighted four amended contractual changes.

Discussion ensued including car allowance.

A motion was made by Commissioner Arserio, seconded by Mayor Caggiano, to insert \$139,000 as the salary, insert \$300 per month for a car allowance, turn over the negotiating responsibilities to Mr. Curtis and to accept the housekeeping changes to the contract as stated by Mr. Curtis.

Discussion ensued.

An amendment was made by Commissioner Schwartz, seconded by Commissioner Simone, to change the salary to \$127,000.

Discussion ensued.

MR. SPAVENTO spoke against the salary for an inexperienced person.

Discussion ensued.

MR. ARTNER said that he agreed with Mr. Spavento's comments. He also discussed calendar conflicts pertaining to Mr. Vignola.

MR. ALIANIELLO said that he agreed with both Mr. Spavento and Mr. Artner's comments.

MS. SANCHEZ said that the decision was made before it was published and that she agreed with Commissioners Schwartz and Simone's sentiments as he was not qualified. She said that she disagreed with the appointment of Mr. Vignola.

MR. NOVAK suggested that the salary should be increased.

MRS. VANDERMEULEN said that it was unethical, unprofessional and that he had conflicts of interest as he was a sitting City Commissioner. She also said that he was unqualified for the position.

Discussion ensued pertaining to Mr. Vignola's non-attendance and calendar conflicts.

MR. LUGO wanted clarification pertaining to Mr. Vignola's contract.

MS. KUSTLER spoke about the Commission's behavior towards this item and also discussed other candidates and salary.

The amendment failed as follows:

Yes: 1 - Commissioner Schwartz

No: 4 - Commissioner Simone, Commissioner Arserio, Vice Mayor Ruzzano and Mayor Caggiano

Discussion ensued including Mr. Vignola's potential calendar conflicts and non-attendance of Margate Commission meetings.

MR. SPAVENTO spoke on records requests and discussed his disapproval of the hiring of Mr. Vignola.

MR. LUGO said that Coral Springs Commissioner Vignola serving in office for Margate was a violation of Florida Constitution and read an extract from Attorney General Ashley Moody information pamphlet on dual office holding prohibition.

INTERIM CITY ATTORNEY WOLPHIN addressed that the post of the City Commissioner of Coral Springs was an office and that the position of Assistant City Manager in Margate was not an office but employment.

MR. ARTNER hypothetically questioned what would happen if the Assistant City Manager became the City Manager. He requested that those Commissioners who had a personal relationship with Mr. Vignola should recuse themselves from the vote.

INTERIM CITY ATTORNEY WOLPHIN explained that the Assistant City Manager would not become City Manager as long as he still holds office in Coral Springs. He provided an example of the City Manager being incapacitated and said that he or the City Commission would have to appoint someone such as one of the Department Heads to serve as Acting City Manager.

Discussion ensued.

MS. SANCHEZ questioned when Commissioner Arserio interviewed other candidates.

Discussion ensued.

MR. NOVAK referenced confliction and said that they should vote no for the contract. He said that they should move items up the Agenda pertaining to business owners.

MS. KUSTLER referenced that the City Attorney stating that there was no actual conflict of interest and discussed there being an appearance of impropriety.

Discussion ensued including qualifications, interviews and amending the contract.

The original motion carried as follows:

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

No: 2 - Commissioner Simone and Commissioner Schwartz

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

The City Attorney read an opening statement for all five Items and all persons wishing to provide testimony were sworn in by the City Clerk.

VICE MAYOR RUZZANO said that he had spoken to City staff and over the last two years, he had spoken to a representative's petitioner and visited the sites.

Discussion ensued.

MAYOR CAGGIANO said that he had done the same as Vice Mayor Ruzzano and that he had also spoken to Mr. Wherry many times.

COMMISSIONER SCHWARTZ said that she had spoken to City staff this week but not to the petitioner. She said that there may be a possibility that she spoke to Mr. Wherry on Celebration Pointe. She said that she also spoke to the Chief Executive Officer (CEO) of Celebration Pointe pertaining to traffic and parking

COMMISSIONER ARSERIO said that he had spoken to staff on all of these items and over the course of time, he had spoken to the petitioner of Culvers and also Mr. Wherry who was a representative of Celebration Pointe. He said that he had also visited the sites.

COMMISSIONER SIMONE said that she had spoken to City staff at the Agenda review.

A. [ID 2019-262](#) CONSIDERATION OF A PLAT NOTE AMENDMENT FOR CELEBRATION POINTE.

RESOLUTION 19-069

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY spoke on this Item.

MR. WHERRY said that he had no questions for staff.

Discussion ensued.

MR. NOVAK questioned valuations of traffic flow. He asked for clarification of this Item.

Discussion ensued.

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

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

B. [ID 2019-268](#) CONSIDERATION OF A SUBDIVISION RESURVEY OF A PORTION OF "MARGATE PLAZA NO.1" FOR THE NEW GATEWAY MEDICAL BUILDING.

RESOLUTION 19-070

ASSOCIATE PLANNER ALEXIA HOWALD spoke on this Item.

Discussion ensued.

A motion was made by Vice Mayor Ruzzano, seconded by Mayor Caggiano, that this Resolution - Quasi-Judicial Hearing, be approved and to accept staff's recommendation.

DEVELOPMENT SERVICES DIRECTOR, ROBERT J. MASSARELLI confirmed that the staff's recommendation did include a condition about an easement which the petitioner had agreed on.

The motion carried as follows:

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

C. [ID 2019-260](#) CONSIDERATION OF A SUBDIVISION RESURVEY FOR THE NEW CULVER'S RESTAURANT.

RESOLUTION 19-071

ASSOCIATE PLANNER ALEXIA HOWALD spoke on this Item.

MR. WHERRY said that he had no questions for staff.

A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Schwartz, that this Resolution - Quasi-Judicial Hearing, be approved. This carried by the following vote:

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

D. [ID 2019-297](#) CONSIDERATION OF A SPECIAL EXCEPTION USE TO PERMIT A NEW CULVER'S RESTAURANT WITH DRIVE THROUGH.

RESOLUTION 19-072

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY spoke on this Item.

Discussion ensued.

Meeting went into Recess.

Meeting Reconvened.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY gave a PowerPoint presentation.

FRANCHISEE/OWNER/OPERATOR ERIC PIERCE spoke on this Item.

MR. WHERRY spoke on this Item.

Discussion ensued including outside seating, canopies, awnings, umbrellas, landscaping and a drainage problem.

A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Simone, to approve the Culver's drive-thru with landscaping conditions and umbrellas, as explained by Senior Planner Andrew Pinney.

MR. ZUCCHINI spoke on this Item.

Discussion ensued.

COMMISSIONER ARSERIO said that he would approve this Item but stated that it may be one of the last drive-thrus that he would approve.

The motion carried as follows:

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

E. [ID 2019-298](#) CONSIDERATION OF AN UNDERGROUND WIRING WAIVER FOR THE NEW CULVER'S RESTAURANT.

RESOLUTION 19-073

DEVELOPMENT SERVICES DIRECTOR MASSARELLI spoke on this Item.

Discussion ensued.

MR. NOVAK spoke on this Item.

Discussion ensued.

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

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

8) DISCUSSION AND POSSIBLE ACTION

A. [ID 2019-267](#) SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM - BI-WI "BECAUSE I'M WORTH IT!" INTERNATIONAL, INC.

Discussion ensued.

A motion was made by Commissioner Arserio, seconded by Mayor Caggiano, to table this Item.

Mayor Caggiano removed the table.

COMMISSIONER SIMONE explained that they should vote against this Item.

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, to deny this Item.

Discussion ensued.

The motion carried as follows:

Yes: 4 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz and Mayor Caggiano

No: 1 - Vice Mayor Ruzzano

B. [ID 2019-261](#) DISCUSSION AND POSSIBLE ACTION - EXPENDITURE FOR ADDITIONAL BULK WASTE AND YARD WASTE COLLECTION SERVICES, FOR CITY OF MARGATE RESIDENTIAL CUSTOMERS, FROM THE CITIZEN PROJECT INITIATIVES COMMITTED FUND BALANCE.

MAYOR CAGGIANO said that it was a phenomenal thing what the City had done and that the bulk waste was being collected every week. He said that they should add the increase to the water bill.

VICE MAYOR RUZZANO recommended putting this on the water bill and tying this rate increase in with the Stormwater increase.

INTERIM CITY MANAGER CURTIS confirmed that this project was funded by the Citizen's Project Initiatives Fund through to September 30th, 2019 and that the Commission could change it now or retain it until October 1st, 2019.

Discussion ensued.

COMMISSIONER SIMONE asked if this item was coming back in front of the Commission for a vote to determine if it was going on the water bill.

MAYOR CAGGIANO responded in the affirmative.

MR. NOVAK spoke on this Item.

CONSENSUS was given by the Commission to keep the current program going through the end of September.

C. [ID 2019-301](#) DISCUSSION AND POSSIBLE ACTION - FIRE STATION 58 UPDATE (Presented by Architect Saltz Michelson)

VICE MAYOR RUZZANO read questions from a letter he wrote to staff on this Item pertaining to transmission lines.

Discussion ensued.

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this item be tabled. This carried by the following vote:

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

D. ID 2019-302 DISCUSSION AND POSSIBLE ACTION - CITY ATTORNEY UPDATE.

COMMISSIONER ARSERIO thanked all of the applicants, staff and Commission in their involvement for hiring a City Attorney. He said that it was a tough decision to make but was confident that they would have a good City Attorney.

A motion was made by Commissioner Arserio, seconded by Commissioner Simone, to insert the name Janette Smith.

Discussion ensued.

An amendment was made by Commissioner Arserio, seconded by Commissioner Simone, to have Commissioner Schwartz meet with Human Resources Director, Laurie Meyer, to discuss City Attorney contract terms.

Discussion ensued including contractual discussions.

CITY ATTORNEY APPLICANT JANETTE SMITH thanked the Commission for their confidence in her and said that it would be a great opportunity. She said that she was willing to accept what had been budgeted for the position which was \$178,000. She had suggested using a similar contract that was used for the City Manager and that it would be in the benefit of the City to have an allowance instead of a vehicle. She said that approximately seven years ago, she had a similar stipend asking for \$500 per month.

Discussion ensued pertaining to the City vehicle and stipend.

CITY CLERK KAVANAGH confirmed that he received \$400 per month for his car allowance.

COMMISSIONER SCHWARTZ advised that the City would not pay \$500 per month in car allowance to the City Attorney.

CITY ATTORNEY APPLICANT SMITH said that if the car allowance was consistent with other chartered officers, she would be fine with it. She said that it was also discussed that she would receive vacation time of 200 hours/20 days and sick leave of 12 days.

COMMISSIONER SCHWARTZ identified severance pay from the previous contract

depending on prior experience.

CITY ATTORNEY APPLICANT SMITH said that she had 12 years of experience in government, that she wanted to be treated consistently across the board and believed that 20 weeks would be appropriate. She said that she did understand their concerns and that was the reason why she was taking the salary at \$178,000.

Discussion ensued.

The motion as amended carried as follows:

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

E. ID 2019-254 DISCUSSION AND POSSIBLE ACTION - APPOINTMENT OF FIRE CHIEF.

A motion was made by Commissioner Simone to insert the name Ty Vassil. This failed for a lack of second.

COMMISSIONER SIMONE said that she chose Fire Battalion Chief Ty Vassil as he was brought up through the ranks, was next in line, took courses to become the Chief and would be getting his Fire Chief Certification. She said that he had always been an advocate for the City and the Fire Department.

Discussion ensued.

A motion was made by Mayor Caggiano, seconded by Commissioner Arserio, to insert the name Robert Lorenzo, should be discussed.

COMMISSIONER ARSERIO said it was a very tough decision and that all three candidates would be Fire Chiefs somewhere. He said that both Fire Battalion Chiefs Vassil and Phillips had his support and hoped that they stayed.

MS. SANCHEZ said that she was surprised that Fire Battalion Vassil did not receive a second. She said that she agreed with Commissioner Simone's comments and that he had done everything that was needed for this position and had worked his way up. She said that she admired the other two applicants but was sorry that it happened this way.

The motion carried as follows:

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

No: 1 - Commissioner Simone

CITY MANAGER MAY requested direction for the Fire official pertaining to a contract or an employment agreement and questioned if they wanted to move forward or if they wanted to hire him as an employee.

MAYOR CAGGIANO confirmed that it would be for the same type of contract that they had with Chief of Police Shaw.

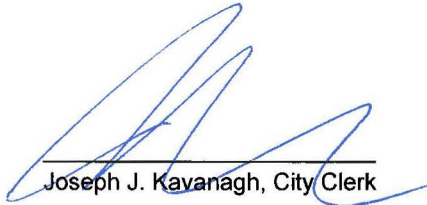
COMMISSIONER SCHWARTZ recommended to bring this back at the next meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:43am.

Respectfully submitted,

Transcribed by Salene E. Edwards



Joseph J. Kavanagh, City Clerk

Date: 5/23/19

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.

One or more members of the City of Margate advisory boards may be in attendance and may participate at the meeting.