



# City of Margate

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## Meeting Minutes Regular City Commission Meeting

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Wednesday, January 21, 2015

7:00 PM

Commission Chambers

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### CALL TO ORDER

**Present:** 5 - Commissioner Lesa 'Le' Peerman, Commissioner Joyce W. Bryan, Commissioner Frank B. Talerico, Vice Mayor Tommy Ruzzano and Mayor Joanne Simone

#### In Attendance:

City Manager Douglas E. Smith  
City Attorney Eugene M. Steinfeld  
City Clerk Joseph J. Kavanagh

### PLEDGE OF ALLEGIANCE

**ID 14-810** CAMILLE BACKER, KINDERGARTEN, MARGATE ELEMENTARY

*DUE TO CAMILLE BACKER'S ABSENCE, VICE MAYOR RUZZANO LEAD THE PLEDGE OF ALLEGIANCE.*

*MAYOR SIMONE REQUESTED THAT ITEM 7A BE HEARD PRIOR TO THE PRESENTATIONS.*

### 7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

**A. ID 14-812** CONSIDERATION OF A SPECIAL EXCEPTION USE, TO PERMIT A GAS STATION WITHIN THE TOC-G GATEWAY DISTRICT, LOCATED AT 505 NORTH STATE ROAD 7.

*ROD FEINER, Attorney with Coker and Feiner, was present on behalf of the applicant. He requested that the item be tabled to the February 4, 2015, agenda.*

**A motion was made by Commissioner Peerman, seconded by Commissioner Bryan, that this Quasi-Judicial Resolution be tabled to February 4, 2015. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

### 1) PRESENTATION(S)

**A. ID 14-829** HOLIDAY DECORATING CONTEST

3RD PLACE - BROWN FAMILY, 6661 ROYAL PALM BLVD - \$25 GIFT CARD

2ND PLACE - KIRBY FAMILY, 6251 NW 15TH STREET - \$50 GIFT CARD

1ST PLACE - BEKOFF FAMILY, 6845 NW 9TH COURT - \$75 GIFT CARD

- B. ID 14-832** PRESENTING CERTIFICATE OF COMPLETION OF EIGHTEEN HOURS OF INSTRUCTION AT THE INSTITUTE FOR ELECTED MUNICIPAL OFFICIALS TO COMMISSIONER JOYCE W. BRYAN.

### STUDENTS OF THE MONTH

*CORRINNE MILLER, LIBERTY ELEMENTARY SCHOOL TEACHER, WAS NOT PRESENT.*

*ISHMAEL EVERETT, RISE ACADEMY STUDENT, AND JENNIFER JIMENEZ, RISE ACADEMY TEACHER, FOR WERE NOT PRESENT.*

- C. ID 14-830** ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, JAHNIYAH PALMER; TEACHER, TYLER JORDAN  
(Mrs. Stacy Angier, Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, MARLEY MCBAIN-ROBBINS; TEACHER, ANNETTE DITTMEIER  
(Ms. Janette Hameister, Principal and/or Ms. Jounice Lewis, Assistant Principal)

LIBERTY ELEMENTARY: STUDENT, HAYLEY VALDES; TEACHER, CORINNE MILLER  
(David J. Levine, Principal and/or Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, ANJALI BEEPAT; TEACHER, AGNES OWENS  
(Thomas Schroeder, Principal and/or Tara Pasteur, Assistant Principal)

MARGATE MIDDLE: STUDENT, XINYI CHEN; TEACHER, DEBORAH RAGLAND  
(Andrew Bronstein, 6th Grade Assistant Principal)

RISE ACADEMY: STUDENT, ISHMAEL EVERETT; TEACHER, JENNIFER JIMENEZ  
(Ms. Sharon Smith, Principal)

LIBERTY ELEMENTARY: JAYDEN YOUNG (SPECIAL PRESENTATION)  
(David J. Levine, Principal and/or Donna Styles, Assistant Principal)

*THE MEETING RECONVENED FOLLOWING A FIVE MINUTE RECESS.*

## **2) COMMISSION COMMENTS**

*COMMISSIONER PEERMAN asked the Commission's support regarding the Waste Management and the County negotiations pertaining to what Waste Management would be able to do with the Waste Energy Plant recently purchased. She said that the negotiations and discussions were not public. She asked whether the Commission would sign a letter to send to the County Commissioners to request that the meetings be in public. She noted that 2/3 of the Cities had to vote for whatever was decided by the County; however, the Cities were not included in the discussions. She said that the issue affected both Margate and Coconut Creek and she expressed concern with not meeting the 2020 requirement of 75 percent recycling.*

VICE MAYOR RUZZANO asked whether the plan was to sell it.

COMMISSIONER PEERMAN said that they wanted to tear it down and use the area for a transfer station, which would allow more tonnage to be brought into the Monarch Hill. She noted that per the agreement with Coconut Creek, they were not allowed to do that.

**A motion was made by Commissioner Lesa 'Le' Peerman, seconded by Vice Mayor Tommy Ruzzano, that a letter be signed by the Commission requesting that the negotiations and discussions be in the Sunshine.**

RICH POPOVIC, 6066 Winfield Boulevard, agreed with signing the letter and spoke about Waste Management and the taxpayers paying for the building.

NORMAN GRAD, 7460 NW 18 Street, mentioned that there was a new County Commissioner representing the District, Mark Bogan, and he suggested having him as a Liason, as well as the Broward League of Cities.

COMMISSIONER PEERMAN said that she met with Mark Bogan, but he was not seated for the discussion at the meeting. She said that other Commissioners wanted to have him seated early in order to have the issue talked about and passed. She understood that the people there were to speak on the subject; however, they were not allowed to speak on it again when it came up again. She said that the item was tabled until Mr. Bogan was sworn in. She noted that Mr. Bogan was aware of the situation.

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

**Yes: 5 - Commissioner Bryan, Commissioner Peerman, Commissioner Talerico, Vice Mayor Ruzzano, Mayor Simone.**

COMMISSIONER TALERICO had no comments.

COMMISSIONER BRYAN stated that she was handing out presents and riding with Santa and thanked Fire Chief Franklin Edwards, Captain Whiteshield and all of the Firefighters, Fire Rescue CERTS and the Explorers. She mentioned being approached on the sleigh ride by a former student who wanted a bicycle for Christmas. She said that through good detective work, determination and caring the Police Department and Police Sergeant Suarez, Officer Careccia and Officer Williams made that happen. She thanked the employees for their work. She thanked Parks and Recreation Director Mike Jones and his department for the great job they did with Winterfest. Commissioner Bryan mentioned prior comments made by Todd Angier at the last meeting in December regarding the Commission focusing on things moving forward. She noted that she marched in the Martin Luther King Jr. parade and mentioned other dignitaries present. She said that it was a great honor because for 10 years she too had a dream of becoming Margate's first African American Commissioner. She said that for Margate's 60th Birthday she wanted to see the Commissioners strengthen their collaboration, professionalism and service for the City. She wanted to explore collaboration with the schools and other Cities, such as Coral Springs, Coconut Creek and North Lauderdale, to have a parade for Dr. King and to partner with them on events. She noted that this year Coral Springs honored Dr. King with a luncheon and a benefit concert featuring the Temptations. Commissioner Bryan wanted the Commission to consider a Welcome Home to Margate package with specific information about private and public schools, houses of worship, churches, shops, restaurants and

entertainment and programs offered by Parks and Recreation. She also wanted to explore a partnership with sister Cities of Margate; New Jersey and England. She added that there were beautiful homes in Margate and she wanted to engage residents by having a contest showing pictures of their homes and/or gardens. She suggested the name, "This is Margate" with prizes being given at the end of the year. She wished to develop the City's partnership with the Northwest Medical Center, Atlantic Technical College and Broward College. She said that with a partnership between the Fire Department and the CRA, there could be a contest for decorating the City's fire hydrants for the 60th Birthday. She mentioned attending the Stage Door Theater, which was there for 21 years. She noted that the theater was in Margate and was outstanding, and she would like to see some collaboration with the theater as well. Finally, she wanted to have the City reach out to a Hispanic celebrity with a connection to Margate to help celebrate Hispanic Heritage Month from September 15th to October 15th, 2015.

COMMISSIONER TALERICO noted that there was prior discussion about the Stage Door Theater advertising Coral Springs as their location. He stated that it had recently been determined that the theater was in Margate.

COMMISSIONER RUZZANO thanked everybody for his birthday cards and wishes. He thanked Director of Environmental and Engineering Services (DEES) Reddy Chitepu for the quick repair of the water main leak in his neighborhood last week. He thanked Sam May for taking care of the issue today at Holiday Springs. He mentioned the problem with Channel 78 showing Coconut Creek information last week with pictures etc. He felt that the Margate Channel was antiquated and felt that it could be looked into for improvements.

MAYOR SIMONE noted that next Saturday would be the Movies in the Park, Teenage Ninja Turtles. She informed Commissioner Bryan that she was in contact with the Mayor from Margate of the United Kingdom, and had sent him the Book of Margate, a City pin, the new logo and information about Margate. She added that the City was looking for more children to lead the Pledge of Allegiance, and asked that those wishing to participate contact the City Clerk's office.

### 3) PUBLIC DISCUSSION

ED DECRISTOFARO, 6600 Brandywine Drive South, said that he read about public discussions and found that the key to determining the difference between permitted criticisms and inappropriate personal attacks depended on whether or not comments in question were reasonably related to the performance and qualifications of a public figure, or whether they were comments that had no bearing and served no purpose other than to insult, belittle or derogate. He mentioned the First Amendment and noted that in *Steinberg versus Chesterfield County Planning Commission*, the court found that no personal attack policy focused on two evils. He said that insulting comments lead to defensive responses and impacted orderly conduct of the meetings. He added that the court held that a public body had a significant government interest in preventing these evils was Constitutionally appropriate even if it had the incidental effect of interfering with the content of speaker's speech. He added that the court found that the insulting speaker had ample alternative channels to make the same speech without the insults. He asked that everyone try to get along and work together without all of the insults, because we all had the same goals in mind.

TERESA DECRISTOFARO, 6600 Brandywine Drive South, stated that she and her husband were the Community Champions for Relay for Life. She reminded everyone that the Relay for Life event would be on April 11, 2015, from 11:00 a.m. to 11:00 p.m. She noted that this year's theme was "Carnival" and everyone was welcomed to come and have a good time. She said that JM Lexus has donated \$5,000 to sponsor the event. She reminded everyone that January was Cervical Cancer Awareness month.

She noted that Cervical Cancer was caused by HPV, which was a preventable disease. She said that there were 14 million HPV new cases of HPV diagnosed each year, but can be treated immediately if having annual checkups. She added that Cervical Cancer was a profound health equity issue, which was linked to poverty and lack of medical care. She noted that information can be obtained from the American Sexual Health Association (ASHA) website, and there were programs available with the National Cervical Cancer Coalition (NCCC). She added that information could be obtained at the American Cancer Society.

RICH POPOVIC, 6066 Winfield Boulevard, said that the City received the money back from the Field of Dreams, which was put back in the Comprehensive Annual Financial Report (CAFR). He questioned why a bridge could not be obtained at the end of Winfield Boulevard to go to Firefighters Park. He noted that the last bridge was donated by the Army Corp of Engineers. He said that the neighbors would love the bridge and it would benefit all of the people.

COMMISSIONER PEERMAN asked Mr. Popovic to suggest the bridge to the Parks and Recreation survey people. She hoped when Parks and Rec survey people came around, it was suggested. She understood that a portion of Firefighter's Field belonged to the Carolina's and they may not be willing to give it up.

NORMAN GRAD, 7460 NW 18th Street, said that what was the Margate Forum now was called the Coral Springs Forum; therefore, he suggested contacting the Forum. He stated that the Christmas lights were magnificent. He said that he was involved with the Area Agency on Aging and commended Edith Lederburg. He also commended Margate for giving its fair share; however, Coral Springs did not. He noted that he was handled very professionally when recently needing a permit from the Building Department. He mentioned Bethany Chesterman at the Library, who on Wednesday's at 10:30 a.m. provided a Forum on World Affairs for \$2.50. He felt that all officers should have CIT training. He mentioned K9 dogs receiving compensation when the dog died or retired, and noted that the City of Coral Springs did not compensate. He suggested providing Fingerprinting in Margate.

COMMISSIONER PEERMAN noted that a year ago the Forum removed Margate from the Coconut Creek/Margate Forum and added Margate to the Margate/Lauderhill Forum; however, they recently put Margate back with Coconut Creek and Coral Springs.

VICE MAYOR RUZZANO mentioned that Parkland was also included in the Forum. He noted that there was an accident in the canal with the Margate Police saving a woman.

ANDREW BRONSTEIN, Assistant Principal of Margate Middle School, said that he prided himself on being a big community person and working with the school business partners. He stated that he made every program at the school into a big event where school business partners were invited to take part. He said that he developed a Multi-Community Expo, which incorporated the 10 Cities surrounding Margate from Parkland to Sunrise and the Everglades to the beach. He noted that there were 150 vendors with a Health and Wellness Section sponsored by the Department of Health. He added that most of the Florida Sports Teams were present including the Marlins and Dolphins. He noted that there were entertainment vendors, as well as Y-100. He added that there was also a Mammogram Bus, as well as many other services provided to the community at large. He stated that he would be having such an event again on March 19, 2015, and a portion of the proceeds would be given to the Relay for Life. He noted that it would be free to the public and all attending would be given a Sketcher's bag, which will be full of stuff by the end of the event. He provided information to the Commission for posting in City Hall. He said that those

looking to be a vendor could reach him at the school. He was also looking for businesses to post flyers and help get the word out about the event. He noted that he was a member of the Chamber of Commerce, and that they were already involved in the event.

RICK RICCARDI, 4829 South Hemingway Circle, Chamber of Commerce President, said that he filled out his discussion card online. He mentioned the Chamber of Commerce Membership Meeting being held tomorrow at 7:30 a.m. where the fair would be discussed. He noted that an investigative reporter Carmen was reporting on housing and recovery housing in South Florida. He said that the Fellowship would be the first that she would be reporting on, which might be on the News next week.

#### 4) CONSENT AGENDA

- A. ID 14-815 MOTION - APPROVAL OF CITY COMMISSION MINUTES.

**APPROVED**

- B. ID 14-859 RESOLUTION - APPROVING REAPPOINTMENT OF BARBARA SERRA-MANNION TO SERVE ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE FOR THE TERM COMMENCING FEBRUARY 1, 2015, THROUGH JANUARY 31, 2018.

*Resolution 15-001*

**APPROVED**

- C. ID 14-860 RESOLUTION - APPROVING REAPPOINTMENT OF GILLES T. VENDETTE TO THE UNSAFE STRUCTURES BOARD FOR A TERM COMMENCING JANUARY 21, 2015 TO JANUARY 20, 2018.

*Resolution 15-002*

**APPROVED**

- D. ID 14-861 RESOLUTION - APPROVING REAPPOINTMENT OF PATRICK D. CRISTIANO TO THE UNSAFE STRUCTURES BOARD FOR A TERM COMMENCING JANUARY 21, 2015 TO JANUARY 20, 2018.

*Resolution 15-003*

**APPROVED**

#### Approval of the Consent Agenda

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

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

#### 5) CITY MANAGER'S REPORT

*CITY MANAGER DOUGLAS E. SMITH announced the hiring of the new Communications and Marketing Coordinator, Alison Saffold, and gave a brief history of*

her experience. He stated that there would be a Water Safety Awareness Day on February 7, 2015, at Calypso Cove from 11:00 a.m. to 4:00 p.m. He noted that the Police Department, Fire Department, Calypso Cove Staff and another organization would be providing water safety information. He stated that it was a free event that would help prevent issues with water safety. He announced the Northwest Focal Point Senior Center (NWFPS) Car Fit event on February 26, 2015, which will provide information on properly fitting individuals to their vehicle to help with road safety. He mentioned the upcoming Business Expo, which Margate would participate in. He asked for a general consensus from the Commission to consider Margate partnering with the event, which would allow the City to put out the promotional activities. The Commission agreed to allow that. City Manager Smith explained that the new mobile app, "Our Margate" was launched in October and was over 380 downloads. He noted that a QR Code had been developed for scanning with mobile devices, which would disseminate on promotion materials that would allow someone to scan and go directly to the application to download it. He stated that the playground improvements at Centennial Park began earlier this month and would take approximately four weeks to complete. He said that the Parks and Recreation Master Planning Process was underway, with the kickoff meeting held earlier this month with the parks tour. He noted that updates would be provided through the process. He explained that the first draft of the Sign Ordinance was anticipated for a February meeting before Development Review Committee (DRC). He stated that the Cops and Kids two-day event during the holiday season had 96 children shopping with Police and volunteers. He added that 140 children received donated toys from our toy room. He added that toys were also donated to other organizations. He thanked all the Staff that worked on helping to provide the toys to the children in need.

COMMISSIONER TALERICO questioned whether the new Communications and Marketing Coordinator services would be shared with the Community Rededvelopment Agency (CRA).

CITY MANAGER SMITH said that was the original plan, and assistance with upcoming events would be provided.

## 6) RESOLUTION(S)

- A. ID 14-819** APPROVING MEMO OF UNDERSTANDING (MOU) WITH THE CITIES OF TAMARAC, CORAL SPRINGS, HALLANDALE BEACH, LAUDERHILL, NORTH LAUDERDALE, AND SUNRISE, FOR GROUP PARTICIPATION IN THE 2014-2015 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) PROGRAM; PROVIDING FOR THE CITY OF TAMARAC TO SERVE AS HOST AGENCY; PROVIDING FOR CASH MATCH OF 10% OF TOTAL COST OF RECEIVED ASSETS; PROVIDING FOR FIVE YEAR TERM OF MOU.

*Resolution 15-004*

**A motion was made by Commissioner Bryan, seconded by Commissioner Talerico, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

- B. ID 14-856** APPROVING SUBMITTAL OF TWO WATER QUALITY IMPROVEMENT PROJECTS TO THE STATE LEGISLATURE FOR STATE APPROPRIATION CONSIDERATION.

*Resolution 15-005*

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

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

- C. ID 14-857** APPROVING AGREEMENT BETWEEN THE MCGOVERN FOUNDATION INC. AND THE CITY OF MARGATE FOR SWIM LESSONS.

*Resolution 15-006*

**A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Peerman, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

- D. ID 14-864** APPROVING AN AGREEMENT WITH DANA E. WATSON AS POLICE CHIEF FOR THE CITY OF MARGATE; PROVIDING FOR BENEFITS; PROVIDING FOR EFFECTIVE DATE.

*Resolution 15-007*

**A motion was made by Commissioner Bryan, seconded by Vice Mayor Ruzzano, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

- E. ID 14-814** SUPPORTING MANDATORY LABELING OF ALL GENETICALLY MODIFIED PRODUCTS.

*Resolution 15-008*

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

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

- F. ID 14-847** AMENDING RULES OF CONDUCT OF THE PUBLIC AT PUBLIC MEETINGS AND RULES OF PROCEDURE AT MARGATE CITY COMMISSION MEETINGS FOR 2014-2015.

*Resolution 15-009*

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

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

**RESOLUTION(S) - QUASI-JUDICIAL HEARING**

**B. ID 14-843**

CONSIDERATION OF A SPECIAL EXCEPTION USE, TO PERMIT A GROUP CARE FACILITY IN THE R-3 ZONING DISTRICT, LOCATED AT 603 MELALEUCA DRIVE.

*MAYOR SIMONE explained that Section 286.0114 of the Florida State Statutes provided that discussion from the public was not required on this item.*

*CITY CLERK JOSEPH J. KAVANAGH swore in those stakeholders wishing to provide testimony.*

*MAYOR SIMONE asked that any Commissioner that engaged in ex parte communications regarding this Quasi-Judicial Agenda item disclose that information. She explained that the communication included City Commission discussions with all interested parties, including the tenant, petitioner or City Staff, as well as any visitations to the site being discussed shall be disclosed.*

*DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that this item was for a facility located at 603 Melaleuca Drive. He said that the property currently held a 10 unit apartment complex and the owner of the property petitioned to convert that into an Assisted Living Facility (ALF). He said that pursuant to the Zoning Code, review criteria were required prior to granting the special exception. He stated that whether it would be a facility for the elderly, handicapped or for children would determine the maximum occupancy. He noted that the property owner petitioned before the Development Review Committee (DRC) on October 23, 2014, and during that time a business plan had not been set explaining the type of clientele. He said that as a result the item was tabled until November 26, 2014, and the petitioner resubmitted an application asking for an ALF to house the elderly, which would not have a maximum capacity. He clarified that for children and handicapped clientele the capacity would be 16 residents. He said that when reviewing the submitted documents and review criteria provided, Staff found that there were no increased impacts from a 10 unit apartment complex to an ALF utilizing the exact same structure. He noted that there was no additional construction and no additional trips on the roads. He added that there was no bus activity and no drop off and pick up activity, such as with children for school. He stated that the facility was located approximately 970 feet from an existing ALF. He noted that Code required 1,000 foot separation; therefore, the petitioner requested a variance that was recommended and granted approval by the Board of Adjustment. He explained that the reason was because the 30 feet was a small portion of the property, but the bulk of the property was outside the 1,000 feet. He said that Staff felt that strict enforcement of the 1,000 feet was not necessary and created an undue hardship. He noted that this did not set a precedent for future variances. He said that from a physical standpoint, Staff recommended approval; however, he wanted the petitioner to explain the exact type of facility as Staff was still not comfortable with the proposed business plan.*

*MIRYAM JIMENEZ, Petitioner, stated that she had no questions for Mr. Ziskal. She explained that the building was a rental complex, which was hard to keep beautiful with tenants. She said that an ALF would bring a different type of clientele. She stated that she would have service and maintenance. She noted that the building across the street created problems with drugs, which made it hard for the past four years to maintain; however, it currently was a good example of a beautiful building. She said that she wanted the ALF to be perfect. She hoped the City would let her continue and felt that the City would be proud. She noted that the City did not have many elderly facilities that were well run.*

*COMMISSIONER TALERICO questioned the amount of people being 32.*

*MS. JIMENEZ said that she could actually do more; however, she wanted to create a*

home for the residents so they stay long term. She clarified that it would be both independent living and assisted living. She said that her goal was to have people come relatively healthy and independent and growing old with her, while she provided all the services they would need as the years passed. She said that she would later add more licenses and services. In response to Commissioner Talerico's questions, Ms. Jimenez explained that the new building was built in 2006, with 36 inch doorways, which was bigger than normal. She added that there were also handicapped ramps and she would be installing a fence and a sprinkler system for fire. She further explained that it was currently an apartment complex; however, as soon as she could she would inform the remaining tenants and have the work done to make the ALF perfect.

COMMISSIONER TALERICO stated that ALF's had prepared meals with a dining room, and he questioned what her long range plan was.

MS. JIMENEZ said that her plan was to use 8 apartments for living and sacrificing two apartments for future dining, entertainment, etc. She added that it was currently up to Code on Fire; however, she already contacted two companies regarding the fire sprinklers and the fencing. She said she also spoke with the trash people and she had 61 feet for the entrance, which would allow stacking of three cars. She said that there would be a gate for the exit.

COMMISSIONER TALERICO questioned Ms. Jimenez's experience.

MS. JIMENEZ said that she was working with a Doctor, and that a twin brother helped run an ALF in Fort Lauderdale.

MR. ZISKAL clarified that there were no objections from the DRC; however, there were conditions and an understanding that all approvals from the Agency for Health Care Administration (AHCA), the Building Department and the Fire Department must be met, as well as any necessary water and sewer impact fees.

COMMISSIONER BRYAN questioned Ms. Jimenez's background.

MS. JIMENEZ explained that she was a Telecommunication Engineer and an Accountant. She said she was doing rentals and real estate for 14 years. She said that she would have the necessary money involved and noted that the building was currently free and clear and was paid for in cash. She said that she had the required money to make the changes and to run the building on her own. She asked that the City provide support to her by posting \$500 Fine signs on the building across the street, because of the trash on the floor, the painting needed, the landscaping and the flowers.

COMMISSIONER BRYAN asked whether Ms. Jimenez had a contract with the State yet.

MS. JIMENEZ said that she did not yet.

COMMISSIONER PEERMAN questioned the conditions from the Board of Adjustment.

MR. ZISKAL said that one condition imposed by the DRC was the variance regarding the distance separation, which accomplished on January 6, 2015. He said that another condition was that a Local Business Tax Receipt (LBTR) be obtained, which was met. He added that the other four conditions were that any interior alterations requiring Building Plans must be submitted to the Building Department, and that any items required by Fire Code must be accomplished. He added that water and sewer impact fees must be paid if capacity exceeded 24. He noted that the petitioner indicated that there would be 32; therefore, water and sewer impact fees would be required. He said

*that all other department requirements for permits be obtained. He clarified that currently two of the six conditions had been met.*

*COMMISSIONER PEERMAN questioned whether the facility could be changed to a drug or alcohol rehabilitation or group home once approved.*

*CITY ATTORNEY EUGENE STEINFELD said that if the representation for what the building was to be used for, she would have to come back to change the use to a different license type of facility for an amendment to the special exception.*

*COMMISSIONER PEERMAN asked whether the license was specifically for group homes.*

*CITY ATTORNEY STEINFELD asked for clarification from Mr. Ziskal as to whether they had to be licensed for a particular type of home.*

*MR. ZISKAL explained that ALF's and other facilities for the elderly were licenses through AHCA and children's facilities were licensed through the Department of Community Affairs. He said that there was discussion in legislature with regard to where sober homes or rehabilitation facilities would fall under. He said that there was limited visitation as the application was based on the elderly. He stated that the existing licensing was with Department of Children and Family Services (DCF) and AHCA.*

*VICE MAYOR RUZZANO said that he would have liked to see a business plan. He asked how long before the anticipated opening.*

*MS. JIMENEZ said that depended on the permits. She said that she wanted to do the fencing first because it was being used as a pass through. She added that she would then want to install the sprinkler system and apply for the licenses needed. She was hoping for the permits and licenses within 180 days.*

*VICE MAYOR RUZZANO asked why the fence was not installed now.*

*MS. JIMENEZ said that it was hard when there were tenants because of the vehicles and gates etc. She said that once it was an ALF there would be limited vehicles.*

*COMMISSIONER TALERICO asked about existing tenants.*

*MS. JIMENEZ said that she currently had four tenants that would be receiving a 60 day notice. She stated that she had not renewed any leases and had told the existing tenants what she was doing; therefore, she did not foresee any problems.*

*MAYOR SIMONE expressed concerns with regard to the lack of experience Ms. Jimenez had working with the elderly. She asked whether the existing single apartments had no common area. She expressed concern with regard to elderly people having their own apartments, which was done by someone by an agency. She noted that depending on certain issues, the individuals might not be able to be living in that type of facility.*

*MS. JIMENEZ said that when elderly were in a facility it was usually handled by someone in an agency who knew what to do and what the needs were. She noted that the insurance had to be approved, as well as the people who would be paying for the elderly. She said everything needed approval and people could not just move in without the required approvals. She reiterated that she would start with the independent elderly and move into assisted living as the residents aged and needed that care. She said that she had no experience as a nurse or a doctor, but was a good business person who*

came here in a boat but had two college degrees. She noted that she had never failed in a business.

MAYOR SIMONE asked what would happen if after going to AHCA Ms. Jimenez found out that she did not have enough money to make the necessary repairs.

MS. JIMENEZ said that she had enough money. She noted that the building was owned free and clear and that she ran a transportation company for six years. She mentioned other properties that she owned free and clear. She stated that if she thought she would not have enough money she would not have got involved.

MAYOR SIMONE expressed concern with the neighborhood not being the safest for this type of facility and the elderly.

MS. JIMENEZ said that he was working with the City to take care of the problems in the neighborhood. She stated that if the City wanted she could change and have a detox home.

COMMISSIONER TALERICO mentioned that there were group facilities in his neighborhood. He noted that Ms. Jimenez could not proceed without the proper licenses, Staff, etc. He added that she needed to meet all the criteria of the State of Florida. He felt that the apartment complexes were the problem. He stated that assisted and independent living facilities were very expensive and cost anywhere from \$2,000 to \$3,500 a month, and that there were people waiting to get into these places. He felt that the City should give Ms. Jimenez a chance and if she did not pass, she would go back to square one.

MS. JIMENEZ mentioned the existing ALF that she needed the special exception for and that they had one bathroom for 30 people and did not have a washer and dryer. She had pictures indicating sheets hanging and that the facility was not handled properly.

MAYOR PEERMAN thanked Ms. Jimenez for her presentation.

ANNETTE BRIGHT, 6111 NW 6th Street, said that the apartment complex was on the corner by her home and she felt that it was a good neighborhood. She stated that the only issues she ever had were due to the people from the apartments cutting across the corner of the lot. She questioned whether there would be enough parking spaces and whether there was any possibility it could later become a drug rehabilitation facility, which would be worse.

RICH POPOVIC, 6066 Winfield Boulevard, stated that Mayor Simone was wrong regarding no public discussion during Quasi - Judicial Hearings.

CITY ATTORNEY STEINFELD asked Mr. Popovic where he lived in relation to the apartment complex.

MR. POPOVIC said that he lived in Margate.

CITY ATTORNEY STEINFELD said that it was up to the Mayor's discretion to allow Mr. Popovic to speak; however, what he stated was not relevant to a Quasi-Judicial Hearing. He said that it was relevant for a Legislative Hearing. He noted that being a resident of Margate did not make him a relevant witness.

MAYOR SIMONE stated that what Mr. Popovic said would not count as testimony.

COMMISSIONER PEERMAN wanted clarification that if this was passed as an ALF it could not be turned into a drug rehabilitation facility in six months.

CITY ATTORNEY STEINFELD said that there would be different criteria required. He stated that under Federal Law, whether starting a new facility or a conversion, it would be the same situation and the petitioner would have to come back for an amendment to the special exception. He clarified that if the petitioner did that, different criteria would be applied. He noted that the Federal Law took precedent over AHCA, State Law and Local Law. He further explained that if the petitioner wanted to change to a drug rehabilitation facility, a hearing would have to be held to determine if it met the distance requirements. He noted that it would be difficult to stop that.

COMMISSIONER PEERMAN said that the City could only trust that the petitioner would keep the facility as an ALF.

VICE MAYOR RUZZANO asked the petitioner if she would make the facility a drug rehabilitation facility.

MS. JIMENEZ said that if she had wanted to make a halfway house she did not need the permission of the City; however, she did not do that because she did not want to.

CITY ATTORNEY STEINFELD said that the petitioner was making a presentation here stating that she would not turn the facility into a drug rehabilitation facility.

MS. JIMENEZ stated that she did not want to do that.

CITY ATTORNEY STEINFELD reiterated by asking Ms. Jimenez if she planned to convert to a drug rehabilitation facility.

MS. JIMENEZ said not right now. She clarified by saying no.

Resolution 15-010

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

**Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

## **8) ORDINANCE(S) - SECOND READING**

**A. ID 14-842** CONSIDERATION OF AN ORDINANCE TO REVISE THE DEFINITIONS, SETBACKS AND SIZE REQUIREMENTS FOR SHEDS, STORAGE BUILDINGS, AND TEMPORARY STORAGE STRUCTURES IN RESIDENTIAL AREAS.

*Ordinance 2015-1500.610*

**A motion was made by Commissioner Bryan, seconded by Commissioner Peerman, that this Ordinance - 2nd Reading be approved.**

**An amendment was made by Commissioner Lesa 'Le' Peerman, seconded by Vice Mayor Tommy Ruzzano, that two sheds be allowed. The amendment carried by the following vote:**

**Yes:** 3 - Commissioner Peerman, Commissioner Bryan and Vice Mayor Ruzzano

**No:** 2 - Commissioner Talerico and Mayor Simone

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

**Yes:** 3 - Commissioner Peerman, Commissioner Bryan and Vice Mayor Ruzzano

**No:** 2 - Commissioner Talerico and Mayor Simone

**ADJOURNMENT**

*There being no further business, the meeting adjourned at 10:18 p.m.*

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

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

*Date:* \_\_\_\_\_