



City of Margate

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Margate, FL 33063
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Meeting Minutes Regular City Commission Meeting

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

Interim City Manager Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

Wednesday, May 3, 2017

6:30 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

Interim City Manager Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 2017-304](#) STEPHANIE DAROSA, 5TH GRADE, ABUNDANT LIFE CHRISTIAN ACADEMY

1) PRESENTATION(S)

A. [ID 2017-315](#) PRESENTATION TO CITY OF MARGATE'S 2017 DROP SAVERS CONTEST WINNERS

TIFFANY VOSS - MARGATE ELEMENTARY - DIVISION 1 CITY WINNER

NAOMI-GRACE BEGEANSMA - ABUNDANT LIFE CHRISTIAN ACADEMY - DIVISION 1 SCHOOL WINNER

SARAH ROSENFELD - HEBREW ACADEMY - DIVISION 1 SCHOOL WINNER

BRIAN VAZQUEZ - LIBERTY ELEMENTARY - DIVISION 1 SCHOOL WINNER

ROCHEL HODAKOV - HEBREW ACADEMY - DIVISION 2 CITY WINNER

JEREMIAH BEGEANSMA - ABUNDANT LIFE CHRISTIAN ACADEMY - DIVISION 2 SCHOOL WINNER

ARDY CLERISIER - ATLANTIC WEST ELEMENTARY - DIVISION 2 SCHOOL WINNER

KENYA FENELUS - MARGATE ELEMENTARY - DIVISION 2 SCHOOL WINNER

MIGUEL URIBE - LIBERTY ELEMENTARY - DIVISION 2 SCHOOL WINNER

VICTORIA ALVES - ABUNDANT LIFE CHRISTIAN ACADEMY - DIVISION 3 CITY WINNER

ELIYA CHAYA LEVI- HEBREW ACADEMY - DIVISION 3 SCHOOL WINNER

KALYN NICHOLAS- LIBERTY ELEMENTARY - DIVISION 3 SCHOOL WINNER

ALIYAH PAULOVICH- MARGATE ELEMENTARY - DIVISION 3 SCHOOL WINNER

KAYLA MCDOWELL - ABUNDANT LIFE CHRISTIAN ACADEMY - DIVISION 4 CITY WINNER

SHIRA AZULAY- HEBREW ACADEMY - DIVISION 4 SCHOOL WINNER

EVAN VAZQUEZ - LIBERTY ELEMENTARY - DIVISION 5 SCHOOL WINNER

- B. [ID 2017-318](#) RECOGNITION OF ATLANTIC WEST ELEMENTARY SCHOOL FOR EARNING THE MAGNET SCHOOLS OF AMERICA 2017 NATIONAL MERIT AWARD AND RECEIVING THE MAGNET SCHOOLS OF DISTINCTION AWARD.

STUDENTS AND TEACHERS OF THE MONTH

- C. [ID 2017-305](#) ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, MIRELLA DAROSA; TEACHER, LATOYA DEAN
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

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

HEBREW ACADEMY: TEACHER, RABBI SHAYA DENBURG
(Mrs. Rivka Denburg, Head of School)

HEBREW ACADEMY: STUDENT, ARYEH SIROTA; TEACHER, MORAH

MUSHKIE SCHECHTER
(Mrs. Rivka Denburg, Head of School)

LIBERTY ELEMENTARY: STUDENT, EASON LEE
(Mr. David J. Levine, Principal and/or Donna Styles, Assistant Principal)

LIBERTY ELEMENTARY: STUDENT, PRESTON NICHOLS; TEACHER,
HAYLEY MARLER
(Mr. David J. Levine, Principal and/or Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, PEDRO GUEVARA; TEACHER, RANDI
WERTHEIMER
(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: STUDENT, CALEB SUSUNAGA; TEACHER, SIMONE
LEWIS
(Mr. Roderick Daniel, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT,
SERRA OZDENCANLI
(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT,
HARDLEY CALIXTE
(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

PROCLAMATION(S)

- D. [ID 2017-308](#) NATIONAL DAY OF PRAYER - MAY 4, 2017 (presented to the Margate Initiative for Community Action and Hope "MICAH")
- E. [ID 2017-319](#) PUBLIC SERVICE RECOGNITION WEEK - MAY 7 - 13, 2017 (presented to Samuel A. May, Interim City Manager)
- F. [ID 2017-307](#) WOMEN'S LUNG HEALTH WEEK - MAY 8 - 12, 2017
- G. [ID 2017-306](#) NATIONAL LAW ENFORCEMENT WEEK - MAY 14 - 20, 2017 (presented to Dana Watson, Police Chief)
- H. [ID 2017-302](#) MUNICIPAL CLERKS WEEK - MAY 7 - MAY 13, 2017 (presented to Joseph J. Kavanagh, City Clerk)

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

ANNOUNCEMENT BY INTERIM CITY MANAGER:

INTERIM CITY MANAGER SAM MAY NOTED THAT HE HAD SPOKEN WITH EACH COMMISSIONER REGARDING THE CAR ALLOWANCE, AND ALL INDIVIDUALLY DECIDED TO SUSPEND THEIR ALLOWANCES UNTIL AN OPINION WAS RENDERED BY THE ATTORNEY GENERAL.

2) COMMISSION COMMENTS

COMMISSIONER CAGGIANO mentioned a blood drive he participated in at City Hall and said that everyone who had the opportunity to do so and to save a life should do so. He said that there was an event at Exclusiva Tu Boutique, which was well attended as it was a great store. He stated that he attended the First Responder's event at Atlantic Baptist Church to thank the first responders. He reminded everyone that Mother's Day was coming. He stated that there would be a ribbon cutting ceremony for Camp Canine on Saturday at 3197 North State Road 7. He added that the Sounds at Sundown was scheduled for Saturday night.

COMMISSIONER SIMONE reminded everyone about the Citizen's Academy starting on Tuesday, May 9th, which would run for eight weeks. She wished a Happy Birthday to all the City Employees celebrating this month. She gave kudos and thanked the Human Resource (HR) Staff whose motto was, "Our people are the City's most important resource." She spoke about the friendly faces and warm greetings received in HR. She asked the Interim City Manager whether he had information about a possible extension for the TOC Land Use Amendment.

INTERIM CITY MANAGER MAY said that the extension deadline passed, as there was no direction from the Commission.

COMMISSIONER SIMONE stated that tomorrow night was the National Day of Prayer at Margate Elementary School at 6:30 PM.

VICE MAYOR SCHWARTZ wished everybody a happy Mother's Day. She reminded everyone that there was now a covered Fitness Center on Rock Island Road, with a little Library at Firefighters Park. She mentioned previous Resolutions when the City had a School Advisory Committee that asked for development to contribute \$100 per unit to defray overcrowding and to use for landscaping and maintenance. She suggested that the Commission consider putting such a Resolution back into effect due to the building taking place. She noted that the funds would go into the Parks and Recreation Fund, which would also help the schools defray costs.

CONSENSUS of 5-0 was given to proceed.

COMMISSIONER SIMONE also wanted the money to be put towards public art.

MAYOR RUZZANO said he received pictures from a resident showing graffiti on a sidewalk. He thanked the Interim City Manager for having it taken care of within one day. He wished everyone a happy Mother's Day. He noted that on Friday, La Bamba was having a Cinco De Mayo party. He stated that the building on 31st and U.S. 441 was not a jail, but it was an affordable living home for 55 years and older. He stated that it was going to be a beautiful development. He added that the Sounds at Sundown was scheduled for Saturday.

CITY ATTORNEY DOUGLAS R. GONZALES said that the City received a claim of whistleblower status a few months back. He stated that the statutory requirements were that the agency receiving such a notice to conduct an investigation. He reported that the investigation by the Florida Department of Law Enforcement (FDLE) was concluded. He said that in conjunction with the Broward State Attorney's office, the items provided were reviewed thoroughly and reported back that there were no findings of any illegal activity prosecutable. He stated that he and David Tolces, CRA Attorney, were previously directed by the Commission to negotiate the terms of the City's purchase of what was formerly the Alzheimer building located on Atlantic Boulevard. He said that they came up with a tentative term sheet, which he passed out. He noted that the same presentation would be received from Attorney Tolces at the CRA meeting. He said that it was still under negotiation, but at this point, it was determined that the CRA paid

\$309,000 for the property. He stated that to avoid any issues from the funding agencies whose money was used to secure the property, a purchase price was provided at \$309,000. He noted that a lot had been done to the property to renovate and bring it up to office building standards. He said that the City was not paying for any of the renovations; however, as the purchaser of the property, the City would be paying the title policy cost, updated survey and closing costs. He stated that the plan was for a very fast closing of 30 days after coming to terms. He added that there would also be a lease of the property back to the CRA for their offices. He explained that they would take less space than the City had previously determined; therefore, the \$1,026 per month lease payment was reflective of the dollars per square foot they would be occupying per month for 9 years, which would recoup a lot of the \$309,000. He noted that the terms were still subject to negotiation. He said that there were some additional items that needed to be handled at the property including re-roofing, as well as purchasing a new air conditioner. He noted that the CRA has agreed to share the costs of the re-roof and air conditioner, including maintenance, at 50/50 with the City.

MAYOR RUZZANO asked whether the City moved in the building yet.

CITY ATTORNEY GONZALES explained that a Lease was never signed by City. He stated that the City had not yet moved in. He suggested that the City not move in, because if the City occupied the remaining parking spaces, there would be an issue when the roofers need space. He noted that to move in before the sale, the City would need insurance and a Lease Agreement.

MAYOR RUZZANO suggested not moving in until the property was purchased to avoid any liability.

COMMISSIONER SIMONE said that she was not in favor of the City purchasing the building.

COMMISSIONER PEERMAN said that she would speak about this at the CRA meeting; however, she was not in favor.

VICE MAYOR SCHWARTZ mentioned not moving in due to the roof.

CITY ATTORNEY GONZALES clarified that the CRA had insurance and there was no thought of the roof caving in. He said that it was a safe building, but had not enough parking.

VICE MAYOR SCHWARTZ said that she would discuss with the CRA Board why the roof was not looked at. She noted that the building would come back to the City in 9 years, because there would be no CRA.

MAYOR RUZZANO asked about the revenue that was going to be paid.

CITY ATTORNEY GONZALES believed it was \$3,000 per month.

MAYOR RUZZANO said that was \$15 per square foot.

CITY ATTORNEY GONZALES explained that for a rented self, it would have been \$1,136 per month, and the City would share on a 12 month basis the estimated cost of \$16,250 for common area maintenance (CAM).

MAYOR RUZZANO questioned who the CAM went to.

CITY ATTORNEY GONZALES said that it would go to the owner of the building, the

CRA. He noted that the leasing part was determined based on the same formula used to determine the rent the City would have paid had the City moved into the facility. He stated that based on the square footage the CRA occupied, this would be the amount. He noted that the CRA would be occupying 1,016 square feet and the property had a total of 3,000 square feet.

MAYOR RUZZANO questioned why the seller was paying for the roof.

CITY ATTORNEY GONZALES said that he will suggest to Attorney Tolces that the CRA cover the air conditioning and the roof replacement.

MAYOR RUZZANO also noted that he would not charge \$12 per foot if the building next door was getting \$20 per foot.

CITY ATTORNEY GONZALES said that he would determine and apply a market rate to the lease.

VICE MAYOR SCHWARTZ believed the City was planning on selling the building in the future, which she did not think would happen in 9 years.

CITY ATTORNEY GONZALES replied that his direction was to develop a term where the CRA would be leasing the building back from us for their remaining term.

COMMISSIONER CAGGIANO said that there could be an out clause, such as with other businesses.

CITY ATTORNEY GONZALES noted that he would make sure it was added in.

CITY CLERK JOSEPH J. KAVANAGH reminded everyone that Friday, May 12th was the Relay for Life for Coconut Creek and Margate. He said that it was from 5:00 PM to 11:00 PM at Coconut Creek High School.

3) PUBLIC DISCUSSION

RICH POPOVIC, 6066 Winfield Boulevard, mentioned the failure of the CRA. He spoke about the Transit Oriented Corridor (TOC) and getting sued. He stated that the CRA had not brought any new development to the City. He said that the City wanted more money for gas and the Commission sounded like money grubbers.

DOUG KEMP, 795 NW 73rd Avenue, said that he represented Paradise Gardens IV, and he noted that there were five break ins in the last several weeks in the community. He stated that three were on NW 74th Avenue and he was asking for increased Police presence.

RICK RICCARDI, 4829 South Hemingway Circle, said that the Chamber of Commerce merger with Pompano Beach was going well, with 120 people at the first breakfast meeting, with 60 at the regular breakfast. He stated that the Fellowship Foundation Annual Fundraising Golf Tournament was going to be coming and he requested that the City put a team in. He noted that it was at Parkland Country Club on Thursday morning on May 25th. He stated that the cost was \$800 for the team. He said that he and the Chamber of Commerce were disappointed that the TOC decision was not following through to limit the housing in the City.

COMMISSIONER CAGGIANO stated that since the Chamber of Commerce merger there was big growth and excitement.

MR. RICCARDI noted that there were currently 650 members.

LAUREN ROSEN BARAKA, retiree of the Broward County School System, said that she had an issue with the car allowance. She mentioned that she and many handicapped people were taking the busses, and that the apparatus was not working. She said that one resident was killed at Paradise Gardens III because there was not enough lighting. She asked that the Commissioners reconsider taking the \$400 allowance, because the safety of the residents was most important. She said that nothing was said about taking another \$400 when the Commission took the job. She stated that people were standing on corners with no food or place to stay; therefore, she hoped the Commission would reconsider taking the allowance.

INTERIM CITY MANAGER SAM MAY asked what route the apparatus was not working on and he would contact the bus operator.

MS. BARAKA said that it was the C route.

INTERIM CITY MANAGER MAY stated that the City had a signed Maintenance Agreement with Florida Power and Light (FPL) who will be increasing the lighting from 75 watt to 100 watt bulbs.

PASTOR BARRINGTON BROWN, Pastor of the Margate Church of God, 604 Melaleuca Drive, expressed gratitude to the Commission for the beautification work done on Melaleuca Drive. He expressed concern regarding the speeding on that street. He suggested adding a sign. He noted that drivers were using Melaleuca Drive to avoid U.S. 441. He stated that the worst times were on Sunday and evening peak times.

COMMISSIONER PEERMAN clarified that it was the CRA that did the beautification. She suggested that Pastor Brown speak with the Police Chief regarding having a traffic study in the area.

MYRIAM JIMENEZ, 603 Melaleuca Drive, thanked the CRA for the beautiful building. She stated that in 2011, her permission for a Group Care Facility in the building was denied due to Section 2.2. She noted that if the City used Section 16.2, there was only 660 feet of distance required; therefore, she would have been opened since 2012, with a lot less problems created for her. She said that in 2014, the City allowed a variance for a Group Care Facility. She noted that the variance was received in January 2015, and the requirement stated that she needed a permit for the new use. She stated that in May 2015, she did a change of occupancy from the existing use of multi-family to hospital medical care. She said that in July 2013, her permits were on hold because the City thought I was doing detox. She explained that the City Attorney released the permit after determining that the building was a Group Care Facility for customary practice in Broward County. She noted that she was asked to sign an affidavit so she would not change the use without approval. She added that instead of getting the Certificate of Occupancy (CO) Margate was stopping her from doing a Nursing Home or Group Care Facility as licensed by the Affordable Care Act (ACA). She noted that the City wanted her to give up her rights to be a Medical Group Care Facility, and wanted her to do a Group Home.

MAYOR RUZZANO asked whether Ms. Jiminez planned on using the building as a detox.

MS. JIMINEZ said yes and she wanted a reasonable accommodation because she could not obtain the license from ACA due to the statewide moratorium on hospital beds. She clarified that even if applying now for \$10,000, it could take years to obtain.

MAYOR RUZZANO said that the permit was ready and waiting.

MS. JIMINEZ agreed.

MAYOR RUZZANO explained that it was not just the City, but was also the State that could not allow her to put the facility there.

MS. JIMINEZ said that the only difference between the facilities was that it was a Medical Assisted Detox.

COMMISSIONER PEERMAN asked whether the City was involved in any lawsuit regarding this issue.

CITY ATTORNEY GONZALES said no; however, he noted that Ms. Jiminez had brought various and several attorneys to the City. He stated that there had been threats of litigation; therefore, everyone should be careful with what they say.

COMMISSIONER PEERMAN stated that she was present when Ms. Jiminez first came to get her permit and stated that she was opening an elderly facility and a place for elderly people to be at. She noted that Ms. Jiminez also stated that it would never be a detox.

MS. JIMINEZ said that she previously stated that it would not be a halfway house for rehabilitation of drug and alcohol or a group home.

COMMISSIONER PEERMAN reiterated that Ms. Jiminez stated that it was for the elderly. She stated that within a month or two a sign appeared outside of the residency stating, "Coming soon, Detox Center."

MS. JIMINEZ agreed.

COMMISSIONER PEERMAN stated that the residents of the neighborhood where Ms. Jiminez was, came to the City to stop the actual Medical Hospital Facility for detox.

MAYOR RUZZANO said that if Ms. Jiminez wanted to discuss the issue, she should call the City.

CITY ATTORNEY GONZALES said that he would not recommend anything at this point. He said that this issue had been going on for years, and the record stated exactly what was said. He noted that there were affidavits in effect and Florida Law was followed. He said that Ms. Jiminez was not entitled to have the facility there and could not have the facility there. He noted that she constantly submitted things to the City stating that she wanted a detox; however, she could not have it.

MS. JIMINEZ continued explaining what happened through the years. She noted that she now had a Medical Facility that was worth millions of dollars and was beautiful and could provide jobs. She said that it was perfect for the neighborhood and was safe for the community.

MAYOR RUZZANO stated that the detox facility could not be placed there. He noted that her permit was ready.

MS. JIMINEZ said that she would not pick up the permit, because the medical was taken from her.

MAYOR RUZZANO said that she should have put her intentions on the application.

COMMISSIONER PEERMAN reiterated that Ms. Jiminez changed her mind a month or two later.

MS. JIMINEZ said that there was discrimination.

COMMISSIONER PEERMAN said that Ms. Jiminez was accusing her of discriminating against people who need detoxification and/or rehabilitation.

MS. JIMINEZ said that she was referring to the City as a whole. She stated that she now had a beautiful facility.

COMMISSIONER PEERMAN said that Ms. Jiminez knew that she was not allowed to make the facility for what she wanted.

ELSA SANCHEZ, 6930 NW 15th Street, thanked the Commission for stopping the collection of the car allowance until the decision was made. She stated that the City did work on Paradise Gardens III, and she asked for the signs for the fire hydrants and the yellow reflectors.

INTERIM CITY MANAGER MAY explained that the asphalt had to cure before putting those things down.

JOHN YAKOVICH, 603 South State Road 7, Applegreen Condominiums, believed that no Commissioners or Department Heads lived south of the C-14 Canal. He said that those who lived there felt forgotten. He said that there was no representation from the Commission. He stated that the residents were dealing with City employees who were not even Margate residents. He said that the residents wanted more attention and services. He noted that his pet peeve was litter. He thanked the Mayor for his suggestion regarding volunteers. He said that he and others volunteered and that on every morning, including Saturday and Sunday, the rubbish was picked up. He noted that it was in the area of the 6000 Block of SW 7th Street up to 61st Street and around the swale to 61st Way and down the block. He questioned who was responsible for the swale.

COMMISSIONER PEERMAN said that it was the property owner's responsibility.

MR. YAKOVICH said that the volunteers were keeping it nice and the Commission should come by. He mentioned that there were some issues there. He stated that the area was 55 plus, and over a year ago a woman was carjacked and there were break ins. He said that the area did not pay a lot in taxes; however, he reiterated the neighborhood wanted more services.

MAYOR RUZZANO agreed and explained that now that the Commission was aware of it, the Police Chief could look into it.

MR. YAKOVICH said that he spoke with the Chief who was helpful. He stated that he sometimes went into the medians due to the rubbish.

MAYOR RUZZANO thanked Mr. Yakovich for his help.

MR. YAKOVICH also mentioned the area of Southgate by CVS having a lot of rubbish.

COMMISSIONER PEERMAN said that she had been to the neighborhood many times.

MR. YAKOVICH mentioned a company doing work for Florida Power and Light (FPL) who came into the complex and damaged the swales and landscaping and then left. He

noted that he spoke to them about it and they said they would clean it up, but have done nothing.

COMMISSIONER CAGGIANO said that Applegreen was not forgotten. He noted that he and Vice Mayor Schwartz requested that the Chief do a speed study on the roads.

INTERIM CITY MANAGER MAY suggested that Mr. Yakovich speak with the Director of Environmental and Engineering Services (DEES) Reddy Chitepu with regard to fixing the swales.

COMMISSIONER PEERMAN asked that Adam check the MyApps to make sure everything was up-to-date.

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.

NO ITEMS ON CONSENT AGENDA.

5) CITY MANAGER'S REPORT

INTERIM CITY MANAGER SAM MAY mentioned available funds from the Metropolitan Planning Organization (MPO).

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that he had a recent conversation with the MPO Staff who were changing their approach regarding how they allocate money to different communities in Broward County. He said that for years the MPO, which was funded by Federal and State dollars, allocated funds to cities usually on a project or scope specific basis; wherein, a certain pot of money may be available for a certain type of improvement. He said that the cities would be notified and the cities would look for any improvement in the City that currently met the definition or scope. He stated that community buy-in was then needed, a Resolution had to be passed, then obtain cost estimates and get the projects back to the MPO in a relatively short period of time. He explained that the MPO realized that it was not the most effective way of allocating the money, and as a result the MPO had more money than projects, which was good for Margate. He said that it was a great benefit to all cities as an opportunity to get more money to help with the transportation programs. He noted that on the November 8th election there was a transportation and infrastructure surtax that did not pass; however, cities were tasked with coming up with a list of priority projects within each community with regard to long range transportation needs within the City. He stated that his conversation with MPO Staff resulted in taking the list that was already created, expanding on it, finding all of the transportation needs today and 20 years from now, prioritizing the list and meet with MPO Staff to decide what money those projects may be eligible for. Director Ziskal said that was a better way to pre-plan by having the list when funds became available. He noted that one pot of money that was not tapped into in recent years was Safe Routes to School, which was a separate pot of money. He explained that if the City had a project specifically dealing with transportation to and from schools, it might be able to be funded through that program. He added that there was a Complete Streets Program, which provided opportunity for bike lanes, increased sidewalks, off road sidewalks or bike lanes, City and County Bus System, bus shelters, connections to the bus shelters, additional roundabouts or other roadway projects. He noted that the City needed to think about their transportation needs and wants to be able to have those projects paid for by the State and Federal

money rather than the CRA or City Budget.

MAYOR RUZZANO asked whether there were any catches.

DIRECTOR ZISKAL said that this was MPO money. He clarified that any metropolitan area having a population greater than one million persons in America had to have an MPO. He stated that the MPO's purpose was to take State and Federal money and divide it up regionally to help the Regional Transportation Network. He said that they were like an ATM that was not being taken advantage of, and that if the City was not getting MPO money, it was missing out.

MAYOR RUZZANO agreed that he had been told there was a lot of grant money available.

COMMISSONER PEERMAN said that she liked what Director Ziskal said about the off the road bike path, especially along Rock Island Road. She asked about the School Program.

DIRECTOR ZISKAL said that he did not have the specifics; however, there was a program that was specifically for dealing with transportation to and from schools. He stated that he could bring the details back to the Commission.

COMMISSIONER PEERMAN said that she was in agreement with covering the bus shelters.

DIRECTOR ZISKAL said that Staff planned on putting together a Staff Committee to include different departments involved with transportation, such as Economic Development, Engineering, Public Works, Police and Parks and Recreation. He stated that the Staff Committee would brainstorm a list to prioritize with the Commission at a meeting or workshop.

VICE MAYOR SCHWARTZ felt that once the list was devised it would provide leads for grants.

INTERIM CITY MANAGER MAY stated that the City had an MPO reimbursement of \$9,500 from the Penny at Work Education Effort. He was asking for consensus to put the money back into the General Fund. He also asked whether there were any specific projects being earmarked for the funds. He noted that he spoke with the people at the Bus Bench Company, and they were looking into any low cost covered bus benches that met the Code.

COMMISSIONER PEERMAN said that they had those in Tampa and that they snapped on.

INTERIM CITY MANAGER MAY asked that the Commissioner find out the information on those and he would also reach out to his contacts regarding the snap on.

CONSENSUS TO TAKEN TO MOVE \$9,500 BACK TO THE GENERAL FUND TO PUT TOWARDS BUS BENCH SHELTERS. ALL COMMISSIONERS AGREED 5-0.

INTERIM CITY MANAGER MAY stated that the Broward League of Cities (BLOC) Gala was being held at Margaritaville on Saturday, June 3rd at 6:30 PM. He noted that the Vice President of Coral Springs was to be the new President. He asked whether there was any interest in the City buying a table or purchase tickets for the event. He noted that the tickets were \$125, and a table of 10 was \$1,250.

COMMISSIONER SIMONE recommended not buying a table.

COMMISSIONER CAGGIANO felt that it would look bad if Margate did not support the neighboring City of Coral Springs.

COMMISSIONER PEERMAN suggested buying a table for Commissioners and spouses, because the Vice President of Coral Springs had a vision for his Presidency to bring all cities together. She said that if Commissioners and spouses could not fill the table, City Staff could be invited. She noted that she would not be attending.

VICE MAYOR SCHWARTZ asked about the past history regarding purchasing.

COMMISSIONER PEERMAN said that last year and the year before that, individual tickets were purchased and a table was not purchased. She noted that Margate was one of the few cities that did not purchase a table. She stated that tables were purchased for every event prior to 2011.

VICE MAYOR SCHWARTZ asked about the request for advertisements.

COMMISSIONER PEERMAN said that Margate had not put ads in. She noted that Coconut Creek purchased a table this year; however, last year they did not. She said that Cooper City donated \$40,000 to the event at times. She explained that different cities did different things.

COMMISSIONER CAGGIANO stated that it was not necessary to advertise being there; however, being there was important.

MAYOR RUZZANO stated that because Coral Springs was hosting the event and the BLOC supported Margate in Tallahassee, he felt that a table should be purchased. He noted that it was a great networking event.

COMMISSIONER CAGGIANO said that he and his wife would attend.

COMMISSIONER PEERMAN said that she was not attending.

COMMISSIONER SIMONE said that she would not be attending.

VICE MAYOR SCHWARTZ said that she would attend.

MAYOR RUZZANO said that he would attend.

CONSENSUS WAS GIVEN TO PURCHASE A TABLE FOR \$1,250.

INTERIM CITY MANAGER MAY noted that Flag Day was coming on June 14th, and that Sydney King asked about hosting a Flag Day at Veteran's Park. He said that Edward DeCristofaro provided an email on behalf of Mr. King who was out of the Country. Interim City Manager May read the email into the record, which mentioned that the Margate Lions Club, the Masonic Rite and Knights Templar Group in full uniform and regalia would like to perform the flag folding ceremony and hand out little flags to the children along with saying the Pledge. He read that the request for permission was to use the Veteran's Park on June 14th from 5:30 PM to 6:30 PM. Interim City Manager May said that he received information from the Parks and Recreation Director stating that there was no issue with another event that day.

VICE MAYOR SCHWARTZ appreciated the request, but felt that the appropriate group would be the American Legion, and she suggested they be contacted, as they did a controlled burn.

INTERIM CITY MANAGER MAY clarified that Mr. King was not requesting that a flag burn be done, but was only asking for a flag folding ceremony with the Pledge of

Allegiance. He noted that the CRA had a meeting that night.

VICE MAYOR SCHWARTZ suggested he change the time and still felt that the American Legion should be contacted.

COMMISSIONER CAGGIANO was in agreement with anybody doing a ceremony to honor the flag, whether the Commission could attend or not.

INTERIM CITY MANAGER MAY said that he would contact Mr. King to provide him permission.

CONSENSUS WAS PROVIDED TO PUT THE EVENT ON THE WEBSITE TO PROMOTE THE EVENT.

INTERIM CITY MANAGER MAY mentioned the Mayor's Fitness Challenge at Margate Elementary School on Thursday, May 18th at 9:00 AM, Atlantic West Elementary on Tuesday, May 23rd at 9:00 AM, and Liberty Elementary on Wednesday, May 24th at 9:00 AM. He invited everyone to attend.

MAYOR RUZZANO noted that some Commissioners would not be able to attend; therefore, he was planning to change the Mayor's Fitness Challenge dates to a later date.

INTERIM CITY MANAGER MAY said that he would have the City Clerk reach out to the Principals to change the dates.

INTERIM CITY MANAGER MAY said that the Greater Fort Lauderdale Realtor's 2017 Mayor's Breakfast and Municipal Expo was scheduled for May 12th at the Renaissance of Fort Lauderdale, 1230 South Pine Island Road, Plantation, beginning at 7:30 AM for a mix and mingle until 10:00 AM. He stated there was a request for everyone attending to stay until the end, and he noted that there was no charge.

MAYOR RUZZANO said that he was unable to attend.

COMMISSIONER PEERMAN noted that usually, if the Mayor did not attend the Vice Mayor would go. She said at some point during the expo, the Mayor's would be put on stage to ask questions from the realtors. She said that it was informal but very informative.

COMMISSIONER CAGGIANO asked whether only one person could attend.

COMMISSIONER PEERMAN said that she did not know whether there would be a CRA booth.

CITY CLERK JOSEPH J. KAVANAGH said that the City Clerk's office would reach out to determine who should attend, as well as reaching out to the Commissioners regarding the event and scheduling.

INTERIM CITY MANAGER MAY stated that there was prior discussion by Rick Riccardi regarding the Golf Team; however, a consensus was never taken regarding putting together a team. He noted that the date was May 25th.

COMMISSIONER PEERMAN said that it was previously done from the Resident Project Fund and a team was usually done.

MAYOR RUZZANO said that he was in favor of having a foursome team with the City

Manager selecting the players.

CONSENSUS WAS GIVEN 4-0 TO HAVE A TEAM FOR THE EVENT TO BE FUNDED FOR RESIDENT TRUST FUND MONEY IN THE AMOUNT OF \$800.

COMMISSIONER SIMONE said that she was not in agreement of unnecessary spending.

6) RESOLUTION(S)

- A. [ID 2017-266](#) APPROVING WAIVING OF BIDDING FOR PURCHASE OF FIRE, MEDICAL, AND PHARMACEUTICAL SUPPLIES FROM HENRY SCHEIN, INC. (INCLUDING MATRIX MEDICAL, INC. OWNED BY HENRY SCHEIN, INC.) AND BOUND TREE MEDICAL, LLC; PROVIDING FOR ALTERNATE SUPPLIERS, PRICING AND AVAILABILITY; PROVIDING FOR EXECUTION OF RELEASE AND WAIVER OF LIABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

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

- B. [ID 2017-295](#) APPROVING WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF AN EH-120 AQUATIC PLANT HARVESTER WITH A TRC-12 TRAILER CONVEYOR FROM AQUARIUS SYSTEMS IN AN AMOUNT NOT TO EXCEED \$142,960.00 FOR THE DEPARTMENT OF PUBLIC WORKS STORMWATER UTILITY DIVISION.

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

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

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

CITY ATTORNEY DOUGLAS R. GONZALES read the following statement: Florida courts have determined that there are certain types of matters, including the following applications, which are to be treated differently than other issues considered by the Commission. Most decisions of the Commission are legislative in nature, which means that the City Commission is acting as policy making body. In contrast, in Quasi-Judicial matters, the Commission is applying existing rules and policies to a factual situation, and is therefore, acting like a Judge or Jury in a courtroom. In such cases, the courts have decided that due process and fundamental fairness requires that more formal procedures be followed. The City of Margate's procedures for Quasi-Judicial Hearings are as follows: All who wish to speak shall be collectively sworn in by the City Clerk. The hearing shall be conducted in an informal manner. He would read the title of the item to be considered and City Staff shall present a brief synopsis of the application and make a recommendation. Next there would be a presentation by the applicant. The Commission would then hear from participants in favor of and in opposition to the application. All witnesses were subject to cross examination by the City Staff, City Commission and the applicant, and a participant may request that the Commission ask

questions of a witness. The applicant and Staff will make concluding remarks and no further presentations or testimonies shall be permitted, and then the public hearing will then be closed. All decisions of the Commission must be based on competent substantial evidence presented to it at the hearing. All backup materials provided to the City Commission as part of the Agenda, will automatically be made a part of the record of the hearing, and all approvals will be subject to Staff recommended conditions, unless otherwise stated in the motion for approval.

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.

MAYOR RUZZANO asked that any Commissioner that engaged in Ex-Parte communications regarding this Quasi-Judicial Agenda item disclose that information including City Commission discussions with interested parties including the petitioner and City Staff, and any visitations to the being discussed should be disclosed at this moment.

COMMISSIONER SIMONE stated that she spoke with Staff.
MAYOR RUZZANO stated that he spoke with Staff.
COMMISSIONER CAGGIANO stated that he spoke with Staff.

A. [ID 2017-286](#) APPROVING A PLAT AMENDMENT FOR THE MARGATE COVERED SPORTS FIELD LOCATED AT 1675 BANKS ROAD.

ECONOMIC DEVELOPMENT DIRECTOR BEN ZISKAL said that this pertained to the Hagen Duke Plat, which was located on Banks Road adjacent to the Margate Sports Complex. He noted that it was currently owned by the Margate Community Redevelopment Agency (MCRA), who wished to incorporate it into an expansion of the Sports Complex. He explained that the plan was to erect a covered sports field for youth athletics and other banquet type multi-use events. He stated that it was a covered facility with open walls and he showed a conceptual Site Plan and renderings of the roofed structure with open walls. He showed bleachers inside and the baseball setup, concessions and restrooms. He explained that the previous owner Hagen Duke had a restriction on the plat limiting it to 24,800 square feet of warehouse space, as well as a restriction regarding bank use. He stated that this proposal was to amend that plat to remove the warehousing restriction and replace it with a note stating that the plat was restricted to City park/recreation uses. He explained that throughout the plat process, Broward County placed a "Findings of Adequacy" onto a plat requiring that a permit be obtained and construction start within five years of the recording of the plat. He stated that the Hagen Duke Plat had a plat requirement that construction start by December 14th, 2009. He said that the proposal with the amendment (#2) tonight was to remove the date and leave it blank to insert the date that equaled five years after Broward County approved the amendment. He stated that with regard to the third amendment, there was currently a 50 foot opening in a non-vehicular access line and the proposal was to remove the 50 foot opening and rededicate the non-vehicular access line along the entire frontage; thereby, eliminating the ability of the drive-through to come in off of Banks Road. He stated that with the three proposed changes, Staff recommended approval of this petition.

COMMISSIONER CAGGIANO questioned how high the roof was going to be.

DIRECTOR ZISKAL stated that he did not have the architectural information and did not want to incorrectly state the data. He said that he would obtain the answer from Cotter Christian, CRA.

MAYOR RUZZANO believed the Commission was told it was going to be 24 feet on the perimeter and up to 40 feet in the center. He added that it would not just be for Baseball.

VICE MAYOR SCHWARTZ mentioned seeing something similar covering a Basketball court in Tallahassee, which she said looked amazing.

MAYOR RUZZANO questioned whether upon approval tonight this would proceed to the County and how long that would take.

DIRECTOR ZISKAL said that it would take about 90 days.

COTTER CHRISTIAN, CRA, being duly sworn, stated that Director Ziskal covered the petition thoroughly.

COMMISSIONER PEERMAN asked how high it was.

MR. CHRISTIAN said that the Mayor's response was accurate in that it reached about 40 feet.

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

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

B. [ID 2017-297](#) APPROVING A PLAT AMENDMENT FOR CELEBRATION POINTE.

MAYOR RUZZANO asked that any Commissioner that engaged in Ex-Parte communications regarding this Quasi-Judicial Agenda item disclose that information including City Commission discussions with interested parties including the petitioner and City Staff, and any visitations to the being discussed should be disclosed at this moment.

COMMISSIONER SIMONE stated that she spoke to Staff.

COMMISSIONER CAGGIANO stated that she spoke to Staff.

VICE MAYOR SCHWARTZ stated that she spoke with the Petitioner.

MAYOR RUZZANO stated that he spoke with Staff and the Petitioner.

CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.

ECONOMIC DEVELOPMENT DIRECTOR BEN ZISKAL explained that this property was located at 2850 North State Road 7. He said that this pertained to Phase II, which was the southern portion of the Celebration Pointe Plat, directly across from the Northwest Medical Center Hospital. He explained that Phase I was complete and he showed aerial photos and renderings. He said that Phase I consisted of 282 apartments. He noted that there was a retention lake in the center with a common green in the center of the other buildings. He showed that on the bottom left, Phase II had yet to start construction. He said that the proposal was to convert Phase II from an apartment proposed project to a townhouse for sale fee simple project, converting it from 298 apartments down to 168 townhomes. He showed elevation of the Conceptual Plan. He noted that the current Plat note read that it was restricted to 580 garden apartments consisting of 96 one-bedroom units, 362 two-bedroom units and 122 three-bedroom units. He explained that the proposal was to revise it to read the plat as restricted to 282 garden apartments on parcel A-1, which was the existing Phase I, and 168 townhouses on parcel A-2, the southern portion. He gave a brief history of the

property. He said that in 2006, the property went through a Land Use Plan Amendment (LUPA) and increased the density from R-10 to R-14. He noted that the allocation of 113 flexibility units was received. He said that was proposed as a townhome community; however, when the real estate market crashed in 2009, the plan was revised and came back as an apartment complex and the density was again increased from 14 units per acre to 20 units per acre with an allocation of an additional 168 flexibility units giving a total of 281 flexibility units. He explained that with the reduction in the density, there would be a total of 454 units, which was a reduction of 130 units that the City would recapture in the form of flexibility units assigned. He pointed out that next Tuesday, May 9th, the Development Review Committee (DRC) would be reviewing an amendment to the Planned Unit Development (PUD) document and a conceptual Site Plan. He said that those documents showed a plan for 160 townhouses, which was eight less than tonight's proposal. He stated that it was a preliminary design with a cushion built in to allow for the addition of up to eight units without going through this process. He said that Staff's recommendation was to approve this subsequent to the fact that if the project was built at less than 168 units, a subsequent Plat Note Amendment be done to allow for recapturing any of those un-built units. He stated that if built at 160 units he wanted this to be amended to have the 8 units recaptured.

MAYOR RUZZANO asked whether this was being handled as one property or two.

DIRECTOR ZISKAL said that the applicant would have to answer that as to how they wished to develop the property. He stated that ultimately it would be 168 individual owners of the townhomes. He said that he was not sure if the owner of the common areas of Phase II would be the same as Phase I. He did not think it would be because the developer was different.

MAYOR RUZZANO asked whether the townhomes were not going to be affordable housing.

DIRECTOR ZISKAL stated that this project did not have a requirement to build affordable housing.

COMMISSIONER PEERMAN asked how many parking spaces were involved.

DIRECTOR ZISKAL stated that the Site Plan had not yet been reviewed, but would be reviewed at the May 9th hearing.

COMMISSIONER PEERMAN suggested not having 1.50 parking spaces.

VICE MAYOR SCHWARTZ suggested not having 1.25 either, as in Arbor View.

COMMISSIONER CAGGIANO agreed that there should be a realistic number of parking spaces.

STEVE WHERRY, 200 East Broward Boulevard, present on behalf of the applicant, being duly sworn, commended Director Ziskal on his presentation. He noted that a suggested condition was added, which the applicant had no problem with, pertaining to returning any unused flexible units to the City. He said that his client was bringing forth a product that was keeping with the more current vision of the City in terms of decreasing the densities, adding homeownership type units and changing the type of units from garden apartments, such as in Phase I, to townhouses that were attractively designed. He noted that his client was Lennar, which was the leading homebuilder in the United States. He said that Lennar coming to Margate was a testament to growth and progress being made in the City. He explained that Phase I was a separate development apartment complex owned by a single owner. He clarified that Phase II

was being developed by Lennar, whose intention was to construct the units and sell them off to individual fee simple owners. He noted that there would be some common areas that were shared by the fee simple owners, but would not be worked in conjunction with the existing Phase I residence. He stated that any sharing of common elements between Phase I and Phase II was limited to the drive access itself.

MAYOR RUZZANO asked what would happen if in the future the apartment owner wanted to sell that property.

MR. WHERRY said that Lennar could not stand in the way of that, and that the decision was independent of Lennar, minus the preservation of the access rights.

MAYOR RUZZANO said that he was in favor of the project and asked why townhomes rather than apartments.

MR. WHERRY explained that the market was accepting of the townhouse product now, and that it was a little more upscale than apartments.

MAYOR RUZZANO asked whether there would be one, two and three bedrooms.

MR. WHERRY said yes that there would be a mix.

MAYOR RUZZANO asked what the price would be.

MR. WHERRY said that they would be approximately \$275,000 to \$300,000, with one car garages; however, this information would be determined as the project moved forward.

MAYOR RUZZANO liked the project, but expressed concern with having enough parking.

VICE MAYOR SCHWARTZ said that Margate had an issue with inadequate parking. She mentioned her suggestion about charging each unit for the Parks and Recreation Fund and the schools. She hoped that would be passed prior to the start of construction.

MR. WHERRY explained that Lennar had a strong history of community involvement and would be happy to be in partnership with the City and the community as the project moved forward.

COMMISSIONER PEERMAN congratulated the Commissioners on obtaining the Park Fund. She asked where Lennar did this before where there apartments and ownership.

GREG BROWN, Lennar, being duly sworn, stated that apartments and townhomes were done together in Doral. He noted that Lennar felt comfortable building next to Pride Homes, and that the cohesiveness was already there. He noted that there was already an over saturated apartment market in the specific zone.

COMMISSIONER PEERMAN mentioned the minimum for parking was 1.5; however, she suggested that Lennar go the extra and not use the minimum. He noted that the parking amount was aggressively over and a lot more parking was provided than necessary.

VICE MAYOR SCHWARTZ asked how many bedrooms in the townhomes, and felt that each person in the bedroom could have a car. She questioned what made a garden apartment when referring to high rises.

MR. BROWN said that the bedrooms ranged from two to three bedrooms. He said that garden apartments were three stories or less with no elevator.

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

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

CITY ATTORNEY DOUGLAS R. GONZALES noted that Items 7C, 7D and 7E were all regarding the same applicant. He noted that Economic Development Director Ben Ziskal would be providing a presentation that would cover all three items; however, they will be voted on separately. He stated that following the reading of all three resolutions, disclosures should be taken for all three items.

COMMISSIONER SIMONE stated that she spoke with Staff.
COMMISSIONER CAGGIANO stated that he spoke with Staff.
COMMISSIONER PEERMAN stated that she spoke with Staff.
VICE MAYOR SCHWARTZ stated that she spoke with the Petitioner.
MAYOR RUZZANO stated that he spoke with Staff.

CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.

ECONOMIC DEVELOPMENT DIRECTOR BEN ZISKAL stated that he would provide a full presentation of the entire property and at the end he would focus on the 3 special exceptions. He said that he would also provide his recommendations at that time. He noted a Schrivener's error and explained that the original application received listed an address of 3103, but the correct address was 3101; therefore, there was a discrepancy between the Agenda and the resolutions. He noted that the change was made at the Petitioner's request.

C. [ID 2017-298](#) APPROVING A SPECIAL EXCEPTION USE FOR NEW CONSTRUCTION OF A DRIVE-THROUGH DANDEE DONUTS LOCATED AT 3101 NORTH STATE ROAD 7.

ECONOMIC DEVELOPMENT DIRECTOR BEN ZISKAL explained that these petitions were for Dandee Donuts, a drive-thru ATM and Blossman Gas, to be located at the northwest corner of State Road 7 and NW 31st Street. He noted that it was at the old Blockbuster Video site. He showed the existing building and outdated pictures. He explained that the project started with a Development Review Committee (DRC) Site Plan review in May 2016. He said that due to site constraints there were major revisions to the project and it reappeared before the DRC on February 28th of this year and the Board of Adjustment last month. He stated that the original proposal in May 2016, was to locate the Dandee Donuts on the far west portion and to add 3,100 square feet of retail space on the eastern portion of the property. He showed the original proposal of the drive-thru. He stated that the original proposal also called for an ATM to be located at the southeastern corner of the property with two way traffic for internal circulation. He explained that when reviewing, Staff was favorable to the design; however, the adjacent owner was not. He clarified that the Credit Union would not allow cross access. He said that after months of negotiating there was no way to make the project feasible. He stated that the project reviewed in February was significantly different than the project today. He noted that it was a two tenant project instead of three with the same Maroon

color that was on the west side for Dandee Donuts being moved to the eastern portion of the property. He said that the traffic circulation for the drive-thru presented in February was for all traffic to come in on a one-way circulation turning left to obtain service and then looping around to come back out on a one-way exiting the southern portion of the property. He noted that this design also relocated the ATM from the corner and it was now slightly moved over. He added the one-way along the north drive aisle, two-way on the southern drive aisle leaving a large area for a future tenant, which was now to be Blossman Gas. Director Ziskal explained that during the DRC there were revisions recommended. He said that one recommendation involved concerns with having one-way traffic heading into two-way traffic; therefore, a revision was made for a full circle of one-way traffic around the property. He stated that another recommendation was to relocate the order box from near the building to the median island. He added that the third recommendation was to relocate the ATM to where it was originally on the eastern portion of the property which changed the traffic pattern. He said that the prior traffic design left a large choking point in the center. He explained that in April, the applicant appeared before the Board of Adjustment (BOA) to seek two variances. He said that one pertained to the speaker box. He noted that Code did not allow the speaker box to face or be visible from a right-of-way, which it was. He stated that during the variance review it was determined that the ATM was blocking the speaker box and it was a significant distance away from U.S. 441; therefore, the variance was approved. He said that due to the relocation of the drive-thru to the eastern portion of the property there was a significant amount of reduction in the amount of landscaping available. He stated that the BOA agreed to a reduction in the landscaping due to the size of the swale near U.S. 441 and a condition that the applicant place three large shade trees in the area to provide a visual buffer for the automobile use. Director Ziskal reiterated that the design indicated one-way traffic circulation all the way through the process. He mentioned a "Do Not Enter" sign due to the one-way traffic, which Staff was concerned with because it was not feasible or practical for someone going into Blossman Gas. He said that Staff felt that even with the signage, people would drive right through to find the closest parking space. He noted that the big problem was the choking point he previously mentioned. He explained that there was a potential for four vehicles trying to enter the same clear zone at one point. He said that Staff met with the applicant and came up with the revised plans being reviewed tonight. He stated that it was determined that it could be more functional if the whole project was two-way; therefore, the traffic circulation was revised in both ways to be two-way traffic. He said that the ATM was moved to the southern and western portion of the property and moved the ordering area to where the ATM was, which was far away from the main circulation route as possible. He noted that there would be some revisions to the site plan with regard to stacking and final design, but the ATM traffic was now isolated and not conflicting with anything else. He explained that the ordering area was now moved out of the way and away from the two-way traffic.

VICE MAYOR SCHWARTZ questioned why the traffic was crossing over.

DIRECTOR ZISKAL said that it had to be on the driver side of the car.

VICE MAYOR SCHWARTZ asked what was next to the ATM.

DIRECTOR ZISKAL said that it was currently parking, but was the proposed dumpster location. He noted that there would be landscaping in between the ATM and the dumpster location, as well as curbing.

MAYOR RUZZANO asked why the ATM was such a problem.

DIRECTOR ZISKAL said that it was not a problem, but the concern was that from a design standpoint, there had to be adequate stacking.

MAYOR RUZZANO asked why the ATM was not being put inside.

DIRECTOR ZISKAL said that he could not speak to why, but he guessed it was a matter of convenience.

MAYOR RUZZANO asked where the dumpsters were now and he expressed concern with seeing a wall for the dumpsters when coming down 31st Avenue.

DIRECTOR ZISKAL said that he would have to check with the owner. He further explained that the special review criteria needed for a special exception was as follows:

Compatibility with the neighborhood
Detrimental effects on property values
Living and working conditions in the neighborhood

DIRECTOR ZISKAL reiterated that it was an existing site and structure and the applicant could not add 3,100 square feet; therefore, he was working within the building. He stated that the property was located in a commercial space directly adjacent to the Bright Star Credit Union; therefore, drive-thru and ATM services were compatible. He noted that it was directly adjacent to a commercial shopping center, which included services for the adjacent residential including a gym, vitamin store and Camp Canine Doggy Day Care. He said that Staff believed that a donut and coffee amenity in the shopping center would provide some things for the adjacent residents that were currently not offered. He noted that the applicant was attracting tenants to be able to provide services to Toscana, Merrick Preserve and Fiesta Townhomes. The next two criteria were:

Ingress and egress
Pedestrian and vehicular safety

DIRECTOR ZISKAL explained that concerns of the original plans were the addition of multiple drive-thru and multiple vehicle uses onto a site, which could cause more potential for vehicular pedestrian conflict. He noted that the current design showed the existing ingress and egress with no proposed change. He stated that moving the drive-thru from the prior location in the north to the southern boundary allowed for more stacking. He expected the donut shop to be very successful with a lot of traffic into the location.

COMMISSIONER CAGGIANO questioned whether something could be placed at the chokepoint to get people to pay attention to other vehicles.

DIRECTOR ZISKAL stated that there would be stop bars, signage and some sort of traffic indicators to minimize the conflicts. He further explained that the applicant was making substantial improvements to the sidewalk with regard to pedestrian safety. He said that there would be a new 12 foot wide sidewalk on the U.S. 441 side with a 10 foot wide sidewalk at the corner, as well as other enhancements along 31st Avenue. He showed the chosen site from Waste Management for the trash refuse, as it would be a straight shot to the dumpster. He noted that it would not conflict with the drive-thru traffic. He added that there was a clear sidewalk from the main public sidewalk to the front of the building with wide pedestrian friendly sidewalks along the front of the building. He explained that Staff requested that the applicant provide tables and chairs for an outdoor seating area. He showed all of the parking with one main parking aisle in the middle with other parking on the outskirts to minimize the vehicular pedestrian conflict. He explained that the next two criteria were:

*Orientation of the building
Harmony with nearby development
Sufficiency of setbacks*

DIRECTOR ZISKAL explained that it was an existing building and the setbacks were not changing as they were adequate and designed to the older Code. He stated that the previous development for the additional 3,100 square feet would have been permitted by Code and the applicant would have been able to build closer to both of the roadways if he wanted to. He said that the only improvements regarding major activity other than vehicular and pedestrian traffic would be the two owner squares where the drive-thru activity would take place and the patio and outdoor gas storage would take place for Blossman Gas. He noted that the next criteria were:

Adequacy of Stormwater and Landscaping

DIRECTOR ZISKAL stated that the property was extensive with landscaping. He noted that there was perimeter landscaping, enhancements to the interior of the site, landscaping in the center of the drive-thru aisle, landscaping along the front of the building, in the medians for the parking space and at all perimeters. He stated that a permit was required and compliance was needed with all of the engineering and the Broward County Stormwater Management regulations. He added that compliance was also needed with the applicable goals, objectives and policies of the Comprehensive Plan and the Margate Community Redevelopment Agency (MCRA) Plan. He noted that Staff wanted to see the vacant structure redeveloped or reused for years and was happy it was a well-known tenant in Broward County. Director Ziskal reiterated that the three components being reviewed were the Dandee Donuts, the ATM and Blossman Gas. He noted that Dandee Donuts was in the far eastern portion of the property. He reiterated that the drive-thru component was a special exception and the donut and coffee store was not a special exception. He felt that the drive-thru facility was designed the best that could be done with the site. He said that moving the speaker box to the east and getting the vehicular traffic far from the main circulation would create the safest environment. He said that the ATM moving to the southern border separated it from the Dandee Donut traffic, which provided a safer environment. He stated that there was two-way traffic on the main drive aisle and explained that there would be an isolated pattern for those using the ATM. He said that it would have to be modified and shifted due to concerns with one car using the ATM while one car was waiting. He stated that there needed to be two or three cars waiting. He explained that the Blossman Gas was a special exception for outdoor storage and service. He said that a 1,000 gallon propane tank was proposed to be located in a triangular patio area off of the main entrance. He stated that the tank was approximately 3.5 feet wide and 3.5 feet tall and about 16 feet long. He explained that there was a row of parking immediately adjacent to the patio with a loading zone with a landscaped area. He noted that the current plan called for a six foot high aluminum fence with a row of bollards to protect people from crashing into the tank. He said that he checked with the Fire Chief, who informed him that the tanks were designed with a specific valve that would release a pressure valve if there was a fire. He said that it would not combust, but would slowly burn up in the air through that valve. He added that the Fire Chief indicated that it was rare to have a major catastrophe or incident. He noted that Propane USA was in Margate for years with no incidents.

COMMISSIONER CAGGIANO questioned how often the tanks were inspected.

DIRECTOR ZISKAL said that information would have to be obtained from the Fire Chief. He said that one component was a loading zone, which was adjacent to a drive aisle, which was a concern. He explained that the area was striped asphalt and concrete with a dead end into a landscape area. He said that the concern was that if

someone was driving at night could run into the landscape curb. He added that the improvement crossed the property line. He noted that the Staff recommendation was that reflective rumble warnings be added, as well as reflective signs or markings on the curb. He added that approval would be needed from the adjacent property owner. He stated that Staff found that all three of the special exception requests met the review criteria of the Code; therefore, they all were recommended for approval with conditions. He provided the following conditions:

Dandee Donuts

Placement of the order speaker.

The drive-thru circulation beginning at the southeast corner of the property was recommended to have two-way traffic circulation.

Drive-thru ATM

Placement of the ATM along the southern property line of the parcel.

Two-way traffic circulation on the main drive aisles.

Blossman Gas

Approval subject to the use of the adjacent property by the property owner.

Reflective pavement markings in the loading zone.

DIRECTOR ZISKAL noted that a condition for all three special exceptions was that they were all subject to and must receive final Site Plan approval and must comply with all conditions of the DRC, as well as any conditions placed on the variances.

COMMISSIONER CAGGIANO asked what percentage of drive-thru facilities requested were not given approval. He said that if it was a lot, why bother having it.

DIRECTOR ZISKAL replied that drive-thru facilities were discouraged unless designed in a certain manner, which was stated in both the CRA Plan and the City's Comprehensive Plan. He gave the example of Burger King being built with another retail building and the drive-thru being discouraged unless designed as part of another project or included additional retail. He clarified that drive-thru facilities were not prohibited, but were discouraged in certain areas. He noted that the drive-thru facilities coming before the Commission were located in the Corridor Zoning District, which was liberal.

MAYOR RUZZANO asked whether the new Burger King had a drive-thru.

DIRECTOR ZISKAL said that it would have a drive-thru; however, the design required that the building be moved closer to the road and the addition of a second retail building.

VICE MAYOR SCHWARTZ asked where the propane tank was located.

DIRECTOR ZISKAL said that it would be behind where the building went back and angled and would not be visible.

VICE MAYOR SCHWARTZ asked whether there would be a wall blocking the view of the propane tank, which she felt was an eyesore.

DIRECTOR ZISKAL said that the current plan showed a six foot aluminum fence and bollards. He noted that landscaping could be enhanced in the landscaped area to provide a visual buffer.

COMMISSIONER PEERMAN asked whether slats could be placed in the aluminum fence.

DIRECTOR ZISKAL said that it was not a chain link fence, but an aluminum picket fence spaced out. He mentioned that there were two trees, Gumbo Limbo and Live Oak, proposed. He stated that the Commission could place the condition that it be visually screened with a hedge four feet high. He said that could also be a condition for the dumpster enclosure if there was a concern about the visibility.

VICE MAYOR SCHWARTZ said that she did not understand the reason for a standalone ATM at night. She noted the existing facility selling propane within one mile away and added that U-Haul also sold propane. She asked whether the City needed an additional company to sell propane. She expressed concern with regard to businesses coming to the City that did not add to the City aesthetically.

COMMISSIONER CAGGIANO asked what type of lighting was planned for the ATM for safety.

DIRECTOR ZISKAL said that the Lighting Plan would be looked into when going through the Site Plan approval process.

STEVE WHERRY, 200 East Broward Boulevard, being duly sworn, said that he was present on behalf of the Petitioner. He noted that he agreed with the points made by Director Ziskal. He mentioned improving the screening at the propane tank and agreed with the Commissioners. He noted that the intention was to not have the tank visible. He stated that there was extensive landscaping in the area with Gumbo Limbo, Coco Plum Trees and Live Oak Trees. He said that he would adopt the same principles with regard to the dumpster enclosures and incorporate them with Staff when finalizing the plan at the final DRC review.

MAYOR RUZZANO said that he was originally excited about the donut store; however, he was not sure what it would now be.

MR. WHERRY explained that the building was currently divided into two parts; Dandee Donuts and Blossman Gas. He stated that Blossman Gas was a high end gas grill sales center. He noted that they also sold fireplaces and other appliances that required propane. He stated that they had been in existence since 1951, with 75 locations around the Country. He said that Blossman Gas identified Margate as a good market for these types of items.

MAYOR RUZZANO said that he did not understand why a company wanted to come to Margate when Margate did not have gas.

MR. WHERRY noted that the appliances that would be sold were not designed to be connected to a built in propane gas system as in other cities, and that most cities had tanks. He explained that the tank would be able to provide refills for the repeat customers for purchases made at Blossman Gas.

MAYOR RUZZANO questioned the ATM because there was a bank located behind the site.

MR. WHERRY explained that the bank was a credit union and he noted that the trend in banking was moving toward online and ATM machines. He noted that the ATM should be located in a visible and accessible area for the Police, which would be well lit.

MAYOR RUZZANO felt that the project was bizarre except for the Dandee Donuts and asked whether Mr. Wherry could guarantee that Dandee Donuts would be located at the site.

MR. WHERRY guaranteed that Dandee Donuts would be located there.

VICE MAYOR SCHWARTZ questioned what type of notification was provided to the residents.

MR. WHERRY said that there were sign postings and that the City handled the public notification requirements.

DIRECTOR ZISKAL explained that the only Code requirement was the posting of the public sign on the property. He stated that next Tuesday, at the May 9th, 2017, DRC meeting, there was a draft or an Ordinance to revise the special exception procedures, as well as public notifications regarding signage and mailings for a multitude of different items in the City.

VICE MAYOR SCHWARTZ mentioned Arbor View and why notifications were not done as in prior years when informing people within a radius, because nobody understood the signs.

DIRECTOR ZISKAL explained that research was done and an Ordinance was drafted based on the concerns of the Commission regarding the notifications. He stated that the Ordinance included revisions to the special exception procedures and criteria, which would go before the DRC next Tuesday.

VICE MAYOR SCHWARTZ understood that there was a formal process; however, she felt that the City should have gone above and beyond to make sure the people in the area were informed.

DIRECTOR ZISKAL said that the prior ordinance was for 300 feet; however, the draft ordinance was for 500 feet.

COMMISSIONER CAGGIANO thanked Mr. Wherry for the Dandee Donut store.

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to approve with conditions. The motion carried by the following vote:

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

- D. [ID 2017-299](#)** APPROVING A SPECIAL EXCEPTION USE FOR THE DEVELOPMENT OF A STANDALONE, DRIVE-THROUGH ONLY AUTOMATIC TELLER MACHINE (ATM) TO BE LOCATED AT 3101 NORTH STATE ROAD 7.

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to approve with conditions. The motion carried by the following vote:

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

No: 2 - Vice Mayor Schwartz and Mayor Ruzzano

- E. [ID 2017-300](#)** APPROVING A SPECIAL EXCEPTION USE FOR OUTSIDE SERVICE FOR THE NEW BLOSSMAN GAS LOCATION AT 3101 NORTH STATE ROAD 7.

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to approve with conditions. The motion carried by the following vote:

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

No: 2 - Vice Mayor Schwartz and Mayor Ruzzano

8) ORDINANCE(S) - FIRST READING

- A. [ID 2017-236](#) PROVIDING FOR A SIX MONTH EXTENSION OF THE EXISTING SIX MONTH MORATORIUM ON THE APPROVAL OF ANY MEDICAL MARIJUANA DISPENSARY, AND SIMILAR TYPE BUSINESSES WITHIN THE CITY OF MARGATE; PROVIDING FOR CLARIFICATION FROM THE LEGISLATURE FOR DEFINITIONS AND USE CLASSIFICATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:

Yes: 3 - Commissioner Simone, Commissioner Peerman and Vice Mayor Schwartz

No: 2 - Commissioner Caggiano and Mayor Ruzzano

- B. [ID 2017-237](#) PROVIDING FOR A SIX MONTH EXTENSION OF THE EXISTING SIX MONTH MORATORIUM ON THE APPROVAL OF ANY NEW SELF STORAGE OR SIMILAR TYPE USES WITHIN THE CITY OF MARGATE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Simone, seconded by Vice Mayor Schwartz, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:

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

- C. [ID 2017-238](#) PROVIDING FOR A SIX MONTH EXTENSION OF THE EXISTING SIX MONTH MORATORIUM ON THE APPROVAL OF ANY NEW MASSAGE SPAS, MASSAGE PARLORS, AND SIMILAR MASSAGE SERVICE TYPE BUSINESSES WITHIN THE CITY OF MARGATE; PROVIDING FOR REVIEW OF THE DEFINITION OF "PERSONAL CARE SERVICES"; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:

Yes: 3 - Commissioner Simone, Commissioner Peerman and Vice Mayor Schwartz

No: 2 - Commissioner Caggiano and Mayor Ruzzano

- D. [ID 2017-276](#) APPROVAL OF AN ORDINANCE TO PROVIDE UPDATED DEFINITIONS AND REGULATIONS FOR COMMUNITY RESIDENTIAL HOMES, DETOXIFICATION FACILITIES, LONG-TERM CARE FACILITIES, AND RECOVERY RESIDENCES

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:

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

E. [ID 2017-316](#) APPROVAL OF AN ORDINANCE AMENDING ARTICLE II - PRESERVATION AND PROTECTION OF TREES, SECTION 23-20 - TREE REMOVAL LICENSE REQUIREMENTS AND STANDARDS; PROVIDING FOR TREE PRESERVATION ACCOUNT.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:

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

ADJOURNMENT

There being no further business, the meeting adjourned at 11:20 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo

Joseph J. Kavanagh, City Clerk

Date: _____

DRAFT