



City of Margate

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Meeting Minutes Regular City Commission Meeting

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Commissioners:
Antonio V. Arserio, Anthony N. Caggiano, Joanne Simone

City Manager Cale Curtis
City Attorney Weiss Serota Helfman Cole & Bierman
City Clerk Jennifer M. Johnson

Wednesday, October 16, 2024

7:00 PM

Commission Chambers and Zoom.us
Webinar ID: 874 0130 1262

<https://us02web.zoom.us/j/87401301262>

CALL TO ORDER

ROLL CALL

- Present:** 4 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone, Commissioner Antonio V. Arserio and Mayor Tommy Ruzzano
- Not Present:** 1 - Vice Mayor Arlene R. Schwartz

VICE MAYOR SCHWARTZ was absent for Roll Call but attended in person at 8:04pm.

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

COMMISSIONER ANTONIO V. ARSERIO asked for Item 6) B. to be moved up after the Consent Agenda.

CITY ATTORNEY, DAVID N. TOLCES, said that they would be moving Item 6) A. to later on in the Agenda.

1) PRESENTATION(S)

A. [ID 2024-328](#) PRESENTATION BY BROWARD COUNTY SUPERVISOR OF ELECTIONS

MAYOR TOMMY RUZZANO advised that since 2012, the polling stations had decreased from 16 to 10 and that the residents should find out where they were due to vote this year.

BROWARD COUNTY (BC) VOTER EDUCATION/OUTREACH COORDINATOR, MICHELLE DIAGO, provided an overall outline of the new changes in election laws. She explained that the three ways to vote were election day, early voting where there

were 29 sites available and vote by mail where there had been a law change from lifetime to every two years. She confirmed that October 7th was the last day to register to vote in the upcoming election and October 24th was the last day for electorates to request vote by mail.

Discussion ensued on the operational hours of the drop boxes.

JOHN H. DONOHOO had a question pertaining to a defected envelope for vote by mail.

(BC) VOTER EDUCATION/OUTREACH STAFF COORDINATOR, DIAGO, informed that there was a telephone number available for electorates to call if they had a defected vote by mail package.

MAYOR TOMMY RUZZANO thanked Ms. Diago for her attendance.

(BC) VOTER EDUCATION/OUTREACH STAFF COORDINATOR, DIAGO, expressed her gratitude for working in Margate as the City had been helpful to her.

2) PUBLIC DISCUSSION

MAYOR RUZZANO explained the protocol for submitting comments to Public Discussion.

MR. KRALJIC read a statement pertaining to two of the City's major roadways at last Monday's The Metropolitan Planning Organization (MPO) Safe Street's meeting.

MARGATE RESIDENT OF ORIOLE GOLF AND TENNIS II wanted to address the golf course development.

CITY ATTORNEY TOLCES informed the Margate resident that he could speak now but his testimony would not be considered as part of the Item.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B, discussed Palm Lakes and referenced Vice Mayor Schwartz's behavior and alleged that the owner indicated that they intended to donate the property to the City.

VICE MAYOR, ARLENE R. SCHWARTZ, responded to Mr. Zucchini's comments.

EUGENE ECCLI explained that he was appointed as a board member to the Planning and Zoning (P&Z) board last March and perceived that the City's Planning Department was doing an excellent job but highlighted their challenges. He suggested a series of strategic planning weekends for workshops with citizens to participate.

3) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO forewarned the residents that they were in Hurricane season and that they should prepare.

COMMISSIONER JOANNE SIMONE congratulated and read the names of the Police Officers who have been promoted. She thanked Police Officers, the Department of Environmental and Engineering Services (DEES) Utility crew and the Fire Fighters who assisted post-hurricane. She read a list of events occurring in the City before month end which included the grand opening of Fire Station 58. She apologized that she would have to leave the City Commission meeting at 10:00pm but would continue her participation via telephone.

COMMISSIONER ARSERIO forewarned that the hurricane season would not end until November 30th and advised people to prepare. He referenced his initiative of

implementing the distribution of sandbags last July and advised that these were still available through Public Works by appointment only. He thanked City staff for preparing for the storm and assisting other cities. He discussed the planning phases from the MOP meeting. He said that at a recent City Commission meeting, there was a misunderstanding with the law pertaining to the discussion of the use of bonds from board members and proceeded to provide his opinion on the same. He spoke about the forthcoming election and recommended early voting. He suggested making back to back City Commission meetings earlier than the usual regulated times.

VICE MAYOR SCHWARTZ said that there was no City Commissioner who had asked to put something on the Agenda that would not do so and referenced personal vendettas. She thanked the public for attending.

MAYOR RUZZANO was not a fan of the double meetings and indicated that the Items on the Agenda would make a huge impact on the City and asked for patience as they would take a little longer. He congratulated Commissioner Arserio as his wife was expecting another baby. He indicated that Commissioner Simone covered everything. He thanked P & Z board member, Mr. Eccli, for his helpful comments. He said that despite their differences, they were all here for the same reason which was for the best interests of the City. He thanked everyone who sent prayers and flowers to his Father-in-Law.

COMMISSIONER ARSERIO explained that Margate was a working City and said that apart from a Homeowners Association (HOA), he would support those with commercial vehicles. He referenced a post on Facebook seeking a space to rent to park a truck and trailer in Margate and discussed implementing certain rules or code.

4) CITY MANAGER'S REPORT

There was no City Manager's report.

CITY ATTORNEY TOLCES advised that the City won a case pertaining to a property on Melaleuca Drive. He informed that he discussed affordable housing at last month's International Municipal Lawyers Association (IMLA) annual conference which was held in Orlando.

CITY CLERK, JENNIFER M. JOHNSON, advised that early voting would commence on October, 21st - Sunday, November 3rd.

5) 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.

- A. [ID 2024-307](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: SEPTEMBER 4, 2024 REGULAR CITY COMMISSION MEETING, SEPTEMBER 9, 2024 CITY COMMISSION BUDGET HEARING, SEPTEMBER 18, 2024 CITY COMMISSION BUDGET HEARING AND SEPTEMBER 18, 2024 REGULAR CITY COMMISSION MEETING

APPROVED

- B. ~~ID 2024-179 A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, ACCEPTING THE UTILITY EASEMENT FOR MAINTENANCE OF WATER METERS AT 5671 WEST ATLANTIC BLVD AND ACCEPTING THE ASSOCIATED BILL OF SALE;~~

~~PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR AN EFFECTIVE DATE~~

- C. [ID 2024-318](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING AMENDMENT TO TRANSFER OF RETIRED CANINE AGREEMENT (FORMERLY KNOWN AS TRANSFER OF PERSONALTY FORM); PROVIDING FOR ANNUAL MEDICAL EXAMINATION WITH ROUTINE LAB WORK, VACCINES, FLEA/TICK MEDICATIONS AND FOOD COST FOR RETIRED MARGATE POLICE CANINES FOR A PERIOD OF TWO YEARS AT COST NOT TO EXCEED \$1,800.00 ANNUALLY

APPROVED

- D. [ID 2024-329](#) RESOLUTION - APPROVING AN AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF MARGATE FOR FUNDING AND ADMINISTRATION OF HOME PROGRAM FUNDS FOR HOMEBUYER PURCHASE ASSISTANCE FOR FISCAL YEAR 2023-2024; PROVIDING FOR AN EFFECTIVE DATE

APPROVED

Approval of the Consent Agenda

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

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

6) RESOLUTION(S)

- B. [ID 2024-344](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A TEMPORARY USE PERMIT FOR HILDEBRAND AMUSEMENT RIDES, INC., FOR PERMISSION TO HOLD 'THE FAIR AT MARGATE' WITH AN ANIMAL DISPLAY AT 1000 NORTH STATE ROAD 7, FROM NOVEMBER 22, 2024 THROUGH DECEMBER 8, 2024; PROVIDING FOR AN EFFECTIVE DATE

This Item was heard before Item 6) A. ID2024-331.

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

VICE MAYOR SCHWARTZ voiced her concerns regarding the time and questioned if the music could be stopped after 10:00pm and whether it conformed with the City's Noise Ordinance.

JOSHUA D. RYDELL LAW OFFICE, JOSHUA RYDELL, spoke via Zoom and was aware of Vice Mayor Schwartz's concerns. He said that in past years, they have turned down the amplified music and have tried to be respectful concerning the noise.

MAYOR RUZZANO said that he lived the closest to the Carnival and nobody on his block complained about the noise.

Discussion ensued.

A motion to amend by Vice Mayor Schwartz, seconded by Commissioner Simone, that at 10:00pm, that music/entertainment that would be loud enough to be heard in the surrounding area, would stop.

COMMISSIONER SIMONE sought clarification that there was no animal display at the Carnival.

MR. RYDELL confirmed that there was no animal display or alcohol sales.

MR. KRALJIC alleged that a lot of information described in the event was missing from the application and had questions about the security screening. He said that if they approve it, that it should comply with the City's code and Noise Ordinance.

The amendment failed on the following vote:

Yes: 2 - Commissioner Simone and Vice Mayor Schwartz

No: 3 - Commissioner Caggiano, Commissioner Arserio and Mayor Ruzzano

COMMISSIONER ARSERIO asked City Manager Curtis to confirm that the City received the payment from the vendor.

CITY MANAGER CALE CURTIS confirmed that payment had been received from the vendor.

DONNA FELLOWS did not hear the sounds from the Carnival. She asked whether the City Commission had devised a plan with Mr. Rydell to help homeless children attend the Carnival and provide a food voucher.

MAYOR RUZZANO said that he spoke with the representative last week and advised that he would work it out with the City Manager.

TRACY VAN WINKLE asked for the operating times of the fair and questioned who won the cars at a previous Carnival function.

Discussion ensued.

LEGACY CLOSET'S, MS. PATTIN, questioned whether they could put canned food boxes outside the fair or an alternative site to fight food insecurity in the City which they initiated at a previous function several years ago.

MAYOR RUZZANO suggested that Ms. Pattin contact the Carnival attorney or vendor.

Discussion ensued.

MR. KRALJIC repeated that a lot of the information described in the event was missing from the application. He read a statement on the same followed by some questions.

VICE MAYOR SCHWARTZ advised that there would be a public safety trailer and that there would be a work schedule for Police Officers.

The original motion carried as follows:

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

No: 1 - Commissioner Simone

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

CITY ATTORNEY TOLCES advised that 7) A. ID 2024-323, B. ID 2024-324 and C. ID 2024-325 were all related to the proposed Forest Apartments. He advised the City Commission to hold the Quasi-Judicial hearing and vote on each Resolution after the presentations. He read the Quasi-Judicial statement, explained the procedure and asked the City Commission if there were any ex-parte communications regarding those Items.

COMMISSIONER CAGGIANO confirmed no.

COMMISSIONER SIMONE confirmed no.

COMMISSIONER ARSERIO said that he talked to everybody whether he liked something or not and would meet with them. He confirmed that he had met with the petitioner, their lawyer, Keep Margate Green representatives, candidates and residents.

VICE MAYOR SCHWARTZ confirmed that she had spoken with the petitioner's lawyer although she had not seen the plans that he sent her as she saw them at the City.

MAYOR RUZZANO said that he had spoken to both parties.

CITY ATTORNEY TOLCES continued to provide instructions on this Quasi-Judicial Hearing.

MAYOR RUZZANO advised that everyone who would be talking on these Items would need to be sworn in.

CITY CLERK JOHNSON swore in those who intended to testify.

ZONING ATTORNEY AND PARTNER OF GREENSPOON MARDER (GM) OF 200 EAST BROWARD BOULEVARD, SUITE 1800, FORT LAUDERDALE, MATTHEW H. SCOTT, explained that he was representing the applicant, Rez Se Land LLC and his client was Saulo R. Perez and he was joined by a Traffic Engineer and their Project Architect. He walked through his PowerPoint presentation and explained that there were three applications for a special exception, Subdivision Resurvey and Plat Note Amendment. He advised that the City Commission was not being asked to make a

policy decision but to review the evidence that was presented, that the information was in the back-up, that they should make a judicial decision based on whether they met code and whether the evidence supported their application. He said that they were proud on how hard they have worked on this project with the City's staff support and approval. He explained that their criteria adhered to the City's code for special exception and multi-family in the zoning district such as seeking a report on capacity in the schools from Broward County (BC). He said that they would also install a new lift station and improve sewer that would benefit the entire area and reposition a new bus stop pertaining to the City's specifications. He discussed the completed traffic study including a recommendation to modify the signal timing through Florida Department of Transport (FDOT) and their interactions with DEES.

VICE MAYOR SCHWARTZ questioned whether there was only one exit to State Road 7.

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT, advised that they were going to maintain the existing access on State Road 7, that there was also access to the north and explained that they had to seek approval from FDOT. He continued with his PowerPoint presentation, discussed the Plat Book Amendment and informed that if the City Commission voted to approve this project, they would then seek BC approval. He concluded his PowerPoint presentation and welcomed any questions.

MAYOR RUZZANO indicated that it was strange that there were no special exceptions, referenced the traffic and informed that Shooster was a previous property site owner with 1,200 employees. He did not believe that the traffic would be much of a problem.

Discussion ensued.

COMMISSIONER ARSERIO highlighted that both the Development Review Committee (DRC) and the P&Z board approved this project 4-1. He questioned whether this property would qualify as "live local."

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT, explained that last year, the State legislator modified a law which required cities to approve multi-family development at the City's highest height and density for summary purposes in areas that were a zoned activity center, commercial or industrial and that the City had to approve up 40% of affordable housing.

COMMISSIONER ARSERIO would make his decisions based on the facts but his personal belief was that as there was a lot of redevelopment in the City, the time was ticking where they were losing control of what they could do in Margate. He also discussed his attendance at a recent meeting where BC was considering school closures for under enrollment and referenced Liberty Elementary. He advised that unlike Arbor View, this property would be setback from the road and he also referenced AC units. He informed that these units would be more expensive than most of their mortgages and suggested a license plate reader at the entry point.

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT agreed to Commissioner Arserio's proposal about the license plate reader and said it would make sense.

VICE MAYOR SCHWARTZ sought clarification of where the site was located and had questions on parking. She said that it would be nice if people attended the office complex but said that no one would be touching that area but it was up for sale.

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT, explained that the best chance that office had of being reinvigorated was allowing a project like this to be built next to it.

COMMISSIONER CAGGIANO expressed his excitement that they were going to try and save a precious wet land.

Discussion ensued.

MAYOR RUZZANO invited City staff to conduct their presentations and that the City Commission would ask any questions thereafter.

DEVELOPMENT SERVICES (DS) SENIOR PLANNER, CHRIS GRATZ, said that Mr. Scott's information was accurate and that he was in agreement with what was presented. He conducted a PowerPoint presentation with a few highlights of what was important from a staff's prospective and listed the five administrative points from the conditional approval to enable them to build this project. He referenced a code amendment last July about a building placement in residential along State Road 7 and at the time, he gave his assurance that this project would be setback adequately from the road and would not do a repeat of Arbor View. He also advised that the City encouraged the applicants to greatly improve the look and discussed landscaping. He advised that the special exception would need to be agreed upon in order to approve the other two applications.

COMMISSIONER ARSERIO thanked Mr. Gratz and City staff for being extremely thorough with this project and believed that it would set the tone for other potential development along that corridor.

COMMISSIONER CAGGIANO appreciated the bigger balconies and loved the color palate. He thanked the City staff for their assistance.

MAYOR RUZZANO opened up Public Discussion for those who were sworn in.

MARGATE RESIDENT, 613 S STATE ROAD 7, said although the project was nice, she believed that they were neglecting the other apartments that needed help. She also questioned how maintenance would look like throughout the years to avoid it being neglected.

MAYOR RUZZANO responded to the resident's question.

Discussion ensued.

MR. KRALJIC read a statement pertaining to this project.

ELSA SANCHEZ explained that the presentation was beautiful and she believed that it was one project that was in the correct place as it did not affect the green spaces. She read a statement on future development within the City.

PATRICIA MADDEN, 6211 SW 5 ST, said that it was two streets north of 7th Street. She concurred with Mr. Kraljic's comments and mentioned that there were other things that could be done with the land.

LAUREN BERACHA, 6950 NW 14TH PLACE, referenced the traffic study and children moving back into the family home.

MAYOR RUZZANO invited the applicant back to the podium.

MS. PHELPS voiced her concerns on the future of this project post construction and discussed safety issues in her area.

ZONING ATTORNEY AND PARTNER OF GREENSPOON MARDER, MR. SCOTT, spoke further on this project and addressed some of the questions that had been raised. He confirmed that it would be impossible to do a Section 8 project and recapped on his presentation. He respectfully requested approval of this project.

VICE MAYOR SCHWARTZ questioned whether this would be owner/builder managed and not sold off to someone else.

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT, explained that the economics would not support Section 8.

COMMISSIONER CAGGIANO sought clarification that the City staff met all Code requirements and recommended approval.

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT, confirmed Commissioner Caggiano's question.

CITY ATTORNEY TOLCES read and explained the next set of instructions for this hearing and also read the three Resolutions.

VICE MAYOR SCHWARTZ explained that she needed the public to understand that there could to be a potential lawsuit if the City Commission did not do what was considered to be a legal remedy that was approved and that it met all the criteria. She addressed comments made by Mr. Kraljic pertaining to Arbor View.

- A. [ID 2024-323](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE FOR A 338-UNIT MULTI-FAMILY DEVELOPMENT IDENTIFIED AS THE FOREST APARTMENTS WITHIN THE TOC-G GATEWAY ZONING DISTRICT LOCATED AT 787 SOUTH STATE ROAD 7, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE

A motion was made by Commissioner Caggiano, seconded by Commissioner Arserio, that this Resolution, should be approved.

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

- B. [ID 2024-324](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A PLAT NOTE AMENDMENT TO THE 441 SOUTH, LTD. II, PLAT AS RECORDED IN PLAT BOOK 124, PAGES 41-42 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND ASSIGNMENT OF 338 FLEXIBILITY UNITS TO THE PROPERTY FOR THE PROJECT REFERRED TO AS "THE FOREST APARTMENTS", LOCATED AT 767, 777 & 787 SOUTH STATE ROAD 7, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE

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

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

- C. [ID 2024-325](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SUBDIVISION RESURVEY OF MINIMART DEVELOPMENT CORPORATION SUBDIVISION AS RECORDED IN PLAT BOOK 81, PAGE 49 OF

THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; 441 SOUTH, LTD. II PLAT AS RECORDED IN PLAT BOOK 124, PAGES 16 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AND THE FOREST PLAT AS RECORDED IN PLAT BOOK 129, PAGES 41-42 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TO CREATE 4 PARCELS, AS MORE PARTICULARLY DESCRIBED HEREIN, AND REFERRED TO AS "777 PROPERTIES", LOCATED AT 767, 777 & 787 SOUTH STATE ROAD 7, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE

A motion was made by Commissioner Arserio, seconded by Commissioner Caggiano, that this Resolution, should be approved.

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

Meeting went into Recess.

Meeting Reconvened.

COMMISSIONER SIMONE left the City Commission meeting at approximately 10:00pm and returned via telephone conference at 10:25pm.

CITY ATTORNEY TOLCES advised that Item 8) A. ID 2024-321 would be moved to the end of the Agenda.

9) ORDINANCE(S) - SECOND READING

Item 9) was heard before Item 8) A. ID 2024-321 and after 7) Resolution(s) - Quasi-Judicial Hearing.

CITY ATTORNEY TOLCES explained that 8) A. ID2024-321 would be moved to the end of the Agenda. He advised that 9) A. ID 2024-308, B. ID 2024-320 and 6) A. ID 2024-331 were all related to the Nove at Margate Development and that it was a Quasi-Judicial Hearing as they had a land use plan amendment.. He advised that this process was similar to the last Items. He explained that they would hold the Quasi-Judicial hearing and then the City Commission would vote on each of the respective Second Ordinances. He read the Quasi-Judicial statement, explained the procedure and asked the City Commission if there were any ex-parte communications regarding these Items.

COMMISSIONER CAGGIANO confirmed that he had spoken to everyone from residents to people who were doing the projects.

COMMISSIONER SIMONE said that she had spoken to Mr. Fimiani.

COMMISSIONER ARSERIO repeated that he talked to everybody whether he liked something or not and would meet with them. He confirmed that he had met with the petitioner, the owner of the property, staff, candidates, Keep Margate Green representatives and residents albeit emails, phone calls and including social media.

VICE MAYOR SCHWARTZ said that over the life of this project, she had spoken to Mr. Fimiani, Mr. Scott as well as responding to residents' text messages and that she was very familiar with Keep Margate Green.

MAYOR RUZZANO said that he had spoken to both parties.

CITY ATTORNEY TOLCES read further instructions on these Items and instructed that their decision should be based on competent substantial evidence relating to the City's Code and generalized support or opposition that was not fact based.

MAYOR RUZZANO introduced and invited the petitioner to present.

ZONING ATTORNEY AND PARTNER OF GREENSPOON MARDER, MR. SCOTT, confirmed that he was representing the applicant and explained that the purpose of this Second Reading was for an update. He provided a PowerPoint presentation and informed that nothing had changed with this project other than that it had got better as they had not received any feedback from BC or the State that required any changes to the substance of the project. He understood that Keep Margate Green disagreed with his application as they preferred this site to be retained as a golf course but he said that it was now disused and dilapidated. He reminded that their intention was to redevelop this property with 132 townhomes that would be for sale and at the first City Commission meeting, the board recommended to approve this project. He concluded his PowerPoint presentation and welcomed any questions.

COMMISSIONER ARSERIO explained that similar to the last Item, the City Commission would still have to vote on the same perimeters and said that this project had been drastically reduced from the original proposal.

Discussion ensued.

COMMISSIONER ARSERIO indicated that regardless of whether the project received approval, the applicant still owned the property and questioned Mr. Scott of what could be developed without the City Commission's approval. He also questioned whether his client would consider installing a license plate reader at the entrance of the property to enhance safety.

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT explained that the current zoning was S2 which was for commercial recreational such as large structures, height, parking areas and outdoor sports courts or large recreational facilities. He forewarned that this site was a private property that his client had owned for many years and if this was disapproved, there would have to be an alternative to repurpose this property with the permitted use. He said that upon condition of approval, they had previously voluntarily offered the City \$50,000 for meeting improvements and therefore, he would be happy to provide the license plate reader.

VICE MAYOR SCHWARTZ referenced slide 43 and questioned why some of the language had been removed. She also referenced the verbiage pertaining to slide 46 and questioned whether BC did not have a problem applying their own policy.

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT, explained that it was the applicant that removed that verbiage as it was something that had to be modified to move forward with the land use amendment. He explained that in reference to slide 46, this was something that they developed in collaboration with BC as they had specific calculations for open space as it was based on the number of residents.

Discussion ensued on where the park and properties would be located.

COMMISSIONER CAGGIANO questioned whether the City staff said the projects met all Code requirements and recommended approval.

ZONING ATTORNEY AND PARTNER OF GM, MR. SCOTT, answered Commissioner

Caggiano query as "correct."

COMMISSIONER SIMONE concurred with Commissioner Caggiano's comments that the applicant had met all criteria. She said that whilst she understood the residents wanted green space, that this site would be developed one way or another and believed that this was the best of what they could get for this property. She also indicated that Mr. Fimiani had endeavored to address the needs of most of the concerns and issues and that he had attended meetings. She believed this was a win, win, for the City as she hoped that this project would enhance the area and that the local shopping center would get redeveloped. She was looking at the positives and improvements that this project could bring to Margate that would benefit all.

MAYOR RUZZANO said that although the applicant had done their due diligence with the community and the City over the last five years, he believed that the rezoning of the property had been overlooked. He did not think it was a bad project but when it was first initiated, he said there were thousands against the property. He said that if he was to vote yes, he would not be representing those who voted for him. He highlighted that Margate Boulevard was used as a pass-through from State Road 7 to avoid Atlantic Boulevard and State Road 7. He explained that he would not rezone a golf course in Margate.

CITY ATTORNEY TOLCES forgot to ask people to swear in individuals who were going to testify.

CITY CLERK JOHNSON swore in those who intended to testify.

MAYOR RUZZANO invited the City staff to present their presentations.

DS SENIOR PLANNER, ANDREW PINNEY, provided a PowerPoint presentation pertaining to the three applications on Land Use, Planned Amendment (Map Amendment and Text Amendment), Rezoning with a site plan for exhibit and a subdivision resurveyed. He discussed the timeline map which illustrated all the updates since the December meeting. He confirmed that the State had no comments from either applicant. He said that there were a couple of adjustments to the Ordinance for Second Reading which were made to map acreages, policy verbiage and they added a section to the Ordinance to update their data and inventory component of the Land Use Plan.

Discussion ensued on the changes made to the policy, a ballpark and acreage of the golf course.

DS SENIOR PLANNER PINNEY continued with his PowerPoint presentation and explained the next steps. He concluded his presentation by explaining that the DRC recommended conditional approval of these applications in September 2023 and June 2024 and the P&Z board recommended approval in November 2023 and August 2024.

MAYOR RUZZANO thanked Mr. Pinney for his presentation and opened up the hearing to the public.

MARGATE RESIDENT OF ORIOLE GOLF AND TENNIS II, WEST MARGATE BLVD, explained that he had a problem with this development due to the amount of traffic that it would generate and requested that the City Commission should not approve the Zoning variance.

M. J. DUFF, NW 8TH COURT, PARADISE GARDENS IV, explained that he had quite a few concerns about this project and referenced a storm drain issue, low water pressure, traffic and the shopping center.

MARILYN A. KNEELAND, 7955 NW 5TH CT., said that the City had heard from her for the last six years on this project and said that she had 3,609 petitions signed opposing the development. She highlighted that approving this project would contravene the 1989 Comprehensive Plan pertaining to golf courses in West Margate and requested that they did not approve this project.

MS. FELLOWS, 6108 NW 9TH COURT, preference would be to have the townhomes over a sports complex and referenced the speeding of cars in her neighborhood.

THERESA C. GERARDI, 7970 NW 9 ST., disagreed with the findings from the traffic study and also had concerns with parking.

JOHN H. DONOHOO, PRESIDENT OF PARADISE GARDENS SECTION IV, read a statement opposing this redevelopment and said that the people want it maintained as a green space. He prayed that the City Commission voted no.

SILVANA LUCIANI said that she lived on the golf course and that they should have sought the views of those who lived in her community.

SHARON MILLER, PARADISE GARDENS IV, believed that the traffic would be a problem and said that they should put in a large assisted living facility and a 55+ development.

JULI VAN DER MEULEN said that as they move forward, they should make the City accountable for the promises that were outlined in the Comprehensive Plan and referenced the commitment to maintaining the golf course as an open green space.

PETA ZUNE, 7700 NW 5TH COURT, ORIOLE GARDENS II, applauded the President of Paradise Gardens. She said it was a good project but in the wrong place and referenced that it was a senior community and not to change the rezoning.

MS. BERACHA referenced current traffic issues in addition to this project. She suggested that they should build another senior community if they have to redevelop the land.

MS. SANCHEZ explained that she could see both sides but this had been going on for far too long and highlighted that there had been almost 4,000 signatures.

NORMA BRANDENBURG OF GARDEN PATIO VILLAS, explained that many people moved to Florida as they wanted a nice space and discussed her concerns of more housing, environmental issues and the lack of greenery.

MARGATE RESIDENT said that he lived on the other side of that site and questioned why the applicant had not spoken to the residents. He suggested that they should build something for the 55+ community.

MS. VAN WINKLE understood that the applicant could build anything he wanted to if this item was not approved and could not understand why some of the public were against bringing young families into their community.

MARGATE RESIDENT OF ORIOLE GARDENS II did not understand why the site could not be retained green and discussed the same.

CITY ATTORNEY TOLCES explained the next steps and read the instructions.

A. ID 2024-308 AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE,

FLORIDA; PROVIDING FOR A LAND USE PLAN AMENDMENT TO THE CITY OF MARGATE COMPREHENSIVE PLAN, APPENDIX B, TO PERMIT A CHANGE OF LAND USE FROM "R(7) RESIDENTIAL AND COMMERCIAL RECREATION" TO "R(7) RESIDENTIAL AND PARK"; PROVIDING FOR AN INCREASE OF THE AVERAGE DENSITY OF A 104.4-ACRE IRREGULAR DENSITY DASHED-LINE AREA FROM 7.6 TO 8.38 DWELLING UNITS PER ACRE; PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF MARGATE COMPREHENSIVE PLAN ELEMENT I. FUTURE LAND USE ELEMENT; RECOMMENDING APPROVAL OF THE AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN; PROVIDING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL TO OBTAIN RECERTIFICATION OF ELEMENT I. FUTURE LAND USE OF THE MARGATE COMPREHENSIVE PLAN FOR PROPERTY LOCATED AT 7870 MARGATE BOULEVARD; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMERCE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

A motion was made by Commissioner Caggiano, seconded by Commissioner Arserio, that this Ordinance, Second Reading, should be approved.

VICE MAYOR SCHWARTZ discussed her meeting with Mr. Fimiani and said that he had a rough start with the community and she understood what he had tried to do. She explained her dislike of the text amendment and would be voting no.

COMMISSIONER SIMONE explained that she had heard a lot tonight and said that it was untrue that the City Commission, who did not want this, did not care and said that although the board saw things differently, they all cared respectively about their community. She alleged that the signatures for the petition had not been verified. She understood the concerns of the residents and their need for green space and peace and quiet. She requested Senior Planner Pinney to provide a list of what the owner could put as an alternative. She explained that some of the residents were not looking at the bigger picture and the advantages of what the project could bring. She believed that this was a nice project for Margate and that it was going to be the best choice for this property as the alternatives would not be wanted by the residents.

DS SENIOR, PLANNER PINNEY, said that the majority of this property was in the recreational R1 district and he read its purpose from Section 40.543 of the Unified Land Development Code.

Discussion ensued.

MAYOR RUZZANO said that he would prefer to have a park over townhomes and continued to explain why he opposed this Item.

The motion carried as follows:

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

No: 2 - Vice Mayor Schwartz and Mayor Ruzzano

- B. ID 2024-320** AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA AMENDING SECTION 40.502 OF THE MARGATE UNIFIED LAND DEVELOPMENT CODE, THE OFFICIAL ZONING MAP OF THE CITY OF MARGATE, FLORIDA, OF THE CITY OF MARGATE CODE OF ORDINANCES, TO PROVIDE FOR THE REZONING OF 21.3 ACRES OF REAL PROPERTY LOCATED AT 7870 MARGATE BOULEVARD, MARGATE, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN, AND REFERRED TO AS “NOVE OF MARGATE,” FROM RECREATIONAL S-1 DISTRICT AND MULTIPLE DWELLING R-3A TO PLANNED UNIT DEVELOPMENT (“PUD”); PROVIDING FOR REPEAL; PROVIDING FOR AN EFFECTIVE DATE

A motion was made by Commissioner Simone, seconded by Commissioner Caggiano, that this Ordinance, Second Reading, should be approved.

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

No: 2 - Vice Mayor Schwartz and Mayor Ruzzano

6) RESOLUTION(S) CONTINUED

- A. ID 2024-331** A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SUBDIVISION RESURVEY OF PARCEL 3 AND A PORTION OF PARCEL 4 OF “ORIOLE GOLF AND TENNIS CLUB SECTION TWO” ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TO CREATE A 132 TOWNHOUSE DEVELOPMENT, AS MORE PARTICULARLY DESCRIBED HEREIN, AND REFERRED TO AS “NOVE OF MARGATE,” TO BE LOCATED AT 7870 MARGATE BOULEVARD; SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE

A motion was made by Commissioner Caggiano, seconded by Commissioner Arserio, that this Resolution should be approved.

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

No: 2 - Vice Mayor Schwartz and Mayor Ruzzano

8) ORDINANCE(S) - FIRST READING

- A. ID 2024-321** AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, RELATED TO PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, OR HIGH SCHOOLS, AMENDING CHAPTER 40- “THE MARGATE UNIFIED LAND DEVELOPMENT CODE,” DIVISION 2, “SPECIFIC USE REGULATIONS,” SECTION 40.620, “PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, OR HIGH SCHOOLS” OF THE CITY OF MARGATE CODE OF ORDINANCES; PROVIDING FOR REVISIONS TO ACCESS, LOCATION, PARCEL SIZE REQUIREMENTS, AND TO REFLECT REVISIONS TO FLORIDA STATUTES FOR PRIVATE SCHOOLS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

DS SENIOR PLANNER, GRATZ, gave a PowerPoint presentation and informed that it was a Code amendment that came to their attention from a recent Florida law that preempted the City's Local Land Use and Zoning . He advised that the State law allowed their private charter schools and micro schools to buy or rent such as a library, a community, service organization or a facility. He advised it was best practice to remove that conflicting language from the code when the State was preempting the City. He explained that the amendment would revise the Code to comply with this new law and that some of the existing requirements would need to be refined in respect of access, location and parcel size and highlighted the changes and exceptions therein.

VICE MAYOR SCHWARTZ had a question on parcel sizes and referenced schools.

Discussion ensued.

COMMISSIONER SIMONE explained that when things seemed out of place, she could not vote in favor of it and confirmed that this was one of those Items. She did not believe that there was full transparency with this Item and indicated that it could be tied into a project that was coming before the City Commission. She informed that had these changes been made on their own merit without the project and put before the City Commission, it would have been a different story.

A motion was made by Commissioner Arserio, seconded by Commissioner Caggiano, that this Ordinance, First Reading, should be approved. This carried as follows:

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

No: 1 - Commissioner Simone

ADJOURNMENT

There being no further business, the meeting adjourned at 12:12am.

Respectfully submitted,

Transcribed by Salene E. Edwards



Jennifer M. Johnson, City Clerk

Date: 11/21/2024

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Unified Land Development Code – Section 40.300(C)] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.

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

Members of the public are invited to view this meeting through Zoom using Webinar ID: 874 0130 1262 or can listen via telephone by calling one of the following phone numbers: US: +1 312 626 6799 or +1 929 205 6099.

- A copy of the Agenda for this Meeting is posted on www.MargateFL.com and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.

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