



City of Margate

5790 Margate Boulevard
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, September 6, 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 2017-571](#) GIRL SCOUT TROOP 10269

MAYOR TOMMY RUZZANO read an article pertaining to the emergency procedures in the City of Margate for Hurricane Irma. He said that although they were hoping for the best, the Hurricane was looking bad. He said when they were distributing and putting the sandbags together, there was a good community spirit.

1) PRESENTATION(S)

PROCLAMATION(S)

Mayor Tommy Ruzzano explained that Proclamations were postponed until the next Regular City Commission meeting which was scheduled for September 27, 2017.

A. [ID 2017-576](#) BLOOD CANCER AWARENESS MONTH - SEPTEMBER

PRESENTATION(S) - Continued

B. [ID 2017-570](#) PRESENTATION FROM SALTZ MICHELSON ARCHITECTS FOR NEW FIRE STATION 58

CHARLES MICHAELSON, PRINCIPAL FROM SALTZ MICHELSON ARCHITECTS gave a status update of the progress of the Fire Station 58 project. He advised that the station was adjacent to a Florida Power & Light (FPL) Easement which had an impact on the design of the facility. He said the initially came up with a design for a single-story building but that was turned down by FPL. He advised that with the new Easement, their standards state that nothing could be built on them and the width of the existing Fire Station they have would not be deemed acceptable under the current rules. He explained that they then designed a two-story building which was approved by FPL. He indicated that they pushed the building a little more forward so it was adjacent to Rock Island Road and closer to 6th Court which left sufficient room for additional training space. He said that the design of the building was contemporary, had a character of a Fire Station and that it would have a nice, unique look to it. He said that he submitted the plan to the City but was advised that a Fire Station was not allowed to be placed in an S-1 zoning district. He explained that they were going back to review the process and the zoning to see if what they were proposing could be constructed at the same location. He said that the existing building was 15 feet away from the property line and they would be approximately seven and a half feet away to the closest point.

MAYOR RUZZANO asked why those steps were not figured before they got involved.

INTERIM CITY MANAGER SAMUEL A. MAY said that they only recently found out about it. He said that it was the City's zoning which could be changed. He stated that the building had been there since 1974.

DEPARTMENT OF ENVIRONMENT AND ENGINEERING (DEES) DIRECTOR REDDY CHITEPU explained that upon reviewing the plans, they found out that the zoning was S-1. He advised that the process they were taking was to change the Ordinance that allowed municipal buildings in S-1 zoning to allow them to build a Fire Station at that location. He said that he could not answer why a Fire Station was not allowed in an S-1 zoning district 30 to 40 years ago. He advised that if it did not pass, they would have to find a new location.

VICE MAYOR ARLENE R. SCHWARTZ said that she assumed that they had a zoning map and questioned why it was not used. She also asked what was allowed in S-1.

DEES DIRECTOR CHITEPU explained that when the initial plans came through, the staff did the technical review and found out that they did not allow municipal buildings or Fire Stations and asked the architecture to hold off. He explained that S-1 was mainly recreational facilities such as parks and community facilities. He advised that as part of the testimonial for municipal buildings, he said that it would not need to go back to the Board of Adjustment.

VICE MAYOR SCHWARTZ asked if the building could be three-story and questioned how healthy it was to have the sleeping quarters over the fire truck bays.

COMMISSIONER LESA PEERMAN asked if the building could be pushed back more than seven feet.

ARCHITECT MICHAELSON said that he could not push back the building as they would be squeezed between the FPL Easement. He then provided further specifications of the layout and design of the proposed building. He explained that the sleeping quarters

would be perfectly healthy as it would be exhausted and vented appropriately with sound installation for sleeping purposes.

COMMISSIONER JOANNE SIMONE said that as the Fire Station had been there for 35 years, she questioned what would happen to it and whether they would still need to go for a variance to leave it there.

ARCHITECT MICHAELSON said that it was a legal question and that it would be an existing non-conforming use after 35 years.

MAYOR RUZZANO said that the City had paid thousands of dollars on putting that proposal together and that someone needed to be accountable for it. He also asked how much they had paid for architects.

DEES DIRECTOR CHITEPU said that as the zoning was changed over years, there were many non-conforming uses within the City at various locations. He said that he was unaware of the fees paid to architects for that project.

INTERIM CITY MANAGER MAY said that they could bring it back after they had undertaken a further review and that they could also establish when the zoning was changed. He said that they had not evaluated whether the Fire Station could go on another part of Rock Island Road but indicated that they would still have the issue with FPL along that stretch of road. He said that they could not put a one-story building in even if they had the zoning as FPL would not allow it.

ARCHITECT MICHAELSON said that staff in the Fire Department had worked with them extensively to create a successful project to that point and said that having worked with other cities, it was not unusual to require a hearing in an individual city for a specific use project. He said that they were working on a new budget as to how much the revised project would be.

MAYOR RUZZANO advised that the previous budget for the one-story building was for \$1,000,000 but said that they could be paying at least 50 percent more if it was going to be a two-story building. He also advised that they should look at other cities where they have just put in new Fire Stations such as Coconut Creek.

COMMISSIONER SIMONE said that as the project was going to cost more money and asked if the building could be redesigned to a one-story building and have it re-zoned. She was concerned that they already completed a Fire Assessment fee for residents for that Fire Station and said that she could empathize with Mayor Ruzzano.

ARCHITECT MICHAELSON said that the plan would have to be elongated and that it would need to be reviewed differently to the existing building plan as to what the limitations would be. He said that there would be a fair amount of work to modernize and update that building and that it would not cost as much as a two-story building but that there would be a significant budget associated with doing it correctly.

2) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO explained that the forthcoming hurricane could potentially be one of the most powerful hurricanes to ever hit Florida and said that the City was doing everything possible before the storm hit to prepare for the aftermath.

He advised the residents that they should do all they could to protect their families.

COMMISSIONER SIMONE said that she wanted to wish City employees a very happy birthday, in particular, those members of staff which they had missed and the others who were celebrating their birthdays during the month of September.

COMMISSIONER PEERMAN explained that based on her previous experiences of hurricanes, when Interim City Manager May was at Public Works, she said that she could not ask for a better City Manager during that kind of situation and that he had been on top of it since day one.

VICE MAYOR SCHWARTZ advised people to stay safe and wished them good luck. She also said that the City would be closed the following day and was sure that extensions would apply in terms of paying for water bills.

MAYOR RUZZANO said that he discussed the hurricane plan with Interim City Manager May and wanted to thank the staff.

3) PUBLIC DISCUSSION

JULIE JONES, 7871 NW 1ST STREET referred to Hurricane Irma and asked if everyone realized that the Police and Fire Departments were going to take their lives in their own hands. She advised that calls should only be made if it was an emergency as the Police and Fire staff needed to go back to their families. She also said that she was upset about the Board of Adjustment (BoA) meeting scheduled for September 12, 2017 and said that it was a mistake to have the meeting due to the pending hurricane.

DEES DIRECTOR CHITEPU explained that the BoA meeting was due to a time sensitive matter with the Rising Tide Car Wash and their grand opening. He said that the applicant had already advertised it which was expensive. He said if it was rescheduled, the applicant would have to go through the whole process again and was aware that the meeting could be postponed. He explained that if they bypass the storm, they would then have the opportunity to conduct that meeting and have the item discussed and that if it was approved, he could have the grand opening without any scheduling issues. He advised that if they do have to reschedule the meeting, they will be contacting the BoA members on the Monday before the meeting to cancel the same. He advised that they gave 14 days notice before the meeting was scheduled and the Agenda was posted today.

VICE MAYOR SCHWARTZ said that she had concerns that they were only giving BoA members a one day notice as to whether or not the meeting would take place. She also questioned why that particular application did not go on the original schedule which was subsequently cancelled.

DEES DIRECTOR CHITEPU explained that they had just adopted the new Ordinance for special exceptions and public notifications and at that time that application did not meet that requirement and they scheduled the meeting to accommodate the business. He advised that they had to make a decision.

VICE MAYOR SCHWARTZ asked what would happen if they did not have a quorum.

DEES DIRECTOR CHITEPU explained that they would reach out to the Board members

and if it was possible to schedule the meeting, they would go ahead as planned but if not, they will contact the Board members and cancel the same. He explained that they were trying to be proactive.

INTERIM CITY MANAGER MAY advised that the BoA Chair could cancel the meeting.

BOARD OF ADJUSTMENT VICE CHAIR CHARLIE ARTNER said that he checked on the National Oceanic and Atmospheric website and said that the path of the hurricane was a straight line between Miami and Coral Springs which meant they were in the eye or next to the eye of the hurricane. He indicated that if the hurricane path stayed, he had concerns that no one would be able to make phone calls or do emails on the Monday before the day of the meeting.

COMMISSIONER PEERMAN asked the Interim City Manager to ask the DEES Director to call and explain the situation to the Chair of BoA and request that the meeting should be cancelled. She said that if nothing happened with the hurricane, they could reschedule the meeting for Wednesday or Thursday that week.

INTERIM CITY MANAGER MAY asked DEES Director Chitepu to contact the Chair to cancel the meeting.

MAYOR RUZZANO asked whether they agreed to waive the applicant's costs for the meeting to be rescheduled.

DEES DIRECTOR CHITEPU advised that the cost for sending out the public notifications and advertising would be the responsibility of the applicant.

COMMISSIONER PEERMAN explained that if it was the City that cancelled the meeting, then the applicant should not incur the costs.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, that if the Chair of the Board of Adjustment agrees to cancel the meeting for Rising Tide, the City will reimburse for any fees incurred for sending out Notices within a 48 hour period. The motion carried by the following vote:

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

4) CONSENT AGENDA

Items listed under Consent Agenda are viewed to be routine and the recommendation will be enacted by one motion in the form listed below. If discussion is desired by the Commission, the item(s) will be removed from the Consent Agenda and will be considered separately. Anyone wishing to comment on any item on the Consent Agenda should approach the podium now. Each speaker is limited to three (3) minutes.

- A.** [ID 2017-579](#) RESOLUTION - AWARDED BID NO. 2017-021 - FURNISH AND DELIVER XELEUM ZEUS 320 LED FLOOD LIGHTS WITH ACCESSORIES TO GREENLIGHT ENERGY, LLC.; NOT TO EXCEED \$73,106.20

RESOLUTION 17-115

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

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

5) CITY MANAGER'S REPORT

INTERIM CITY MANAGER MAY said that he wanted to thank all staff who were preparing for the hurricane and that he had competent staff who had previously experienced and worked through Hurricane Wilma. He warned that there would be a lot of cleaning up to do.

6) RESOLUTION(S)

- A. [ID 2017-585](#)** SUPPORTING A BILL IN THE 2018 FLORIDA LEGISLATURE TO MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE UNDER FLORIDA LAW.

RESOLUTION 17-116

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Peerman, 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

- A. [ID 2017-564](#)** CONSIDERATION OF RENEWAL OF SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY 2017/2018 FOR:

Amaya's Centenario Night Club, LLC	199 South State Road 7
American Legion Post #157	1791 Mears Parkway
Applebee's Neighborhood Grill and Bar	5377 West Atlantic Boulevard
Brady's Irish Pub	986 South State Road 7
Brunswick Margate Lanes	2020 North State Road 7
Carolina Country Club (McDivot's Restaurant)	3011 Rock Island Road
El Balcon De Las Americas Inc.	7932 West Sample Road #1
El Bohio De Mama Restaurant	2179 North State Road 7
Gerri's Sports Pub	6500 West Atlantic Boulevard
Goldchoice Ballroom	345 South State Road 7
Guapo's Cocktail Bar & Lounge	2160 Mears Parkway
Jasmine Thai and Chinese Restaurant, Inc.	1785 N State Rd 7
Master Billiards	201 South State Rd 7
Jesse's Xtreme Sports Bar	5438 West Atlantic Blvd
O'Malley's Sports Bar, Inc.	1388 North State Road 7 #2

Paladium Sports Bar and Lounge	5688 West Sample Road
Parrot Cove Island Bar & Grill	8000 West Sample Road
Saigon Cuisine/Vietnamese Rest.	1392 North State Road 7
Sharkey's Blvd. Lounge	5889 Margate Blvd.

RESOLUTION 17-117

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

Yes: 3 - Commissioner Caggiano, Commissioner Peerman and Mayor Ruzzano

No: 2 - Commissioner Simone and Vice Mayor Schwartz

INTERIM CITY MANAGER MAY said that he just received notification from the Chair of the BoA to postpone the meeting scheduled for September 12, 2017, until further notice and they will reimburse the applicant for all fees associated.

MAYOR RUZZANO advised that the applicant should be informed as soon as possible.

B. [ID 2017-580](#)

CONSIDERATION OF AN APPEAL TO A BOARD OF ADJUSTMENT DECISION, FOR SOBEKIDS, INC DBA MARIO THE BAKER.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Resolution be tabled for the next Commission meeting on September 27, 2017. The motion carried by the following vote:

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

8) ORDINANCE(S) - FIRST READING**A. [ID 2017-519](#)**

APPROVAL OF AN ORDINANCE TO ADD DRIVE-THRU FACILITIES AS A SPECIAL EXCEPTION USE IN THE B-1 ZONING DISTRICT.

A motion was made by Commissioner Peerman, 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

9) ORDINANCE(S) - SECOND READING**A. [ID 2017-572](#)**

CONSIDERATION OF AN ORDINANCE TO PROVIDE REGULATIONS AND PROCEDURES TO REVIEW TEMPORARY USE PERMITS.

ORDINANCE 2017-1500.634

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Ordinance - 2nd Reading, 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 2017-573](#) APPROVAL OF AN ORDINANCE TO PROVIDE DEFINITIONS AND REGULATIONS FOR TEMPORARY FEATHER BANNER SIGNS AND INFLATABLE SIGNS.

ORDINANCE 2017-1500.635

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

An amendment was made by Commissioner Simone to allow Grand Openings to have one banner sign, one inflatable sign and one feather banner as opposed to three feather banners. Motion to amend died for lack of second.

The original motion carried by the following vote:

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

- C.** [ID 2017-574](#) AN ORDINANCE TO REDUCE BOARD MEMBER SUBSTITUTIONS BETWEEN THE PLANNING AND ZONING BOARD AND THE BOARD OF ADJUSTMENT.

ORDINANCE 2017-15

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Ordinance - 2nd Reading, be approved. The motion carried by the following vote.

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

- D.** [ID 2017-578](#) AN ORDINANCE TO REZONE TWO REAL PROPERTIES TO CONSERVATION DISTRICT.

ORDINANCE 2017-RZ-3

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, that this Ordinance - 2nd 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 7:55 p.m.

Respectfully submitted,

Transcribed by Salene E. Edwards

*Joseph J. Kavanagh, City Clerk*Date:

PLEASE NOTE:

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

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

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

DRAFT