



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

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

Wednesday, October 18, 2017

7:00 PM

Commission Chambers

CALL TO ORDER

Present: 4 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone, Vice Mayor Arlene R. Schwartz and Mayor Tommy Ruzzano
Absent: 1 - Commissioner Lesa Peerman

In Attendance:

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

PLEDGE OF ALLEGIANCE

[ID 2017-678](#) RAYMOND GOUPEE, 7TH GRADE AND CHARLES GOUPEE, 6TH GRADE,
MARGATE MIDDLE SCHOOL

1) PRESENTATION(S)

- A. [ID 2017-674](#) HOME OF THE MONTH - SEPTEMBER 2017
- B. [ID 2017-689](#) VIVEK SREEJITHKUMAR - GOVERNOR RECOGNITION - PERFECT SCORE -
ALGEBRA 1 EOC
- C. [ID 2017-656](#) RECOGNITION OF MASID JAMAAT AL-MUMINEEN MOSQUE

ATHLETES OF THE MONTH

- D. [ID 2017-686](#) SWIM: BENJAMIN DENEVI
(Margate Motion Swim Team)
- SOCCER: NATHAN TORRES
(MARGATE UNITED FC TRAVEL)
- BASEBALL: NICHOLAS GOODWIN

(Margate Baseball and Softball, Pirates)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- E. [ID 2017-677](#) ANTHONY MOORE, SERVICE WORKER - PARKS AND RECREATION - 5 YEARS

(Not in attendance)

PROCLAMATION(S)

- F. [ID 2017-636](#) DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER, 2017 (presented to Miriam Garcia, Program Services Supervisor, Women in Distress and Tara Arena, Victim Advocate, City of Margate)
- G. [ID 2017-666](#) BREAST CANCER AWARENESS MONTH - OCTOBER, 2017 (presented to Laura Pastore, Risk Manager, Human Resources)

2) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO said that he was 100 percent against giving senior staff 40 hours of Comp Time for working over the hurricane period. He said that they were salaried employees and were expected to work during emergencies. He said that he did not believe that anyone should be receiving paid time to show up to do their job and that if there was a consensus on it, he was absolutely against it.

CITY MANAGER SAMUEL A. MAY said that the senior staff went above and beyond and that they were offering it to those staff who worked around the clock for three days during Friday, Saturday and Sunday and that some staff stayed overnight. He stated that their City was one of the best within Broward County and that they did not lose water or sewer service. He said that it was a thank you to those staff who did remarkable things. He said that from the guidelines of Category B which includes overtime, they may be able to get some reimbursement from the Federal Emergency Management Agency (FEMA). He said that there may have been six senior staff that worked that weekend and said that there would not be any fiscal impact to the City. He said that it had been typical in the past in giving a week's Comp Time for storms that had been coming through. He indicated that there should be something in the Policy in the past that showed that. He said that the Emergency Operations Center (EOC) was activated at 2:00pm on Saturday and that people were there around the clock from Saturday until 5:00pm the following day, probably up to 30 hours in total.

MAYOR TOMMY RUZZANO asked the City Manager whether he could have done it administratively by not informing the Commission and asked whether it had been done in the past.

CITY MANAGER MAY advised that according to the Charter, if he gave time out to Departments Heads that was outside of their Annual or Sick Time, he has to notify the Commission on a day by day basis. He said that it had been done in the past.

VICE MAYOR ARLENE R. SCHWARTZ said that they should look at two days as opposed to 40 hours which equates to a week. She asked the City Manager to define discretionary leave.

CITY MANAGER MAY said that Department Heads receive up to three days discretionary leave. He said that if they go to City sponsored events such as a Golf tournament, typically, a Department Head would take a day of Discretionary leave to attend such an event.

VICE MAYOR SCHWARTZ explained that when she worked for 17 years in administration for the School system, she said during Hurricane Wilma, she did not get paid and also had to make up the days when the school was closed. She suggested that it should be two days of Comp and advised that if you paired it the three days of Discretionary leave, it would be a full week.

COMMISSIONER JOANNE SIMONE asked if the City gave bonuses for holidays.

CITY MANAGER MAY said that they did not receive bonuses.

COMMISSIONER SIMONE said that a lot of companies and businesses gave bonuses for holidays that they do not hear about so it may be comparable to what other organizations do. She said that although it was their job to work, she understood that those affected had families that they had to leave in order to sleep overnight which may not have been comfortable for them. She said that she would not have a problem giving a bonus in such times for City employees. She confirmed that she would go with the two days and agreed that they should receive something.

COMMISSIONER CAGGIANO said that he would also agree to two days.

CITY MANAGER MAY confirmed that with Government, you cannot have a bonus. He confirmed that according to the Charter, he would have to inform the Commission when senior staff took discretionary days. He said that if the Commission wanted two days, he would go with that.

General consensus was given that senior staff should be given two days of Comp Time for working during the hurricane.

COMMISSIONER SIMONE said that there was an article in a Sunday paper in the Travel and Life section entitled "Unusually Dedicated" which was about five South Florida Parks that were named after unexpected people and Kaye Stevens Park made the news in a positive way. She said that the Commission meetings were going on too late and that when it runs into the early hours of the morning, most residents were not listening. She said that they were not doing anybody a service by having their Commission meetings up until 3:00am. She said that staff had been there from 8:00am to possibly up to 3:00am the following day and then they would have to get up a few hours later to go to work. She said that she would like to propose a Resolution that would end the Commission meetings at 11:00pm. She said that she was aware that many cities had that policy. She said that if they think that there was something on the Agenda that needed to be covered that was time sensitive or it had been advertised, she said that she would like to see at 10:00pm, a Notice being given to the Commission that those items be pushed up the Agenda so that they could be discussed before 11:00pm. She said that if they have to go over 11:00pm, she would like it to be a 5-0 vote to do so.

VICE MAYOR SCHWARTZ asked what they would do with the items that still remained on the Agenda. She also asked about Quasi-Judicial items.

COMMISSIONER SIMONE said that the items could be limited or that they could speed up Agenda items. She also said that the meeting could start a little bit earlier. She said

that Quasi-Judicial items would have to be moved up and discussed that evening.

MAYOR RUZZANO said that you could not put a time limit on some items. He said that he was more lenient on Public Discussions and would allow everyone to speak if they so wished. He said that he was not a big fan of putting a time limit.

COMMISSIONER SIMONE asked if anyone had seen the Mixed Use Apartment on Sample Road which was west of Lyons Road in Coconut Creek as she said that it looked quite beautiful. She said that in the Sunday paper, there was another article "New Hilton Hotel" on tap for Pompano. She said it spoke about it being the first hotel that they had in 52 years and it was an area that was chosen for their redevelopment. She said that the developer was Tim Hernandez and his goal was to convince the right names to invest in new attractions. She said that the developer was a forward thinker and wanted to help the City along and not just to make money for himself. She said that at her last meeting, she said that the Las Olas Riverfront was going to a wrecking ball after eight years as retail could not make it without the residential property to support it. She questioned whether other cities that were developing mixed use had it wrong or did Margate have it wrong. She said that Margate was supposed to be a City with a plan and asked what it was. She advised that the other cities continue to build and improve on the quality of life for their residents and by bringing in revenue for their City, she said that Margate was moving backwards.

VICE MAYOR SCHWARTZ said that they could not make comparisons with Coconut Creek. She asked the City Manager whether they had a call for a proposal for a Grants person and whether he would look at the two identical job descriptions. She congratulated Mr. Reichbach on his promotion and said that she would like to see his new job description and whether it differed from his previous one. She asked the City Attorney whether Mr. McLean received a continuance. She also asked if the victims had a right to a fair and speedy trial.

CITY MANAGER MAY said that they would be advertising for a Grants person the following week.

CITY ATTORNEY DOUGLAS R. GONZALES said that he had not been advised. He said that there was no constitutional guarantee for victims in those type of situations and that the City could not do anything about it. He stated that they had no standing or jurisdiction in that State case.

VICE MAYOR SCHWARTZ said that she would like to ask for an emergency item to revoke approval given to Wheat Self-Storage II LLC to build a self-storage unit on North West 31st Street.

CITY ATTORNEY GONZALES advised that it could be done following the consideration of the Agenda item for the Code revision to prohibit those uses in the City.

COMMISSIONER SIMONE said that she attended a Complete Streets Workshop for Broward Metropolitan Planning Organization (MPO). She advised the City Manager to contact the Principal Planner from the MPO for Strategic Initiatives. She said that the Principal Planner put out email feeds for grants on everything and that the City needed to take advantage of it.

MAYOR RUZZANO said that Santa was coming to town. He said that if they wanted Santa to come to their house on a truck, they had to make a \$10 donation to the Fire Department. He said that the registration started on November 11th, 2018 at 9:00am at

Fire Station 98. He said that everyone was invited to the Ruzzanos as they would be having their annual fire truck with Santa with a donation of \$10 per gift. He also highlighted:

- Northwest Focal Center Senior Center 40th Anniversary on October 19th, 2017.*
- Fall Festival on October 28th, 2017, at Margate Sports Complex between 6:00pm – 11:00pm.*
- Dandee Donuts were still coming to Margate at the old Blockbuster Video Plaza by Penn Dutch.*
- Cumberland Farms Project was still a go at the Walgreens located at Lakewood Plaza*

MAYOR RUZZANO advised that there were some great projects coming and said that the three big plazas, Publix, Walmart and Winn Dixie, were all jammed packed. He said that Peppertree Plaza had contracts for long leases. He advised that Golden Corral closed down in Margate. He said that he drove down TOC on 441 and said that the buildings he saw did not seem like it was a flowing area. He said that he was aware that there was a lot of development but said that they should give residents in the downtown area more green space, parking and make it family oriented but with something unique.

3) PUBLIC DISCUSSION

MARIE GRIFFIN, 2902 NW 62ND AVENUE explained an incident involving a Ms. Dannie Hammer who was put out from a trailer park. She said that she got into an argument with Ms. Hammer and said that she found her car parked in her yard. She asked her not to park in her yard. She said that she called the Police and they informed her that they did not have her records anymore. She said that Ms. Hammer had returned to her house on several occasions cursing and name calling. She said that she was trying to get a warrant so that she could not come to her house or around her and said that the Police Department and Chief said that she could not receive it and she wanted to know why. She indicated that the problem had been going on for a year.

CITY MANAGER MAY said that he would ask the Police Chief to look into it.

CARLOS GERHARDT, 7441 SW 1ST STREET advised that it was his third Commission meeting discussing the same issue. He explained that the matter related to building a pool on an Florida Power and Light (FPL) Easement. He said that an email was sent from the Mayor asking someone at the City to call another person at FPL instead of Mr. Silva. He said that he took matters into his own hands and got somebody to sign the Easement agreement that he previously had. He said that he had a name, signature and date and that the matter was probably now taken care of. He asked for an explanation as to why matters discussed previously at the City Commission meeting was ignored.

MAYOR RUZZANO asked why a phone call was not made to another FPL representative apart from Mr. Silva.

DEPARTMENT OF ENVIRONMENT AND ENGINEERING (DEES) DIRECTOR REDDY CHITEPU said that after the last meeting, he tried to contact several people at FPL but to no avail. He said that he sent out an email asking them to verify who signed the agreement and why it was signed. He confirmed that he had not seen the new papers agreeing to the FPL Easement signed by Shannon Harris.

MAYOR RUZZANO asked what the next steps were and whether the City had to call FPL to verify the information.

CITY MANAGER MAY said that there would not be a reason to call and verify Easement

agreements. He said that the only reason they rang before as there was no signature on the original agreement.

DEES DIRECTOR CHITEPU said that the Code did not allow the pool in the Easement so they would schedule the application to go to the Board of Adjustment (BoA). He said that if the BoA denied it, he will need to appeal it to the City Commission.

MAYOR RUZZANO said that he was aware that Mr. Gerhardt's application would have to go through the process but said that he would like his permit to be expedited if it was approved by the BoA.

DEES DIRECTOR CHITEPU explained that the staff had no stake in that matter as they try to protect the resident and also the City. He confirmed that Mr. Gerhardt would be on the next BoA agenda on November 7th, 2017.

COMMISSIONER SIMONE asked how it got a signature.

MR. GERHARDT said that he took matters into his own hands by going to the FPL office to obtain the signature. He said that he felt offended on how the City kept on denying that there was no intervention.

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.

ITEM B FROM THE CONSENT AGENDA WAS PULLED OFF THE CONSENT AGENDA BY COMMISSIONER CAGGIANO.

- A. [ID 2017-650](#) RESOLUTION - RECOGNIZING FLORIDA CITY GOVERNMENT WEEK, OCTOBER 23-29, 2017.

RESOLUTION 17-130

- C. [ID 2017-684](#) RESOLUTION - APPROVING THE SALE OF 1504 EAST RIVER DRIVE, MARGATE 3RD ADD 44-48 B LOT 31 BLK 17; PROVIDING FOR EXECUTION OF THE REAL ESTATE CONTRACT AND ASSOCIATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 17-132

Approval of the Consent Agenda carried by the following vote:

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

Absent: 1 - Commissioner Peerman

- B.** [ID 2017-682](#) RESOLUTION - AWARDING BID NO. 2017-011 - PAINTING OF WATER TREATMENT PLANT STORAGE TANKS AND PIPING TO SHAMROCK RESTORATION SERVICES, INC.; NOT TO EXCEED \$528,102.00; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 17-131

A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, to discuss this item. The motion carried by the following vote:

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

Absent: 1 - Commissioner Peerman

COMMISSIONER CAGGIANO said that the backup had indicated that they "can" provide an National Association of Corrosion Engineers (NACE) Level 3 inspector as subcontractor on the project to the bid price. He said that the other bids included the inspection whereas Shamrock said that they could. He said that he would like it to be in the Contract that they were going to supply the NACE Level 3 inspector.

VICE MAYOR SCHWARTZ advised that as the Item was pulled, there needed to be a Motion to discuss it further.

A motion was made by Commissioner Caggiano, seconded by Commissioner Schwartz, that Consent Agenda Item B. should be discussed. Commissioner Caggiano requested for the word "can" to be changed to the word "will" in the contract.

COMMISSIONER CAGGIANO repeated his request that he wanted the inspection included as there was no mention of the same in the backup Interoffice Memo or on page 43 of the contract.

DEES DIRECTOR CHITEPU said that the technical specifications require an NACE inspector on the job. He explained that in the bid, the Contractor did not provide documentation to say he had on staff the NACE inspector but he could provide a subcontractor. He said that they had two inspectors.

MAYOR RUZZANO asked whether it would be better if the Contractor did not have a NACE inspector on the City's behalf as he would have to hire an outside inspector.

DEES DIRECTOR CHITEPU said that it would be a licensed individual certifying the project but they would not just be relying on the Contractor's inspector as they would also have the supplier's contractor. He said that they would have one inspector from Contractor's side and then one from the City's side.

CITY ATTORNEY GONZALES said that his interpretation was that they would provide it through a subcontractor.

DEES DIRECTOR CHITEPU said that they would have control on this project as every payment schedule that came through, they would not approve it unless they had certifications from that individual and from the supplier. He said that they would make sure that it was put in the Contract that they would replace the word "can" with the word "will". He also confirmed that they were not the lowest bidder.

The motion carried by the following vote:

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

Absent: 1 - Commissioner Peerman

5) CITY MANAGER'S REPORT

CITY MANAGER MAY mentioned upcoming City events.

CITY MANAGER MAY said that about 70,000 cubic yards of debris had been collected to date and that they were completely clear of debris south of C-14 Canal. He advised that they would be starting back soon on their normal Waste Management pickup. He informed the Mayor that he would give him an update the following day on Fairways.

VICE MAYOR SCHWARTZ complimented the City Manager on the debris pickup.

CITY MANAGER MAY explained that contractors were honoring their contracts. He said that they had previously used AshBritt but they did not stay on board with them but they were still contracted with Grubbs Construction.

COMMISSIONER SIMONE asked who was doing the haulers of trimming trees.

CITY MANAGER MAY said that the hanger and leaner crew were going around trimming trees that were overhangs over the right of way, broken or dead or over a certain diameter and were cutting those branches so that they did not fall on someone who walked on a sidewalk and explained that it was an eligible FEMA expense. He explained that they had a stump crew and said that very few stumps came up in the right of way. He indicated that they had not started on their canals but were in correspondence with FEMA in that respect.

6) RESOLUTION(S)

- A. [ID 2017-649](#) APPROVING RE-APPOINTMENT OF LAKDAS NANAYAKKARA FOR THE ENGINEER POSITION ON THE UNSAFE STRUCTURES BOARD FOR A TERM COMMENCING OCTOBER 18, 2017, TO OCTOBER 17, 2020.

RESOLUTION 17-133

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

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

Absent: 1 - Commissioner Peerman

- B. [ID 2017-685](#) APPROVING 1ST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND THE CITY OF MARGATE PROVIDING FOR DELIVERY OF EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES BY THE CITY OF MARGATE, TO PROVIDE FOR AN INCREASE IN FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 17-134

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

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

Absent: 1 - Commissioner Peerman

7) ORDINANCE(S) - FIRST READING

THE ORDINANCE UNDER FIRST READING WERE HEARD IN THE FOLLOWING ORDER:

D, E, A, B and C.

- D. [ID 2017-597](#) CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 31 - PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS, ARTICLE 1. - IN GENERAL, SECTION 31-2. UNDERGROUND WIRING REQUIRED; EXCEPTION AND ADDING NEW SECTION SEC. 31-3 UNDERGROUND UTILITY TRUST FUND - ESTABLISHED; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, to discuss this Ordinance.

An amendment was made by Commissioner Caggiano, seconded by Mayor Ruzzano, to change the Ordinance to remove the residential single family component from the Ordinance.

An amendment was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, to change the Ordinance to remove a provision for site plan amendments referenced on page 2, lines 5 and 6 of the Ordinance.

The amendment carried by the following vote:

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

No: 1 - Commissioner Simone

Absent: 1 - Commissioner Peerman

The original motion as amended carried by the following vote:

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

No: 1 - Commissioner Simone

Absent: 1 - Commissioner Peerman

The meeting reconvened after a short recess.

- E.** [ID 2017-598](#) CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 31 - PLATTING, SUBDIVISION AND OTHER LAND USE REGULATIONS, ARTICLE 1. - IN GENERAL, ADDING NEW SECTION SEC. 31-4 PUBLIC ART REQUIREMENT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, to discuss this Ordinance.

The motion failed by the following vote:

Yes: 1 - Commissioner Caggiano

No: 3 - Commissioner Simone, Vice Mayor Schwartz and Mayor Ruzzano

Absent: 1 - Commissioner Peerman

- A.** [ID 2017-669](#) CONSIDERATION OF AN ORDINANCE TO REQUIRE SPECIAL EXCEPTION USE APPROVAL OF ANY NEW MASSAGE SPAS, MASSAGE PARLORS, AND SIMILAR MASSAGE SERVICE TYPE BUSINESSES WITHIN THE CITY OF MARGATE

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, that this Ordinance - First Reading, be approved.

An amendment was made by Commissioner Caggiano, seconded by Commissioner Simone, to amend the Ordinance to allow for Medical and Physical Therapy Accessory Use. The motion carried by the following vote:

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

Absent: 1 - Commissioner Peerman

The motion as amended carried by the following vote:

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

Absent: 1 - Commissioner Peerman

- B.** [ID 2017-670](#) CONSIDERATION OF AN ORDINANCE TO PROHIBIT THE ESTABLISHMENT OF ANY NEW SELF-SERVICE STORAGE USES WITHIN THE CITY OF MARGATE

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, to approve this Ordinance.

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

Absent: 1 - Commissioner Peerman

City Attorney Gonzales opened the floor for discussion regarding Wheat Capital Self-Storage II, LP. Discussion ensued regarding alleged fraudulent activity and whether the City Commission can take action.

This item became RESOLUTION 17-135.

A motion was made by Commissioner Simone, seconded by Vice Mayor Schwartz, to rescind the previous approval for the storage unit project for Wheat Self-Storage II, LP on 31st Street. The motion carried by the following vote:

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

Absent: 1 - Commissioner Peerman

- C.** [ID 2017-671](#) CONSIDERATION OF AN ORDINANCE TO AMEND THE S-1 RECREATIONAL ZONING DISTRICT.

A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, that this Ordinance - First Reading, be approved.

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

Absent: 1 - Commissioner Peerman

8) ORDINANCE(S) - SECOND READING

- A. [ID 2017-679](#) AN ORDINANCE AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV. - BOARDS, COMMITTEES, ETC., DIVISION 2. BOARD OF ADJUSTMENT, SECTION 2-77. - WHEN MEETINGS TO BE HELD AND DIVISION 3. PLANNING AND ZONING BOARD, SECTION 2-82. - MEETINGS OF THE PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT; PROVIDING FOR MEETINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-20

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, to discuss this Ordinance.

An amendment was made by Commissioner Simone, seconded by Vice Mayor Schwartz, to have the Board of Adjustment meetings occur first and the Planning and Zoning Board meetings occur second. The motion failed by the following vote:

Yes: 2 - Commissioner Simone and Vice Mayor Schwartz

No: 2 - Commissioner Caggiano and Mayor Ruzzano

Absent: 1 - Commissioner Peerman

An amendment was made by Mayor Ruzzano, seconded by Commissioner Caggiano, to recommend that the Board of Adjustment meeting occurs before the Planning and Zoning Board meeting; to allow staff to work with the Board Chairs to figure it out and the meetings can start at 6:30pm, or an accommodating start time, if desired. The amendment carried by the following vote:

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

Absent: 1 - Commissioner Peerman

The original motion as amended carried by the following vote:

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

Absent: 1 - Commissioner Peerman

ADJOURNMENT

There being no further business, the meeting adjourned at 10:30pm.

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