



# City of Margate

5790 Margate Boulevard  
Margate, FL 33063  
954-972-6454  
www.margatefl.com

## 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 James A. Cherof*  
*City Clerk Joseph J. Kavanagh*

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Wednesday, November 15, 2017

7:00 PM

Commission Chambers

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### 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:

City Manager Samuel A. May  
Acting City Attorney Jacob G. Horowitz  
City Clerk Joseph J. Kavanagh

### PLEDGE OF ALLEGIANCE

[ID 2017-697](#) SOPHIA RUZZANO, 1ST GRADE, MARGATE ELEMENTARY

### 1) PRESENTATION(S)

A. [ID 2017-764](#) HOME OF THE MONTH - NOVEMBER 2017

### PRESENTATION(S) - Continued

### ATHLETES OF THE MONTH

This item was moved after Home of the Month.

A. [ID 2017-755](#) BASEBALL: FREDDY CINTRON  
(Margate Baseball and Softball, Mets)

SOCCER: JUSTIN GUTIERREZ  
(Margate United FC Travel)

CHEERLEADING: SOPHIA RUZZANO  
(Five Star Athletics)

### EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- B. [ID 2017-759](#) ASHLEY CLAIRE MCCARTHY, POLICE LIEUTENANT - POLICE DEPARTMENT - 15 YEARS

JOHN WILLIAM HARRISON, POLICE OFFICER - POLICE DEPARTMENT - 10 YEARS

- B. [ID 2017-754](#) PRESENTATION TO OUTGOING MAYOR TOMMY RUZZANO AND OUTGOING VICE MAYOR ARLENE R. SCHWARTZ.

This item was moved to the end of Presentations.

VICE MAYOR ARLENE R. SCHWARTZ read a statement.

**RECESS - CAKE AND REFRESHMENTS WILL BE SERVED IN THE CITY HALL LOBBY**

**RESOLUTION(S)**

- A. [ID 2017-654](#) RESOLUTION - ELECTION OF VICE-MAYOR  
RESOLUTION 17-141

This item was heard after the recess.

**A motion was made by Commissioner Peerman, seconded by Commissioner Simone, to insert the name Joanne Simone.**

**An amendment was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, to insert the name Anthony N. Caggiano.**

**The amendment made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, carried by the following vote:**

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

**No:** 2 - Commissioner Simone and Commissioner Peerman

**The item as amended carried by the following vote:**

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

**No:** 2 - Commissioner Simone and Commissioner Peerman

**A motion was made by Vice Mayor Schwartz, seconded by Mayor Ruzzano, to adopt the Resolution as read. The motion carried by the following vote:**

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

**No:** 2 - Commissioner Simone and Commissioner Peerman

**B. [ID 2017-653](#) RESOLUTION - ELECTION OF MAYOR**

RESOLUTION 17-142

**A motion was made by Commissioner Caggiano, seconded by Mayor Ruzzano, to insert the name Arlene R. Schwartz.**

**The motion made by Commissioner Caggiano, seconded by Mayor Ruzzano, carried by the following vote:**

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

**No:** 2 - Commissioner Simone and Commissioner Peerman

## **2) COMMISSION COMMENTS**

COMMISSIONER ANTHONY N. CAGGIANO thanked everyone and mentioned that Margate is a great City.

COMMISSIONER JOANNE SIMONE congratulated the ALS team on winning the Florida Cup. She said that it was another phenomenal Veterans Day Ceremony and that the Parks and Recreation Department did a good job of putting it together. She thanked MICAH and Joyce Bryan for making the bags for the veterans. She said she attended the second Neighbors Meeting Neighbors on how to plan a butterfly garden which she said was wonderful and thanked Frank, Gabriel and Caleb from the Parks and Recreation Department for helping with the project. She asked the City Manager to install electronic or corrugated signs on the major highways with warnings about the use of illegal fireworks.

COMMISSIONER LESA PEERMAN asked for consensus on initiating an investigation into the allegations towards Vice Mayor Schwartz at the 2017 Fall Festival event.

MAYOR TOMMY RUZZANO asked whether anyone had made a case to act on it.

VICE MAYOR SCHWARTZ said that she would not make a comment like that.

MAYOR RUZZANO said that he did not see any need for it.

COMMISSIONER CAGGIANO said absolutely not.

COMMISSIONER SIMONE said that she agreed to an investigation.

COMMISSIONER PEERMAN said that on record, there was no consensus for an investigation.

MAYOR RUZZANO said that the Veterans Day was awesome and thanked the veterans.

He asked the City Manager whether they were going to have the Christmas lights on in Southgate, Margate Boulevard and Royal Palm. He introduced Acting Attorney Jacob Horowitz.

CITY MANAGER SAMUEL A. MAY confirmed that there would be Christmas lights.

VICE MAYOR SCHWARTZ invited non-members to attend the Winterfest and Paintscape Presentation on December 15th.

MAYOR RUZZANO said that the Firemen were having their Santa delivering on December 8th at his house.

ACTING ATTORNEY JACOB HOROWITZ said that he appreciated the courtesy and the opportunity to be at the meeting.

CITY CLERK JOSEPH J. KAVANAGH congratulated the newly elected officials.

### 3) PUBLIC DISCUSSION

RICHARD WAITKUS, 6680 BURNING WOOD DRIVE, BOCA RATON said that he was not satisfied with what was going on at Firefighter's Park. He said that he wanted to be a volunteer and coach for baseball but was not allowed. He said that he was disrespected as a former employee and volunteer.

MAYOR RUZZANO asked for the City Manager to look into it.

CITY MANAGER MAY said that he would get with Mike Jones and asked Mr. Waitkus to leave his contact details with the City Clerk.

DAVID BERNHARDT, 205 CAPITAL CIRCLE, TALLAHASSEE said that he was a Florida state Vice President representing over 25,000 officers, a retired law enforcement officer with over 30 years experience and was currently, a Chief of Staff for an elected constitutional officer in South Florida. He said that he was asked to speak about an incident which occurred on October 29 involving a Margate elected official and several Margate officers. He said that they should have an open dialogue with George Woolley to resolve the issue.

MAYOR RUZZANO said that he was sure that the Vice Mayor would have loved to have talked to Mr. Woolley.

VICE MAYOR SCHWARTZ said that she had asked for a discussion. She said that Margate's Police Department had always been the best.

RICH POPOVIC, 6066 WINFIELD BOULEVARD said that the Vice Mayor was kicked out of office and criticized the rest of the Commission. He said that Commissioner Peerman had a conversation with Developers during a meeting. He said that Commissioner Peerman should vote with the consensus and that she should resign.

JULIE JONES, 7871 NW 1ST STREET said that she telephoned Mike Jones to commend him and his team for an awesome job on the Veterans Ceremony. She said that she liked the bags that Joyce Bryan made up and asked if she could order the identical pens that represented the Margate Police Department.

POLICE CHIEF DANA WATSON said that she would have to seek permission from the Commission if she wanted to use Margate's logo.

CITY MANAGER MAY said that it would be easier to donate the pens.

MS. JONES said that she went to a very poorly attended "Meet A Marine" and asked where it was advertised.

MAYOR SCHWARTZ said she saw it at the Catherine Young Library and said that the Library should inform the City Manager's office of any forthcoming events. She said that they should consider advertising through Margatenews.net.

MANNY LUGO, 1129 E. RIVER DRIVE said that the Public had a right to know who authored items that come on the Agenda, in particular, July 19 when the MCRA Board had an Agenda item saying that the Board should look at the Developers starting phase II and said that it felt like a big disconnect.

COMMISSIONER PEERMAN advised that the Commissioners always had the ability to have items put on the Agenda but they have to be approved by the Mayor.

COMMISSIONER SIMONE said that she would never vote against her conscience and that she did not believe that an elected official should ever do that. She said that she did not care about titles.

#### 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 2017-741](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES.

**APPROVED.**

- B. [ID 2017-651](#) RESOLUTION - AUTHORIZING PARTICIPATION AS THE SPONSOR OF THE 2017-18 RELAY FOR LIFE OF COCONUT CREEK/MARGATE TO BE HELD IN THE CITY OF COCONUT CREEK; PROVIDING FOR FUNDING OF MATERIALS AND SUPPLIES.

RESOLUTION 17-143

**APPROVED.**

- C. [ID 2017-726](#) RESOLUTION - APPROVING THE CURRENT TERMS OF THE BOARD OF ADJUSTMENT AND PLANNING AND ZONING BOARD AS MARCH 19, 2017 - MARCH 21, 2019.

RESOLUTION 17-144

**APPROVED.**

- D. [ID 2017-740](#) RESOLUTION - ADOPTING THE BROWARD COUNTY LOCAL HAZARD MITIGATION PLAN A.K.A. ENHANCED LOCAL MITIGATION STRATEGY.

RESOLUTION 17-145

**APPROVED.**

- E. [ID 2017-753](#) RESOLUTION - APPROVING THE MULTIPLE AWARD OF BID NO. 2018-001, AGGREGATES, TOP SOILS AND SAND; CITY OF MARGATE LEAD AGENCY FOR THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP.

RESOLUTION 17-146

**APPROVED.**

## Approval of the Consent Agenda

**A motion was made by Commissioner Caggiano, seconded by Commissioner Peerman, 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

## PUBLIC DISCUSSION CONTINUED

MARY MILLER FRANK, 6984 WEST ATLANTIC BOULEVARD said that the County put an apron in front of her driveway. She said that she has a sinkhole in her house which was caused from the apron being removed and that she did not have house insurance.

CITY MANAGER MAY asked if she had a building permit to remove the apron.

MRS. FRANK confirmed that she had permits and that she pulled out the apron. She said that the contractors did not put the apron in properly.

CITY MANAGER MAY said that he would meet with an engineer and that they would go and have a look at her property and report back to the Commission. He also confirmed that the County did re-do that sidewalk.

## 5) CITY MANAGER'S REPORT

CITY MANAGER MAY advised the following:

- November 30th - new website launch
- November 18th – “Sing” at Movies in the Park
- December 2nd - “Storks” at Movies in the Park
- December 15th - Winter Festival
- Applications were available on the website until December 14th for the Margate Holiday

CITY MANAGER MAY asked for consensus on utilizing Electronic Street Signs and Corrugated Signs on City streets and intersections to inform the residents of the dangers of illegal fireworks.

Discussion ensued and consensus was reached on utilizing existing signs to advise residents of the dangers of drunk driving and the use of illegal fireworks for New Years.

MISS BERGER, 6331 SW 4TH STREET asked if they could have PSA done and said that they should ask the teachers in schools to talk to the kids.

CITY MANAGER MAY thanked Margate ALS Team that won the Florida Cup and said that they were the best team in Florida and congratulated the Chief.

## 6) RESOLUTION(S)

- A. [ID 2017-728](#) APPROVING ACQUISITION OF TWO UNMARKED VEHICLES (FULLY EQUIPPED) UTILIZING AN EXISTING FLORIDA SHERIFF'S ASSOCIATION BID AWARD, AND APPROVING WAIVING OF BIDDING FOR ANCILLARY EQUIPMENT TO MAINTAIN STANDARIZATION WITH PRIOR ACQUISITIONS, WITH THE ACQUISITION BEING FUNDED FROM THE LAW ENFORCEMENT TRUST FUND AT A COST NOT TO EXCEED \$51,200.00.

RESOLUTION 17-147

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

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

- B. [ID 2017-732](#) APPROVING A DONATION OF \$4,000.00 TO "CRIME STOPPERS OF BROWARD COUNTY", PROVIDING FOR FUNDING FROM THE LAW ENFORCEMENT TRUST FUND.

RESOLUTION 17-148

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

The meeting reconvened after a short recess.

- A. [ID 2017-734](#) APPROVING A SPECIAL EXCEPTION USE FOR SITE MODIFICATIONS AT JM LEXUS LOCATED AT 5350 WEST SAMPLE ROAD.

RESOLUTION 17-149

DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING (DEES) DIRECTOR REDDY CHITEPU gave a PowerPoint presentation and explained that JM Lexus' application was for a Special Exception B-2A Business District use. He said that the timeline for the project started in July when they first submitted their application and prior to attending the Development Review Committee (DRC) in August, they met with the Fiesta Homeowners Association (HoA) to get consensus and approval. He said that as part of the DRC approval, the staff put in conditions which were outlined in Section 3 of the Ordinance. He said that in September, the applicant provided staff with the HoA approved Affidavit and that the HoA also suggested that some improvements had to be done and the applicant agreed to this. He indicated that the application was reviewed at the Board of Adjustment (BoA) in October which was for the height variance which was agreed to 80 plus feet. He said that in the B-2A district, the maximum height allowed was 25 feet but was previously approved to 68 feet which was in line with other facilities on that subject property. He said that the proposed changes included a southern lower parking garage, a

new car wash facility and making parking lot improvements. Mr. Chitepu continued to go through his PowerPoint presentation and highlighted specific map areas of where changes had to be implemented. He explained that the application came in before they adopted the new special exception criteria which was consistent with the criteria established under Section 22.10.

VICE MAYOR SCHWARTZ asked whether it was only the BoA who met with the Fiesta HoA. She said that the 374 homeowners had no clue about the project.

MATT E. MORRALL, 2850 N ANDREWS AVE, FT. LAUDERDALE said that they met with the Fiesta HoA's Manager and President. He advised that according to the new application process and guidelines, they provided notice over and above what they were required to do. He said that they had mailed out notices to 1,200 neighbors in the area and posted notices around the property.

VICE MAYOR SCHWARTZ said that as it was permitted for 68 feet and they asked for 80 feet and questioned whether it was an additional story of height to the building.

MR. MORRALL said that it was for different use and piece of the property. He said that in order to maintain their position as one of the premier Lexus dealerships in the country, their goal was to consolidate on the property and have bigger inventory able to provide services to customers in Broward County. He said that the parapet wall was 74 feet and that there was one elevator shaft which was 85 feet, 6 inches, due to the fact that the elevator had to go up above ground level. He said that it was also to provide additional car storage on site and also moving the bodyshop to minimize the noise. He said that they were enclosing the car wash by putting up a wall.

VICE MAYOR SCHWARTZ asked how much they would lose if they took it down by one story.

MR. MORRALL said that they had to comply with Lexus' new guidelines and he would be concerned about limiting the height which would include the number of cars they should have on site and how the structure should look.

VICE MAYOR SCHWARTZ asked if JM Lexus would reintroduce Margate in its title, "JM Lexus of Margate." She said that she would also like to see the building lowered.

MR. MORRALL explained that they would not be able to meet the service water management if they comply with the existing requirement concerning the height.

COMMISSIONER CAGGIANO repeated what Vice Mayor Schwartz said about reintroducing the word Margate and said that they would be proud to have the premier Lexus dealership in the country in Margate.

COMMISSIONER PEERMAN asked about the effect on the preserve area. She also asked if the carwash was for the business or for the public.

MR. MORRALL said that there were none. He confirmed that the carwash was for the business and Lexus' customers.

MAYOR RUZZANO asked if the new Ordinance was used when they sent out the flyers.

DEES DIRECTOR CHITEPU said yes. He said that in the previous Ordinance, only signage was stipulated but the newer Ordinance clarified the height.



C. J. WREN, 749 BANKS ROAD #109, referred to the illustration and said that seven stories was too high. He said that the notice was vague. He said that they did not need a bigger inventory and that they needed to respect the residents. He said that there was no issue with noise but the concern was over the size of the building.

ISABELLA M. CALDERON, 3361 CELEBRATION LANE 14 said that there was no due diligence in informing the residents of Fiesta about the construction. She said that she would contact her HoA. She said that the billboards were vague. She asked how long the construction was for. She said asked the Commission not to approve the 80 feet building.

MR. MORRALL said that the construction time was anticipated at 12 months.

MAYOR RUZZANO asked the residents whether the additional 12 feet would affect them. He said that he wanted the City to maintain its reputation with one the world's largest Lexus dealerships.

MR. WREN said that Lexus no longer mentioned Margate and as a resident, they bought property in Margate for a reason.

MR. MORRALL said that there were 144 cars per level which would equate to approximately 1,000 cars. He said that they also stored cars at their property in Coconut Creek.

VICE MAYOR SCHWARTZ said that she was trying to negotiate for the top level to go to accommodate the residents.

COMMISSIONER SIMONE asked if it was too late to redesign the building so that it was not so much concrete.

MR. MORRALL said that there were living walls and certain guidelines that required a lot concrete.

CITY ATTORNEY JACOB G. HOROWITZ read and advised on the Quasi rules.

**A motion was made by Commissioner Caggiano, seconded by Commissioner Peerman, that this Resolution, be approved.**

VICE MAYOR SCHWARTZ said that it would be asking for a variance for something that they could already do at a certain height.

CITY ATTORNEY HOROWITZ advised that the Commission could vote as it so chooses but it had to be based on competent and substantial evidence.

MR. WREN said that Vice Mayor Schwartz made a good point and asked why they needed an addition. He said that they should leave it at 68 feet and that they should think of the residents and not dollar signs.

MR. MORRALL said that that they had been a good corporate citizen for a long time and

repeated that they went over and above the notice and signage requirements as they wanted to be a good neighbor.

MS. CALDERON said that as a resident, she did not feel that they were properly informed. She said that she would like the Commission to postpone their decision until they could provide them with a proper letter together with pictures and mapping of exactly what they intend to put there.

VICE MAYOR SCHWARTZ asked if they would entertain the idea of having a public meeting to get input from those people who were impacted and put it on hold until the first meeting in December.

MR. MORRALL said no as he followed the guidelines from the City and requested direction from the City Commission to have an opportunity to pursue it at the meeting.

VICE MAYOR SCHWARTZ asked the City Attorney if she could make an amendment to table the discussion to a certain date.

CITY ATTORNEY HOROWITZ advised that she could make a motion to defer to a certain date.

MAYOR RUZZANO said that JM Lexus did their due diligence and they cannot be held at fault.

VICE MAYOR SCHWARTZ said that the residents would have to hold their HoA and Property Managers accountable.

COMMISSIONER PEERMAN said that she agreed with the Mayor and that they went to the Board of Adjustment and that notices would have been provided in this respect.

MR. MORRALL confirmed that they sent notices for the BoA.

COMMISSIONER PEERMAN asked at what point did a property owner get to do what they wanted on their own property and said that she was in favor of businesses and residents doing that. She said that JM Lexus had already gone through the process twice for approval.

COMMISSIONER SIMONE said that it was a Special Exception as they wanted to increase the height. She said that she did not have a problem with allowing them to do the 68 feet but had a problem with the additional height.

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

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

**No:** 2 - Commissioner Simone and Vice Mayor Schwartz

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

- A.** [ID 2017-716](#) AN ORDINANCE TO PROVIDE A 4-MONTH EXTENSION FOR MORATORIUM FOR MEDICAL MARIJUANA DISPENSARIES.

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, that this Ordinance - First Reading, be discussed.**

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

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

**No:** 1 - Commissioner Caggiano

Discussion ensued and consensus was reached on having a future City Commission Workshop on Medical Marijuana Dispensaries.

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

- A.** [ID 2017-707](#) AN ORDINANCE AMENDING FISCAL YEAR 2017 BUDGET (ORDINANCE NUMBERS 2016-6 AND 2016-13) AND FISCAL YEAR 2018 BUDGET (ORDINANCE NUMBER 2017-16); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-22

**A motion was made by Commissioner Caggiano, seconded by Mayor Ruzzano, that this Ordinance - Second Reading, be discussed.**

**A motion was made to table by Commissioner Peerman and seconded by Commissioner Caggiano.**

**Commissioner Peerman removed her motion to table.**

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

**Yes:** 3 - Commissioner Caggiano, Commissioner Simone and Mayor Ruzzano

**No:** 2 - Commissioner Peerman and Vice Mayor Schwartz

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 11:39pm.

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