



City Commission
Mayor Arlene R. Schwartz
Vice Mayor Anthony N. Caggiano

Lesa Peerman
Tommy Ruzzano
Joanne Simone

City Manager
Samuel A. May

Interim City Attorney
Goren, Cherof,
Doody & Ezrol, P.A.

City Clerk
Joseph J. Kavanagh

**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
MINUTES**

**Tuesday, February 6, 2018
7:00 PM**

City of Margate
Municipal Building

PRESENT:

Todd E. Angier, Chair
Richard Zucchini
August Mangeney
Antonio Arserio
James O'Neill

ALSO PRESENT:

Julie F. Klahr, Interim City Attorney, Goren, Cherof, Doody & Erzol, P.A.
Reddy Chitepu, Acting Director of Economic Development and Director of D.E.E.S
Andrew Pinney, Senior Planner

The regular meeting of the Planning and Zoning Board of the City of Margate, having been properly noticed, was called to order by Chair Todd Angier at 7:00 p.m. on Tuesday, February 6, 2018. A roll call of the Board members was done followed by the Pledge of Allegiance.

- 1A) **APPROVAL OF THE MINUTES FROM THE PLANNING AND ZONING BOARD MEETING ON DECEMBER 5, 2017.**

Mr. Arserio made the following motion, seconded by Mr. Mangeney:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. O'Neill, Yes; Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes; Mr. Angier, Yes. The motion passed with a 5-0 vote.

- 2) **NEW BUSINESS**

ID 2018-019

- 2A) **PZ-01-18** CONSIDERATION OF AN ORDINANCE TO BAN MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSARIES
PETITIONER: CITY OF MARGATE

Economic Development Department

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Mr. Angier deferred to City Attorney Julie Klahr as to how to approach this item. Attorney Klahr stated that this matter was considered by the City Commission, in which they adopted a resolution back in December directing staff to draft an ordinance to ban any medical marijuana dispensaries in the City. She then said that this issue has already been addressed by the City Commission and a decision has been made. Therefore, there is no reason for this board to consider this item.

Mr. Zucchini asked if this decision was a permanent ban or if it was a temporary ban. Attorney Klahr responded that the decision was to ban, and if the Commission chooses to take future action, they can make that decision later.

Discussion ensued as to what the Planning and Zoning Board's authority encompasses under the code. Attorney Klahr then determined that this board's recommendation is not needed on this item. Chair Angier agreed that this board does not have any reason for input on this item and recommends that this item be stricken from the agenda. Mr. Mangeney suggested the board open the floor to the public to speak on this matter. Mr. Angier stated that since the Commission already voted on this and it has now been determined that this is a non-issue with this board, the public should be discussing this item with the City Commission.

Mr. Arserio made the following motion, seconded by Mr. Mangeney:

MOTION: to strike item 2A - Consideration of an Ordinance to Ban Medical Marijuana Treatment Centers and Dispensaries from the agenda.

ROLL CALL: Mr. O'Neill, Yes; Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, No; Mr. Angier, Yes. The motion passed with 4-1 vote.

Mr. Arserio made the following motion, seconded by Mr. Zucchini:

MOTION: to add open forum to the agenda so that the public may speak.

ROLL CALL: Mr. O'Neill, Yes; Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes; Mr. Angier, Yes. The motion passed with 5-0 vote.

Public Comment

Michael Sirjue, 6811 N.W. 4th Street, shared his support for marijuana dispensaries in shopping centers.

Attorney Klahr advised the member of the public that this issue will be coming in front of the City Commission as an ordinance for adoption. Mr. Pinney stated that the ordinance will be in front of the City Commission for first reading on March 7th and on March 21st, 2018 for second reading.

2B) ELECTION OF VICE-CHAIRPERSON OF THE PLANNING AND ZONING BOARD

Mr. Zucchini made the following motion, seconded by Mr. Arserio:

MOTION: TO APPOINT MR. ARSERIO AS CHAIR, MR. O'NEILL AS VICE-CHAIR, AND MR. ZUCCHINI AS SECREARTY TO THE BOARD

This motion was withdrawn

Mr. Angier, explained that the chair's job is to keep the board focused on what is on the agenda, stating that at this time the item on the agenda is to elect a Vice-Chairperson to the Planning and Zoning Board. Attorney Klahr stated that pursuant to the code this is not a rule of procedure of this board made by this board. She explained that under the code there is a term of office and that term of office is for one-year and that term is provided for by the Commission. Attorney Klahr clarified that there is a difference of putting a person in position for term and who amongst the members of the board are available to be elected into those positions. Discussion ensued in regards to clarification of board rules for this motion and bylaws for this board.

Mr. Zucchini made the following motion, seconded by Mr. Arserio:

MOTION: TO AMEND THE AGENDA ITEM TO VOTE FOR A NEW CHAIR, VICE-CHAIR, AND SECRETARY.

Public Comment:

Le Peerman, 6921 NW 4th Place, stated that the vote that is about to happen has not been noticed and public has not been duly told in regards to a vote. She then asked the opinion of the City Attorney on this matter of noticing the public.

Attorney Klahr, stated that the Board does have the ability to amend the agenda.

Ms. Peerman, stated that as a member of the public she requests that this vote take place when the public is notified.

Mr. Angier, suggested that tonight the board address the election of Vice-Chair; and at the next scheduled meeting in April they address the election for Chair, Vice-Chair, and Secretary.

Mr. Arserio, disagreed and would like to hold the vote on the motion that has been made this evening.

ROLL CALL: Mr. O'Neill, No; Mr. Arserio, Yes; Mr. Mangeney, No; Mr. Zucchini, Yes; Mr. Angier, No. The motion failed with a 3-2 vote.

Mr. Arserio made the following motion, seconded by Mr. ZUCCHINI:

MOTION: TO APPOINT MR. ARSERIO AS VICE-CHAIRPERSON OF THE PLANNING AND ZONING BOARD.

ROLL CALL: Mr. O' Neill, Yes; Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes; Mr. Angier, No. The motion passed with a 4-1 vote.

3) **GENERAL DISCUSSION**

Mr. Arserio expressed his disappointment in the board, and stated that he would like this board to be more proactive with city issues.

Mr. Mangeney welcomed Mr. O'Neill to the Board of Adjustment.

Mr. Zucchini stated that he was disappointed in the Board Chair and his lack of leadership.

Chair Angier welcomed Mr. O'Neill to the Board.

There being no further business, the meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Prepared by Melissa M. Miller

Todd E. Angier, Chair