



City of Margate

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

Meeting Minutes Regular City Commission Meeting

Mayor Anthony N. Caggiano

Vice Mayor Tommy Ruzzano

Commissioners:

Antonio V. Arserio, Arlene R. Schwartz, Joanne Simone

City Manager Cale Curtis

City Attorney Janette M. Smith

City Clerk Joseph J. Kavanagh

Wednesday, July 3, 2019

6:30 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Joanne Simone, Commissioner Antonio V. Arserio, Commissioner Arlene R. Schwartz, Vice Mayor Tommy Ruzzano and Mayor Anthony N. Caggiano

In Attendance:

City Manager Cale Curtis

City Attorney Janette M. Smith

City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 2019-340](#) LUCAS SARA VIA, MARGATE RESIDENT

1) PRESENTATION(S)

A. [ID 2019-339](#) HOME OF THE MONTH - JUNE 2019
(Alma and Bob Lippek, 6984 N.W. 19th Court)

B. [ID 2019-346](#) RECOGNITION OF SUPPORT - MARJORY STONEMAN DOUGLAS
TRAGEDY (Presented by the Parkland City Commission)

2) PUBLIC DISCUSSION

DANIEL W. BOOKER, 1617 EAST RIVER DRIVE discussed the Marjory Stoneman Douglas (MSD) incident during his time as a Fire Chief.

ELSA J. SANCHEZ, 6930 NW 15TH STREET welcomed City Attorney Smith. She discussed her email which she sent to the Commission. She discussed the plans for a new fire station and addressed comments made by the City Commission at the last meeting pertaining to mold and lights at the current Fire Station.

VICE MAYOR TOMMY RUZZANO replied to Ms. Sanchez pertaining to a new Fire Station.

Discussion ensued on a new Fire Station.

ARTHUR J. KRELL, 6117 EDWARDS ROAD discussed his abated property.

MARILYN A. KNEELAND, ORIOLE GARDENS PHASE II referenced a June 11th meeting pertaining to the Golf Course and suggested that the City should have a link on their website to view pending applications or projects under consideration. She also discussed a problem with the burrowing owls.

COMMISSIONER ANTONIO V. ARSERIO discussed the documents submitted by Lennar & 13th Floor Homes. He said that he was bringing the City up to speed with online presence and being able to see capital improvement projects.

Discussion ensued.

6) PUBLIC HEARING(S)

A. [ID 2019-344](#) PUBLIC HEARING TIME OF 7:00 P.M.

RESOLUTION - RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MARGATE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF MARGATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Schwartz, that this Public Hearing, should be opened.

RESOLUTION 19-079

VICE MAYOR RUZZANO advised that the Fire Assessment fee did not go up.

Discussion ensued on the Fire Assessment fee.

DARA KUSTLER, ORIOLE GARDENS II addressed Commissioner Schwartz's comments pertaining to the Fire Assessment fee. She also spoke about a new Fire Station.

Discussion ensued on the Fire Assessment fee.

VALERIE PERRY, 6812 DOGWOOD LANE said that she had no objection to the \$300 Fire Assessment fee but she did not want to see an increase. She also spoke about a new Fire Station.

The motion carried as follows:

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

2) PUBLIC DISCUSSION CONTINUED

RICHARD BROWN, 6695 SW 6TH STREET discussed Code Enforcement issues and had concerns about his neighborhood. He also highlighted the failure to implement two stop signs at 7th Street and spoke about the plans for the new Fire Station and referenced Light House Point and Coral Springs. He also spoke about the Dog Park.

VICE MAYOR RUZZANO provided an update from Broward County pertaining to the stop sign on 7th Street, a median and landscaping at Atlantic Boulevard and a restroom at Veterans Park.

Discussion ensued pertaining to stop signs at 7th Street.

RICH ALIANIELLO said that Code Enforcement did a good job in his neighborhood. He wished the City Attorney Smith and City Manager Curtis good luck in their respective new positions. He praised Commissioner Arserio pertaining to a discussion on Margate's salaries at the last City Commission meeting. He spoke about the danger of fireworks during the 4th of July.

EDWARD A. DECRISTOFARO, 6600 BRANDYWINE DRIVE welcomed the new City Attorney. He spoke about issues on social media and read a statement pertaining to a meeting he had with other residents to make Margate better.

VICE MAYOR RUZZANO said that he just emailed someone about implementing a 7th Street stop sign and confirmed that it would be taken care of.

Discussion ensued on social media comments.

CHARLIE ARTNER, 6631 NW 22ND COURT welcomed City Attorney Smith. He thanked Mr. DeCristofaro and Mr. Zucchini pertaining to the social media meeting. He said that he sent an email several months ago pertaining to an issue with a white box with a cross on Royal Palm and 66th Avenue, eastbound and westbound lanes and requested an update. He spoke about a records request submitted on June 27th and asked if he was going to receive a response from the City Attorney.

MAYOR ANTHONY N. CAGGIANO said that he would be able to provide a better answer to Mr. Artner after the meeting.

WILLIAM PEREIRA, 5560 SW 7 ST said that he had been a resident for over 40 years and complained about speeding in his neighborhood. He suggested if they could implement speed bumps.

CITY MANAGER CALE CURTIS requested that he should give the location of that area to Police Chief Shaw.

JULIE JONES, 7871 NW 1ST STREET welcomed City Attorney Smith. She discussed Lawrence Vignola and praised City Manager Curtis. She spoke about the changes to the rules during the City Commission meeting.

CITY MANAGER CURTIS confirmed that they did an extensive background check which Mr. Vignola passed satisfactorily.

DARA KUSTLER, ORIOLE GARDENS II, ATLANTIC BOULEVARD welcomed City Attorney Smith. She asked them to look into the 35 mph speed limit between Rock Island Road and Riverside up to 80th Terrace which was not being adhered to. She also spoke about a blind corner on 76th that turned onto Atlantic Boulevard.

Discussion ensued.

3) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE thanked the Police and Fire Departments for their ongoing Community Outreach Programs. She also advised that the Police Department was launching an Autistic Outreach Program on July 23rd and that they would also be hosting Touch-A-Truck. She wished the public a happy and safe July 4th and said that she wanted to see everyone attend Margate's event. She also spoke about illegal fireworks and read a recent article from Sun-Sentinel pertaining to firework safety.

COMMISSIONER ARSERIO concurred with Commissioner Simone's comments pertaining to the Community Outreach Programs in respect of the Police and Fire Departments. He responded to a Public Discussion speaker concerning health and safety of firefighters. He said that he wanted licenses issued to homeowners who rent properties and referenced water bills staying in the owner's name which did not transfer to the tenant. He wished everyone to be safe over July 4th.

COMMISSIONER ARLENE R. SCHWARTZ welcomed new City Attorney Smith. She also recognized new Fire Chief Roberto Lorenzo. She invited people to attend the 4th of July parade. She commented on postings on Facebook. She said that school was out and that vehicle owners should not park over the City apron of the driveway. She asked if they could consider moving up Item 8.

COMMISSIONER ARSERIO asked for Item 10 to be moved up.

CONSENSUS was given by the City Commission to move Items 8 and 10 immediately after Commission Comments.

COMMISSIONER SCHWARTZ suggested that for Item 8, they should elect a number of spokespersons to discuss that Item and that the Mayor could consider giving them additional time to speak for a group of people.

Discussion ensued on Item 8.

VICE MAYOR RUZZANO said that he had no problem listening to all the public's viewpoint on Item 8. He said that he used Facebook as a tool for the City. He highlighted the 4th of July Parade and the activities that followed thereafter. He thanked Dandee Donuts for contributing to the event. He welcomed the new City Attorney. He referenced a letter received from Broward County about points he had made pertaining to Margate and advised that they allowed the City to have flexibility on landscaping projects for beautifying their medians. He said that Broward County also permitted Margate to have entryway signs. He discussed a Special Planning and Zoning (P&Z) meeting which included representatives from all different departments from the State and County. He said it was a good meeting and highlighted another special meeting on July 30th which he advised residents to attend. He said that they would be discussing bringing in more revenue into the City and that the only way to avoid raising taxes to their home properties which would be addressed in changing the Code.

MAYOR ANTHONY N. CAGGIANO thanked the residents for attending the meeting. He requested that they should also attend the 4th of July event.

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.

NO ITEMS ON CONSENT AGENDA.

10) DISCUSSION AND POSSIBLE ACTION

10A was immediately heard after Commission Comments.

- A. [ID 2018-416](#) SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM - TUFF START, INC.

A motion was made by Commissioner Arserio, seconded by Commissioner Schwartz, to approve for a \$1,000 contribution. This motion carried as follows:

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

No: 1 - Commissioner Simone

Meeting went into Recess.

The meeting Reconvened.

8) RESOLUTION(S) - QUASI-JUDICIAL HEARING

This item was heard immediately after item 10A.

- A. [ID 2019-309](#) CONSIDERATION OF A SPECIAL EXCEPTION USE TO PERMIT A NEW POPEYES LOUISIANA KITCHEN RESTAURANT WITH DOUBLE DRIVE THROUGH.

RESOLUTION 19-082

COMMISSIONER SIMONE said that during the Agenda review, she spoke with Development Services Director Massarelli and City Manager Curtis.

COMMISSIONER ARSERIO said that he did not meet with the lobbyist for the petitioner but he briefly met with staff during Agenda review.

COMMISSIONER SCHWARTZ said that she met with the lobbyist, drove past the site and spoke to City staff.

VICE MAYOR RUZZANO confirmed that he did not speak to a lobbyist and only spoke with staff.

MAYOR CAGGIANO said that he spoke with the lobbyist, with staff and he looked at the property from Google maps. He requested that all persons who would be witnesses in

this matter as either City staff, the applicant or an affected party, should stand to be sworn in.

CITY CLERK JOSEPH J. KAVANAGH swore in the witnesses.

DEVELOPMENT SERVICES DIRECTOR, ROBERT J. MASSARELLI provided a PowerPoint presentation on this Item which included addressing the Special Exception, the application, the review criteria and recommendation. He advised that the P&Z Board at their June 3, 2019 meeting did recommend denial of the application but the staff's recommendation was that the project satisfy the remaining Development Review Committee (DRC) comments. He advised that these included some re-calculations of drainage on the property, the dumpster facility needed to be re-designed as it was not designed for a restaurant, the changes for the architectural that the red trim on the building be turned into white which would be consistent with Self Storage, that the awnings be changed to black for consistency, adding the additional window and balcony and to increase planting around the drive-thru. He said that the major concerns were to minimize the visibility of the drive-thru from the street. He also said that they did not want head lights at night turning out onto State Road 7 which was a northbound lane. He said that the staff's recommendation was to limit the hours of operation to 10:00pm.

Discussion ensued which included Transit Oriented Corridor (TOC), the alleyway, the Comprehensive Plan, City Code and safety.

ATTORNEY AND COUNSEL TO THE PETITIONER, LES H. STEVENS, P.A., 5301 N. FEDERAL HIGHWAY, BOCA RATON said that as part of his presentation, he wanted to ask questions of staff. He also addressed the recommendations as outlined by the Development Services Director and said that with regard to the operational hours, that was the only Item that they could not agree with immediately and wanted to present an alternative to the Commission for consideration. He requested that the dining room be opened Sunday – Thursday until 11:00pm and on Friday and Saturday, midnight subject to a six-month review. He requested that after the City Commission allow him to return after the public had made their statements to rebut or address any of the issues that were raised and request that members of the public state their name and address clearly for the Court reporter.

Discussion ensued including parking and timeline of implementation for the widening of sidewalks, the TOC and compatibility with the surrounding areas, stacking and safety.

DARREN VEGA, PETITIONER 2515 N. INDIAN RIVER DRIVE, FORT PIERCE discussed this Item and said that he had been a resident for 25 years in this area but moved to Fort Pierce last year. He advised that both his partners were South Florida residents, one of which had been a resident for over 40 years in the City of Margate.

ATTORNEY AND COUNSEL TO THE PETITIONER STEVENS repeated that for procedural standpoint, he would like the ability to come back to address anything that the public brought forward.

Discussion ensued including the seating capacity, peak hours of the restaurant, parking, Advance Life Support (ALS) and public safety.

CITY ATTORNEY JANETTE M. SMITH advised of the Quasi-Judicial procedure.

PLANNING & ZONING BOARD CHAIR ZUCCHINI explained that this Item came before the P&Z Board and they believed at that time, that this planned commercial development

had a self-imposed design flaw due to a safety issue with the entrance near a playground.

MICHAEL J. SMITH, 884 SW 4 55TH TERRACE read a statement on behalf of a neighbor detailing her opposition against this Item. He also provided his own views on this Item.

AUDREY A. BLACKMORE, 5540 SW 8TH STREET spoke in opposition of this Item.

MARIAN PHELPS, 5507 SW 8TH COURT spoke in opposition of this Item.

Discussion ensued

COMMISSIONER ARSERIO requested that it should be recorded that the petitioner was yelling back and forth with Ms. Phelps.

ALEXANDRA L. ADDESSO, 5551 SW 8TH COURT spoke in opposition of this Item.

GARY WIDMAN, 871 SW 56TH AVENUE spoke in opposition of this Item.

Discussion ensued.

JULIA TABIO-CUETO, 831 SW 56TH AVENUE spoke in opposition of this Item on behalf of her and her neighbor.

RICH ALIANIELLO, 7631 NW 23RD STREET spoke in opposition of this Item.

KIMBERLY K. ADKINS, 5560 SW 10TH STREET thanked the City for what they were doing for Margate and spoke in opposition of this Item.

TAMARA HAYNES-RAMPASARD, 5570 SW 10TH STREET spoke in opposition of this Item.

YESSANIA SPICER, 857 SW 55TH AVENUE discussed her concerns on this Item.

KENNETH H. SCHIMIDT, 5524 SW 9TH STREET discussed this Item.

GEORGE SALAMA, 5541 SW 8TH COURT spoke in opposition of this Item.

MICHAEL PIERCE 5505 SW 9TH STREET agreed with his neighbors.

JULIE JONES, 7871 NW 1ST STREET spoke in opposition of this Item.

DARA KUSTLER, 551 NW 76TH TERRACE spoke in opposition of this Item.

CRYSTAL WATTS, 5570 SW 8TH STREET spoke in opposition of this Item.

DARIA C. NORTON, 5590 SW 7TH PLACE spoke in opposition of this Item.

DAVID ROUTENBERG, 781 SW 56TH AVENUE spoke in opposition of this Item.

RAYMOND A. MISITI, 841 SW 55TH WAY spoke in opposition of this Item.

JOHN M. KOEHLER, 860 SW 55TH TERRACE spoke in opposition of this Item.

DEAN F. ADKINS, 5560 SW 10TH STREET questioned if the Code could be changed to

have a restriction on fast food in neighborhoods.

MAYOR CAGGIANO confirmed that testimony was closed by affected parties and asked if the staff had any further testimony at this time.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said that the sidewalk would have to be completed prior to the Certificate of Occupancy. He also said that the Self-Service Storage facility setting the standard was for the architectural style and color. He clarified the motion to recommend denial which was based on the public's objections. He also spoke about access points and landscaping.

Discussion ensued on the sidewalk.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI also said that the Self-Service Storage facility setting the standard was for the architectural style and color. He clarified that the motion to recommend denial which was based on the public's objections. He also spoke about access points and referenced a traffic count by engineers and discussed a barrier wall to block head lights.

ATTORNEY AND COUNSEL TO THE PETITIONER, STEVENS clarified that it was not the petitioner who yelled out but it was somebody who was sitting near to the petitioner. He also addressed the many concerns of the community which included the approximate number of trips in and out of the drive-thru, traffic study, crime statistics, stacking and property values and taxes, health and safety and stereotyping. He advised that the decision which the City Commission make should be based upon competent, substantive testimony. He said that they were withdrawing their request for extended hours and would accept 10:00pm, Monday – Sunday.

Discussion ensued including operational hours,

CITY ATTORNEY SMITH pulled up the Snyder case and read a verbatim pertaining to the burden of truth.

Discussion ensued including the burden of truth, property values, vehicle toxins, stacking, salaries, architectural standards, DRC, TOC, appealing a decision, dumpster location, pick up times, building a wall and entry and exit.

CITY ATTORNEY SMITH read a statement prior to voting.

A motion was made by Commissioner Arserio, seconded by Commissioner Schwartz, to deny this Item. This carried by the following vote:

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

No: 1 - Commissioner Simone

Meeting went into Recess.

Meeting Reconvened.

5) CITY MANAGER'S REPORT

7) RESOLUTION(S)

- B. [ID 2019-350](#) SUPPORTING THE PROPOSED BROWARD METROPOLITAN PLANNING ORGANIZATION (MPO) SOUTHGATE BOULEVARD PROJECT TO ENHANCE BICYCLE AND PEDESTRIAN CONNECTIVITY ALONG PUBLIC RIGHT-OF-WAY.

RESOLUTION 19-081

This item was heard immediately after item 8A.

METROPOLITAN PLANNING ORGANIZATION (MPO) LIVABILITY/MOBILITY PROGRAM MANAGER provided a presentation and discussed areas for improvements or quarters that needed to improve such as parks and schools. He also discussed connectivity and walking audits with 62 participants. We advised that he had already received a Resolution of support from the City of North Lauderdale and hoped that the City of Margate would reciprocate. He said that they were recommending a facility for bicycles that was completely separate from the road and also for a wider side walk. He said that their planning level estimate was approximately \$7,000,000.

Discussion ensued including grants, renderings, landscape and median upgrades, estimated costing and sidewalks.

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

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

- A. [ID 2019-348](#) FIRST AMENDMENT TO THE TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT WITH BROWARD COUNTY, THE METROPOLITAN PLANNING ORGANIZATION (MPO), AND PARTICIPATING MUNICIPALITIES; PROVIDING FOR SCOPE AND PRIORITIZATION OF MUNICIPAL PROJECTS.

RESOLUTION 19-080

This item was heard immediately after item 7B.

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Resolution be approved.

The motion carried as follows:

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

8) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- B.** [ID 2019-352](#) CONSIDERATION OF AN UNDERGROUND WIRING WAIVER FOR THE NEW POPEYES LOUISIANA KITCHEN RESTAURANT.

This item was not heard.

9) ORDINANCE(S) - FIRST READING

- A.** [ID 2019-343](#) AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER 9 - BUILDINGS, ARTICLE III.-FEES, SECTION 9-21. - SCHEDULE OF PERMIT FEES; PROVIDING FOR FEES FOR CITY FUNDED PROJECTS.

This item was heard immediately after item 7A.

A motion was made by Commissioner Simone, seconded by Vice Mayor Ruzzano, that this Ordinance, First Reading, be heard.

The motion carried as follows:

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

10) DISCUSSION AND POSSIBLE ACTION

- B.** [ID 2019-354](#) PROJECT REVIEW PROCESS.

VICE MAYOR RUZZANO repeated his request that projects should come before the City Commission before going to the Development Review Committee (DRC).

Discussion ensued.

Staff requested time to research the Code and come back with information at the second Regular City Commission meeting in August.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:51am.

Respectfully submitted,

Transcribed by Salene E. Edwards

Date: _____

Joseph J. Kavanagh, City Clerk

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.

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