



# 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 Douglas E. Smith**  
**City Attorney Douglas R. Gonzales**  
**City Clerk Joseph J. Kavanagh**

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**Wednesday, January 18, 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 Douglas E. Smith  
City Attorney Douglas R. Gonzales  
City Clerk Joseph J. Kavanagh

#### PLEDGE OF ALLEGIANCE

[ID 2017-004](#) CALEB SMITH, 1ST GRADE, ABUNDANT LIFE CHRISTIAN ACADEMY

#### 1) PRESENTATION(S)

##### STUDENTS AND TEACHERS OF THE MONTH

- A.** [ID 2016-805](#) ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, EVA SMITH;  
TEACHER, VICTOIRE BEGEANSMA  
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)
- ATLANTIC WEST ELEMENTARY: STUDENT, MORGAN  
D'AGUILAR-YOUNG; TEACHER, JEANNE MENKE  
(Ms. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)
- LIBERTY ELEMENTARY: STUDENT, JEREMIAH JOHNSON; TEACHER,  
CORINNE MILLER  
(Mr. David J. Levine, Principal and/or Donna Styles, Assistant Principal)
- MARGATE ELEMENTARY: STUDENT, MRIDULA RAM; TEACHER, TARA  
BAZINSKY  
(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: TEACHER, JADA HOLSEY  
(Mrs. Lezondra Harris, Assistant Principal)

MARGATE MIDDLE: STUDENT, LAHNA ROSE HERNANDEZ; TEACHER,  
LYNNE LITTLE  
(Mrs. Karen Murray, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT,  
KYLE DAVID BURNETT; TEACHER, RYAN ROGGE  
(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

*MAYOR RUZZANO read aloud a letter from former Mayor/Vice Mayor/Commissioner Joyce W. Bryan thanking the City, the Commission, the volunteers who participated, students, parents, families, Keynote Speaker Bobby Hunter, and Best Buy for supporting the second Dr. Martin Luther King Jr. Service Day Project. She also thanked Karin Diaz and the Senior Center Staff, Parks and Recreation Director Mike Jones and Staff, Adam Reichbach, Alison Saffold, and City Manager Douglas E. Smith, as well as City Clerk Joseph J. Kavanagh and Staff.*

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

## 2) COMMISSION COMMENTS

*COMMISSIONER CAGGIANO congratulated the Students and Teachers of the Month. He said that Rich Alianiello and his wife were in his prayers during this trying time. He wished everyone a safe and happy New Year. He thanked everyone and hoped everyone would tell somebody about attending and watching the meetings.*

*COMMISSIONER SIMONE congratulated Jennifer Johnson, Assistant City Clerk, for obtaining the Certified Municipal Clerk status with the International Institute of Municipal Clerks. She asked the City Manager whether information received could be disseminated in the next Margate Matters Newsletter and the website regarding the contacts on the website for the signal outages, graffiti, street lights and stop signs that were down.*

*CITY MANAGER DOUGLAS E. SMITH agreed and said that he would have Staff make contact with Broward County to make sure that the information was being received from them.*

*COMMISSIONER SIMONE noted that on Sunday, January 22nd, 2017, from 8:00 AM to 3:00 PM, Margate would have the Household Hazardous Waste Collection at Oriole Park. She added that shredding was also done at that time. She said that on January 28th, 2017, at 7:00 PM there would be Movies in the Park at the Sports Complex, which would show the movie The Secret Life of Pets. She stated that she would be resigning from being the City Commissioner representative to the Margate Chamber of Commerce Board of Directors effective immediately.*

*COMMISSIONER PEERMAN reminded everyone about the Sounds at Sundown on Saturday from 5:00 PM to 10:00 PM, which included the Foreigner and Journey tribute band. She commended everyone on the Fishing Clinic that took place over the weekend. She wished everyone a Happy New Year.*

*VICE MAYOR SCHWARTZ wished everyone a Happy New Year. She stated that Richard and Linda Alianiello were in her prayers.*

MAYOR RUZZANO wished everyone a Happy New Year. He explained that \$1 million dollars was received from the Resource Recovery Board (RRB) lawsuit, which was put into the General Fund account. He asked the Commission whether they would consider putting the money in a separate account for additional interest. He said that the money could be put together with the Resident Project Fund.

COMMISSIONER PEERMAN said that she had no problem doing that if it could be done legally.

COMMISSIONER CAGGIANO said that it made total sense to him and it should have been done previously.

MAYOR RUZZANO asked that the City Manager look into the matter.

CITY MANAGER SMITH said that he could look into it and that the resolution creating the Citizen's Project Initiatives separate funding would probably have to be amended.

MAYOR RUZZANO questioned whether it could be done through a Margate bank.

FINANCE DIRECTOR MARY BEAZLEY said that if the money was to be readily available, it could not be put into a Certificate of Deposit (CD), and that it would have to be put into a NOW account. She stated that she could check other banks in Margate. She noted that the Small Business Administration (SBA) was paying more than the local banks. She said that a local bank could be used as long as they were on the approved Public Depositor List.

CITY ATTORNEY DOUGLAS R. GONZALES said that there were certain banking regulations that applied to the use of government funding. He noted that Ms. Beazley was referring to the limitations those regulations had concerning the facilities the City could go to.

MAYOR RUZZANO asked whether the Commission could go in a bank to solicit it for rates if the bank was on the list.

CITY ATTORNEY GONZALES said that could be discussed. He reminded everyone that prior to the break he discussed and called an Executive Session on the David McLean case. He noted that at the time when he called the Executive Session, the City had not yet been served with the complaint. He stated that the City had now been served and he would be preparing an appropriate response shortly. He said that he would work with the City Clerk to determine a good time when everyone was available for an Executive Session to advise the Commission of the Executive Session rules, as well as the particular allegations.

MAYOR RUZZANO noted that he was present the day the papers were served, and he asked whether he was the only person the papers could have been served to.

CITY ATTORNEY GONZALES stated that the papers should always be served to the Mayor.

VICE MAYOR SCHWARTZ asked whether there was a time clock for this issue.

CITY ATTORNEY GONZALES replied that he had a 20 day response period, which would not be an issue as his response would be a legal response. He noted that the Executive Session would be about where the City factually stood and strategies.

**3) PUBLIC DISCUSSION**

NORMAN GRAD, 7460 NW 18th Street, commended the City and the students for the Dr. Martin Luther King Jr. event, which he was very impressed with. He mentioned the former Harlem Globetrotter who was present and was a resident of Margate. He said that the Zip code was 33063, Pompano Beach. He explained that Coral Springs already took care of their Zip code, but he felt Margate should take care of having it changed to Margate. He mentioned the rally that took place this past weekend at the Sunrise Civic Center with over 300 people regarding the ACA, which was formerly called Obama Care. He said that people were upset and nervous. He noted that there would be a rally in Washington this weekend with close to a million people attending, which would be streamed live in Miami. He spoke about the airport situation and suggested the shooter should have to pick up his bullets after leaving the airport. He hoped it would be looked into for legality.

MAYOR RUZZANO mentioned the Israeli Airline, which was one of the safest airlines, which allowed the carrying on of the gun, but the ammunition was at a separate location outside the airport.

COMMISSIONER SIMONE noted that the City was already working on the Zip code issue. She explained that the City Manager met with Congressman Ted Deutsch, who handled the matter in Coral Springs and was working on the issue with Margate.

CITY MANAGER DOUGLAS E. SMITH explained that he had spoken with the Congressman and would be providing him additional information regarding the issue.

MAYOR RUZZANO mentioned the three-minute speaking time for Public Discussion.

JULIE JONES, 7871 NW 1ST Street, appreciated that the City Clerk provided a copy of the MargateNews.net article to those on the dais. She spoke about someone's Foster children from Charlie House who were left out of the Margate Police Department shopping trip. She explained that because she was going on vacation, she called Vice Mayor Schwartz. She stated that Vice Mayor Schwartz, Commissioner Caggiano and Mayor Ruzzano, along with their families pitched in with Police Chief Dana Watson. She stated that Michael Udine, Broward County Commission, was helpful with a donation, as well as Margate Police Officer Robert Pirmann. She stated that Margate turned a negative situation into a positive one and she thanked everyone who was involved in the great charity.

COMMISSIONER SIMONE noted that she knew nothing about the situation, and that had she known she would have helped as well.

MS. JONES clarified that she called Vice Mayor Schwartz because she knew the Vice Mayor perused the website, [www.nextdoor.com](http://www.nextdoor.com), where she was posting a garage sale when she became aware of the gentleman whose children were overlooked. She invited everyone to get involved next year as she felt it was a great charity.

RICK RICCARDI, 4829 South Hemingway Circle, noted that he was the past President of the Chamber of Commerce. He explained that the Pompano Beach and Margate Chamber of Commerce were officially merged. He noted that he was now on the board of the Pompano Beach Chamber of Commerce. He said that everything would remain the same with the Margate Chamber Council. He noted that the benefit was that the whole organization of 600 members would participate in the Margate breakfasts and events. He felt that it would be good to share with Pompano and they would become aware of

*Margate. He said that for the past nine years, Margate was working on the new Downtown, and he mentioned that the three new Commissioners were against the new Downtown. He asked what was going to be done now.*

*MAYOR RUZZANO stated that there would be a CRA Workshop on January 31st regarding the matter. He asked whether the individual to replace Commissioner Simone would be a voting person as it was now.*

*MR. RICCARDI said that a new President would be elected Thursday and he would like a replacement representative as soon as possible.*

*MAYOR RUZZANO asked who wanted to be on the Chamber Board.*

*COMMISSIONER CAGGIANO said that he would be happy to be the representative, because he had been a member of the Chamber of Commerce in a business capacity for many years.*

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, to appoint Commissioner Anthony N. Caggiano as the representative for the Chamber of Commerce. The motion carried by the following vote:**

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

*ART KRELL, 617 Edwards Road, welcomed the new Commissioners. He said that he sent the Commissioners Christmas cards asking them to drive by his house. He stated that he received a Courtesy Notice on his home that gave him 10 days to fix the issues before re-inspection. He noted that if the problems were not abated, he would be required by law to attend the Special Magistrate Hearing to explain. He said that he was scheduled to appear at the hearing on the 24th, but he never received a certified letter. He stated that the City bulldozed his yard down to black dirt. He explained that he was then scheduled to attend the hearing to discuss his punishment. He stated that whenever he tried to explain, the Special Magistrate would tell him that was not the reason he was at the hearing. He noted that he then received a bill for \$2,500 for the City abating the problem. He stated that he despised the City. He spoke about Code Officers committing perjury.*

*COMMISSIONER PEERMAN said that she wanted to see more information about this issue.*

*CITY ATTORNEY DOUGLAS R. GONZALES said that he would work with the City Manager to provide that information to the Commission. He noted that there was a different story behind this situation. He stated that in 27 years of Code Enforcement, he never saw a property in as bad a shape. He noted that it needed to be abated for the safety of the residents of the City. He stated that Code was followed and there was an upcoming Hearing; therefore, he felt there should be no further discussion. He noted that it was an ongoing litigation matter, and that there had been threats made by the property owner to the City. He stated that he would have one-on-one meetings with the Commission to provide the information.*

*MR. KRELL noted that he had lived there for 16 years and Code Compliance never did a thing about his property, but then it had to be done right away. He stated that the bulldozers were there within two weeks of the second notice.*

MAYOR RUZZANO said that the Commission would meet with the City Manager, and that if any rules were broken it would be taken care of.

SYDNEY KING, 2111 NW 76th Avenue, said that the Lion's Club did have the party for the blind children and children in distress. He noted that there were 70 children with presents, food, entertainment and music. He thanked the Fire Department and the City Commission. He added that MargateNews.net also brought presents. He explained that there was a team of Building Engineers to inspect the building after the fire, and the report was that the walls were secure concrete; however, the roof and interior were burnt. He stated that it was possible to rebuild. He said that someone dumped a load of debris on the property and he did not know how it would be cleared. He stated that every month the Lion's Club gave \$100 to a family in distress. He said that in January there were two families that were provided food. He noted that they were currently working on February. He thanked everyone for all their help.

RICH POPOVIC, 6066 Winfield Boulevard, asked what other Cities do to invest any money.

MAYOR RUZZANO noted that he spoke to another City that did not know where the money went.

MR. POPOVIC said that when speaking to his neighbors, he determined nobody was happy about the CRA's plan for Winfield Boulevard. He felt that the City should speak to the residents before spending any more money.

COMMISSIONER PEERMAN noted that Mr. Popovic had agreed with the circles being put on Winfield Boulevard.

MR. POPOVIC said that he had no problem driving around circles because he had been to England and Australia; however, the neighbors were not.

MAYOR RUZZANO asked whether Mr. Popovic wanted the circles or not.

MR. POPOVIC said that he wanted a double line down the road with no passing signs to eliminate the passing. He recommended adding Police Officers that rotate for the speeding in the neighborhood. He mentioned other Cities that were sued and the individuals who sued lost regarding saying Merry Christmas and putting a Manger out. He said that Jesus was the reason for the season and the City should put Merry Christmas out when putting up the lights.

MAYOR RUZZANO noted that Santa was on the roof during the Winterfest.

MR. POPOVIC said that he did not care about Santa, and he reiterated that Jesus was the reason for the season. He stated that everyone should celebrate the new President of the United States tomorrow.

COMMISSIONER PEERMAN noted that a Manger could be put up and you can say Merry Christmas, providing you also put up every other religion or celebration allowed for that on City property.

VICE MAYOR SCHWARTZ agreed with not having two traffic calming devices in a four block area. She said that if nobody wanted the roundabouts there, the City could save money.



*DANNY MARINO, 2600 NW 69th Avenue, congratulated the new Commissioners. He suggested putting a roof over the beautiful workout equipment next to Fire Station 2.*

*MAYOR RUZZANO replied that it was on order.*

#### 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 2016-803](#)     RESOLUTION - ACCEPTING BILL OF SALE AND APPROVING THE UTILITY AND ACCESS EASEMENTS FOR MAINTENANCE OF WATER AND SEWER FACILITIES AT 4500 COCONUT CREEK PARKWAY (FIRE STATION 50).

*RESOLUTION 17-001*

**APPROVED**

- B.     [ID 2017-013](#)     RESOLUTION - AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE NUMBER ONE RANKED ARCHITECTURAL FIRM SALTZ MICHELSON ARCHITECTS, INC. FOR REQUEST FOR QUALIFICATIONS (RFQ) 2017-001 FIRE STATION NO. 58.

*RESOLUTION 17-002*

**APPROVED**

#### Approval of the Consent Agenda

**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

*CITY MANAGER DOUGLAS E. SMITH stated that the Arbor View project at U.S. 441 and NW 31st Street was issued their permit earlier this month. He said that the permit for the Rising Tide Car Wash was ready to be issued on January 9th, and it was waiting on being paid and picked up. He added that the Dollar General received a temporary Certificate of Occupancy this month, and the Building Department received the permit application a couple of days ago for the WaWa project. He explained that the IT Department completed the WiFi installation at the Sports Complex. He said that the Home Run Fencing had been installed and the field renovations were ongoing and expected to be completed by the end of the month. He noted that the City was selected for over \$200,000 in funding from the State Unique Abilities Recreation Grant Program for the Sports Complex. He explained that it would include a handicapped accessible playground and an American Disabilities Act (ADA) accessible exercise trail around the park as well. He stated that the Household Hazardous Waste event was scheduled for Sunday, from 8:00 AM to 3:00 PM at Oriole Park. He said that the first week in February*

*was the update regarding the covered shelter at the Exercise Park. He reminded everyone that he was resigning effective in March. He thanked everyone for the opportunity to work with them.*

## 6) RESOLUTION(S)

- A. [ID 2017-005](#) APPROVING THE CITY OF MARGATE STATE LEGISLATIVE PRIORITIES FOR THE 2017 STATE LEGISLATIVE SESSION.

*RESOLUTION 17-003*

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

*CITY MANAGER DOUGLAS E. SMITH explained that as followup of the earlier Workshop discussion, there were two revised clauses in the Legislative priorities, which were regarding the local zoning control of the medical Cannabis dispensaries and a revision in the Charter School accountability section. He stated that a motion would be needed to adopt the Legislative priorities including the amendments.*

**A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to adopt the amended version of the Legislative priorities. The motion carried by the following vote:**

- B. [ID 2016-767](#) APPROVING THE LEASE-PURCHASE OF ONE QUINT/LADDER EMERGENCY VEHICLE AND A COMPLEMENT OF EQUIPMENT FROM HALL-MARK FIRE APPARATUS. APPROVAL FOR THE LEASE PURCHASE FINANCING OF TWO EMERGENCY VEHICLES (FORD SUV). LEASE-PURCHASE FINANCING WILL BE THROUGH EXECUTION OF AN AGREEMENT WITH LESSOR SUNTRUST EQUIPMENT FINANCE AND LEASING CORP.

*RESOLUTION 17-004*

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

- C. [ID 2017-003](#) APPROVING AN AMENDMENT TO THE TEMPORARY USE FIRE RESCUE AND EMERGENCY SERVICES EQUIPMENT AND/OR VEHICLES AGREEMENT BETWEEN SCOTT J. ISRAEL, AS SHERIFF OF BROWARD COUNTY (SHERIFF) AND CITY OF MARGATE.

*RESOLUTION 17-005*

**A motion was made by Commissioner Simone, 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



- D. [ID 2017-007](#) APPROVING SUBMITTAL OF TWO WATER QUALITY IMPROVEMENT PROJECTS TO THE STATE LEGISLATURE FOR STATE APPROPRIATION CONSIDERATION.

*RESOLUTION 17-006*

**A motion was made by Commissioner Simone, 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

- E. [ID 2017-014](#) APPROVING THE CITY OF MARGATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AMENDED CONSOLIDATED PLAN FOR PROGRAM YEAR 2015-2019 AND THE CITY'S ACTION PLAN FOR PROGRAM YEAR 2015, AND TO PROVIDE FOR LEVERAGING OF FUNDS; AND ADDING ADDITIONAL ACTIVITIES TO THE PLAN.

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

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

- F. [ID 2016-80](#) PROVIDING FOR COMMISSION MEETING RULES FOR MARGATE CITY COMMISSION MEETINGS TO BE AS DETERMINED BY THE MAYOR.

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

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

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

## 7) ORDINANCE(S) - FIRST READING

- A. [ID 2016-800](#) APPROVAL OF AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER 15, FIRE PROTECTION AND PREVENTION, PROVIDING FOR ARTICLES; PROVIDING FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES (AED); PROVIDING FOR FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved.**

**A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Ordinance be tabled to a date certain of April 5, 2017. The motion carried by the following vote:**

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

- B.**     [ID 2016-801](#)     APPROVAL OF AN ORDINANCE TO AMEND THE MARGATE ZONING CODE, ARTICLE XI COMMUNITY FACILITY CF-1 DISTRICT, SECTIONS 11.4 HEIGHT AND 11.5 LOT COVERAGE.

**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

- C.**     [ID 2016-814](#)     APPROVAL OF AN ORDINANCE AMENDING APPENDIX A ZONING, AMENDING ARTICLE III GENERAL PROVISIONS; SECTION 3.23.3; AMENDING ARTICLE V ZONING DISTRICTS; SECTION 5.1, AMENDING ARTICLE XII COMMUNITY FACILITY CF-2 DISTRICT PROVIDING FOR NEW CONSERVATION (CON) DISTRICT; AMENDING ARTICLE XIII PROVIDING FOR NEW UTILITIES (U-1) DISTRICT; AMENDING ARTICLE XXVIII OPEN SPACE S-2 DISTRICT, SECTIONS 28.2 AND 28.3.

**A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Ordinance - 1st Reading be approved on first reading. The motion carried by the following vote:**

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

- D.**     [ID 2016-802](#)     APPROVAL OF AN ORDINANCE TO PROVIDE REGULATIONS FOR NEW PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, AND HIGH SCHOOLS.

**A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved.**

*COMMISSIONER PEERMAN left the dais at 10:00 PM and returned by 10:01 PM.*

**An amendment was made by Commissioner Simone, seconded by Commissioner Peerman, to follow the Broward County Site Plan criteria for the Elementary, Middle and High Schools.**

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, to table this Ordinance - First Reading to a date certain of February 1, 2017. The motion carried by the following vote:**

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

- E. [ID 2016-813](#) APPROVAL OF AN ORDINANCE AMENDING SECTION 3.22 OF THE CODE OF ORDINANCES ALCOHOLIC BEVERAGES (VII).

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, that this Ordinance - 1st Reading be made.**

**An amendment was made by Commissioner Simone, seconded by Commissioner Peerman, to put zoning in one area and the alcohol sales on Sunday separately. The amendment carried by the following vote:**

**An amendment was made by Commissioner Peerman, seconded by Commissioner Caggiano, to separate the Sunday alcohol from the rest of the ordinance. The amendment carried by the following vote:**

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

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

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

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

## **8) DISCUSSION AND POSSIBLE ACTION**

- A. [ID 2017-019](#) NOTIFICATION FOR SPECIAL EXCEPTION AND VARIANCE REQUESTS.

*CITY MANAGER DOUGLAS E. SMITH explained that this was a follow up to a request by Vice Mayor Schwartz to re-establish the written notification for special exception variance requests for a 300 foot distance. He mentioned that part of this would be a mailing cost issue, which would vary depending on what particular situation was being talked about, as well as how many residents would be affected. He recommended that the current signage process be maintained; however, it was the Commission's policy decision to make any amendments.*

*MAYOR RUZZANO said that he met with the City Manager, City Attorney and Ben Ziskal. He explained that in 2008, there used to be a mailing of a radius of 300 feet for any special exceptions or variances, which was later taken out. He stated that a lot of people wanted to come to the City and the development was there; however, he did not feel people knew what putting up a sign meant. He wanted to go a step further by providing a mailer for the 300 foot radius. He added that a 4 foot by 8 foot sign should be placed showing what was coming. He stated that the cost of the mailing and sign should be passed down to the developer. He thought that the City was previously sending out the mailing, which he thought was why it stopped.*

*COMMISSIONER PEERMAN said that it would cover residents too.*

MAYOR RUZZANO said that residents would have to be treated differently.

COMMISSIONER PEERMAN said that the reason they eliminated the mailings was because there was not 300 feet of anything around them, and that it was putting a burden on the residents. She noted that research was done with the Charter Review Board and noted that Lee County had signs made by the City that the residents put in their yard with the information. She said that they did not have to have the 4 foot by 4 foot signs that were an added expense.

MAYOR RUZZANO felt that was a great idea and added that the problem was people were driving by the sign without knowing what was happening in the City.

COMMISSIONER PEERMAN said that variances for different things would have to be obtained by the Board of Adjustment.

MAYOR RUZZANO asked whether the rules could be separated with different rules for the residents and the businesses.

CITY ATTORNEY DOUGLAS R. GONZALES agreed they could be separated.

MAYOR RUZZANO said that the current resident rules were okay and he asked whether the Commission wanted to add the mailings.

COMMISSIONER PEERMAN said that it was an expense for the City and she felt that the 4 foot sign within 300 feet of the house would be seen.

COMMISSIONER CAGGIANO agreed with rolling the cost of the mailing into the fee for commercial properties, because it was a burden for the residential properties and the City should not have to be burdened.

COMMISSIONER PEERMAN suggested giving the City Manager director to separate the residential and commercial and coming back with rolling the mailing fee to the developer.

VICE MAYOR SCHWARTZ said that her concern was not with residential. She said that her concern was with regard to the storage unit being put behind the Walgreens on the north end of town that had a sign. She questioned whether the sign informed anybody of what was going on, other than stating there was a change of zoning. She noted that most people did not know what a change of zoning meant. She felt the sign was not specific as to what was being developed.

CITY MANAGER SMITH explained that the signage would have had to meet requirements to state what was happening.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that the amount of words that can express what the item was could be very limited due to the size requirements of the sign, which was 4 feet by 4 feet with certain portions having to have 6 inch lettering. He said that in most rezoning cases it would say rezoning from B2 to B3; however, it would not expressly explain what the differences were between B2 and B3.

VICE MAYOR SCHWARTZ said that was her problem with the sign.

DIRECTOR ZISKAL said that in order to correct that, the size, content or requirements on the signs would have to be changed. He recommended considering that there were other lands besides commercial and residential, such as industrial, etc.; therefore, he



suggested exempting residential or requiring the signs for all non-residential if making a motion. He clarified that using the term non-residential would require the signage for hospitals, schools, etc.

VICE MAYOR SCHWARZ explained that it was important to her because she felt nobody in Fiesta knew what was happening with the storage facility being 4 stories high. She said that it was disingenuous that the City Commission could not let people know about the storage facility. She felt that no community wanted to see the back of a storage facility. She stated that the sign should have mentioned a possible storage facility.

MAYOR RUZZANO agreed and felt it could be fixed by installing a 4 foot by 8 foot sign and extending the radius to 500 feet and send a brief bio of what was coming soon to the people with a picture of the sign included.

DIRECTOR ZISKAL clarified that the Commission was requesting that the size of the signs be increased to 4 feet by 8 feet with a rendering and reinstitute the mailings extended to a 500 foot radius.

MAYOR RUZZANO added that the rendering include a picture.

**B. [ID 2017-024](#)**

**RESOLUTION - APPOINTMENT OF INTERIM CITY MANAGER.**

**RESOLUTION 17-007**

CITY ATTORNEY DOUGLAS R. GONZALES provided a resolution for consideration of the Commission.

**An amended motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, accepting the resignation of City Manager Douglas E. Smith and approving the appointment of Samuel A. May as Interim City Manager effective immediately with a six month probationary period to commence effective March 13, 2017.**

MAYOR RUZZANO noted that the existing City Manager was designated to March 12th. He asked whether the Commission wanted to leave it up to the new Interim City Manager to work out when it would be effective for the existing City Manager to leave.

COMMISSIONER PEERMAN said that the City Manager gave us 60 days; however, she questioned whether he would be paid for the entire 60 days if he decided to leave within 30 days.

CITY ATTORNEY GONZALES said that it would be negotiated at that time. He agreed that there was the possibility that he might not need to be paid for the 60 days if negotiated and agreed to.

MAYOR RUZZANO wanted to give Mr. May the leeway to say whether he was ready to handle the position and the Commission would go by that.

COMMISSIONER PEERMAN noted that many things had to be covered, while Mr. May was getting his Public Works Department in order, as well as shadowing the City Manager. She noted that there were union negotiations currently going on.

MAYOR RUZZANO mentioned not having Mr. May shadow the City Manager and do



*things the way he did.*

*COMMISSIONER PEERMAN stated that this was a totally different position for Mr. May and he would learn a lot within his first 30 days that he was not privy to at Public Works.*

*MAYOR RUZZANO suggested leaving it up to Mr. May to make the decision as to when he was ready and having the Commission in agreement with Mr. May's decision.*

*CITY ATTORNEY GONZALES reminded the Commission that the Charter required that if the City Manager's notice of 60 days was to be shortened, it would require a 3/5 vote of the Commission.*

*COMMISSIONER PEERMAN suggested leaving it up to Mr. May to inform them during discussions, as she was uncomfortable about him deciding about the 60 days.*

*COMMISSIONER CAGGIANO said that the Commission asked Mr. May to take the position because they felt he was competent and able to make decisions. He believed that if the Interim City Manager felt that he was ready, he would believe him. He felt that either way, City Manager Smith should get his money for the 60 days. He suggested having the City Manager and the Interim City Manager work it out.*

*VICE MAYOR SCHWARTZ suggested different wording.*

*CITY ATTORNEY GONZALES felt that the language as follows covered what was wanted:*

*A Resolution of the City of Margate, Florida, accepting the resignation of City Manager Douglas E. Smith and approving the appointment of Samuel A. May as Interim City Manager effective immediately with a six month probationary period to commence effective March 13, 2017.*

*VICE MAYOR SCHWARTZ said that eliminated whether or not Mr. May was ready sooner than the resignation date.*

*CITY ATTORNEY GONZALES reiterated that it should not be included in the resolution.*

*COMMISSIONER SIMONE appreciated the Commission waiting for her and she stated that she was comfortable with appointing Mr. May as the Interim City Manager following his answering questions she had asked.*

*MAYOR RUZZANO asked Mr. May whether he was ready for the job, and Mr. May responded that he was ready.*

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

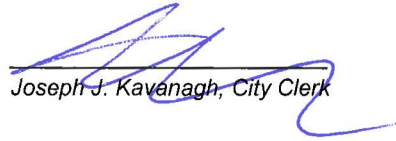
**Yes: 5 -** Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

## **ADJOURNMENT**

*There being no further business, the meeting adjourned at 10:44 PM.*

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

  
Joseph J. Kavanagh, City Clerk

Date: 3/16/17