



# City of Margate

5790 Margate Boulevard  
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www.margatefl.com

## Meeting Minutes Regular City Commission Meeting

**Mayor Arlene R. Schwartz**  
**Vice Mayor Anthony N. Caggiano**  
**Commissioners:**  
**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**

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**Tuesday, July 3, 2018**

**6:30 PM**

**Commission Chambers**

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### CALL TO ORDER

**Present:** 5 - Commissioner Lesa Peerman, Commissioner Joanne Simone, Commissioner Tommy Ruzzano, Vice Mayor Anthony N. Caggiano and Mayor Arlene R. Schwartz

In Attendance:

City Manager Samuel A. May  
Acting City Attorney David Tolces  
City Clerk Joseph J. Kavanagh

### PLEDGE OF ALLEGIANCE

A. [ID 2018-315](#) IAN SYLVESTER, 3rd GRADE

### 1) PRESENTATION(S)

A. [ID 2018-323](#) PRESENTATION TO SUSAN HODOS - RETIRING FROM MARGARET CATHERINE YOUNG LIBRARY

### 2) COMMISSION COMMENTS

COMMISSIONER LESA PEERMAN spoke about the 4th July event. She also advised people to stay safe if doing fireworks at home.

COMMISSIONER JOANNE SIMONE wished everybody a very happy Independence Day. She said that everyone should enjoy the holiday and be safe.

COMMISSIONER TOMMY RUZZANO spoke about the 4th of July events and asked for information on the Calypso Cove Pool party. He spoke about the Budget. He said that they received a letter from Sheriff Scott Israel's office regarding an award received from the State of Florida pertaining to the 911 system. He said that they had previously conversed about going back to their original 911 or merging with the Coral Springs' system. He also spoke about the increase in response times for Margate and compared this with Coral Springs. He said that he would be open to bringing it back up.

Discussion ensued on the 911 system.

CITY MANAGER SAMUEL A. MAY asked for CONSENSUS from the Commission for him to reach out to Coral Springs.

COMMISSIONER LESA PEERMAN said that she was for it.

COMMISSIONER SIMONE said that she was for it.

COMMISSIONER TOMMY RUZZANO said that he was for it.

VICE MAYOR ANTHONY N. CAGGIANO said that he was always interested in seeing proposals.

MAYOR ARLENE R. SCHWARTZ spoke on this item.

Discussion ensued.

CONSENSUS was given by the City Commission directing the City Manager to reach out to Coral Springs to get a proposal for Fire Services.

CITY MANAGER MAY read information about Calypso Cove's Pool Party.

VICE MAYOR ANTHONY N. CAGGIANO wished everybody a happy and safe 4th of July holiday and spoke about Margate's event. He also spoke about the second US President, John Adams' comments on the 4th of July.

MAYOR SCHWARTZ echoed thoughts about the 4th of July event. She reminded residents that children were off from school and advised car owners not to park cars across the City's sidewalks. She spoke about item 2018-019 which was discussed at June 20th meeting which was the awarding of a bid received from the Community Development Block Grant (CDBG).

**A motion was made by Mayor Schwartz, seconded by Commissioner Peerman, to reconsider the Resolution below, that previously failed by a 2-3 vote at the June 20, 2018, Regular City Commission meeting.**

**RESOLUTION 18-072**

**AWARDING BID NO. 2018-019 - CDBG FUNDED REPLACEMENT OF PEDESTRIAN CROSSWALK (14) AND ROUNDABOUT SOLAR POWERED LED SIGNS TO STONE CONCEPT MIAMI, INC., IN AN AMOUNT NOT TO EXCEED \$314,110.**

CITY MANAGER MAY explained that they did not have enough time to do the roofs project.

Discussion ensued on how to spend the \$314,110 and on the proposed cross walk.

**This motion to reconsider carried by the following vote:**

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

**A motion was made by Mayor Schwartz, seconded by Commissioner Peerman, to adopt a Resolution awarding bid no. 2018-019 - CDBG funded replacement of pedestrian crosswalk (14) and roundabout solar powered led signs to Stone Concept Miami, Inc., in an amount not to exceed \$314,110.**

Discussion ensued.

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

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

### **3) PUBLIC DISCUSSION**

ARTHUR J. KRELL, 6117 EDWARDS ROAD spoke about his property and recapped on what was discussed at previous meetings.

Discussion ensued

ACTING CITY ATTORNEY DAVID TOLCES advised that as there was a pending claim and likely litigation, he recommended that they did not have any further discussion with Mr. Krell on the record or at any other time.

ANTONIO V. ARSERIO wished everyone and staff, a happy 4th of July and spoke about Margate's holiday event. He thanked the Commission for deciding to reconsider the 911 communications system. He also asked about the response times.

RICK RICCARDI, 4829 SOUTH HEMINGWAY CIRCLE AND CEO OF FELLOWSHIP LIVING spoke about Margate Initiative for Community Action and Hope (MICAHA) group repainting the Margate Elementary School and that the Fellowship power washed the school. He said that the Chamber of Commerce would be participating at the 4th of July event and that they would have a VIP tent.

INEZ PRINCE, 4998 SW 8TH STREET asked why would they lose the grant money and spoke about Oakland Hills's nature walk and the purchasing of a Community Center.

CITY MANAGER MAY explained that they had a time limits issue pertaining to a grants investigation and that the Housing and Urban Development (HUD) froze the funding. He explained that once that investigation was over, HUD released a funding but the same had to be spent within three years by August of 2018. He said that once that funding for 2014 and 2015 was released, there was a time limit issue.

Discussion ensued on the grants program.

MANNY LUGO, 1129 EAST RIVER DRIVE asked for an update on the City Attorney that

was removed from the Agenda. He also asked about Margate's canals.

COMMISSIONER RUZZANO provided an update on the canals and seawalls.

Discussion ensued on Margate's seawalls and canals.

#### 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 2018-299](#) ~~RESOLUTION—ACCEPTING BILL OF SALE AND APPROVING THE UTILITY AND ACCESS EASEMENTS FOR MAINTENANCE OF WATER FACILITIES AT 2000 NORTH STATE ROAD 7, MARGATE, FLORIDA.~~

This item was not heard.

#### 5) CITY MANAGER'S REPORT

CITY MANAGER MAY wished everyone a great 4th of July and spoke about Margate's holiday events.

#### 6) RESOLUTION(S)

- A. [ID 2018-300](#) ADOPTING THE CITY OF MARGATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR FISCAL YEAR 2018-2019; ACCEPTING THE ANNUAL ALLOCATION IN THE AMOUNT OF \$352,928 FOR HOUSING REHABILITATION AND ADMINISTRATION; AUTHORIZING THE CITY MANAGER TO EXECUTE AND/OR SUBMIT ANY AND ALL RELATED DOCUMENTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 18-070

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

COMMISSIONER RUZZANO said that he did not agree that first time buyers coming to Margate should be receiving up to \$50,000 to buy property in the City. He said that he would prefer the money to go towards the residents that already reside in Margate and do projects in their own homes.

Discussion ensued on the grants program.

GRANTS MANAGER TANYA WARD-BENJAMIN explained that the \$98,000 was a different set of funding. She advised that the comments from the Pre-Development Hearing was contained within the packets they were provided with. She explained that the document was for approval and that there would need to be a substantial amendment which would need to be noticed before it would come back. She advised that many

people wanted home repair which was discussed and that the funds were for both sets of uses. She advised that some of the applicants and Broward County representatives were present at the meeting. She also spoke on the grants process.

Discussion ensued on how the money was apportioned.

COMMISSIONER PEERMAN asked if they could take first time home buyers out of this fund and allocate money to the home repair.

CITY MANAGER MAY said that he believed that they could do that but they would have to have a public hearing, notice it and bring it back to the Commission.

Discussion ensued on why they had to do a public hearing, the misuse of funds and removing first time buyers out of this fund.

**An amendment was made by Commissioner Peerman, seconded by Commissioner Ruzzano, to take out the First Time Home Buyers program and allocate those funds to the Home Improvement Program by way of a future amendment to the item pending proper notice and public hearing; directing Broward County not to approve any First Time Home Buyer applications; and that this Resolution would be approved as presented.**

COMMISSIONER RUZZANO said that it should come back to the City and be dealt with by a Grants person.

BROWARD COUNTY HOUSING FINANCE & COMMUNITY DEVELOPMENT MANAGER YVETTE LOPEZ indicated that as they were making an amendment to the action plan approval, there would not be another meeting until after August 14th which was the deadline to submit the action plans. She recommended approving the item pending a public hearing with amendment.

Discussion ensued on when to notice the hearing.

CITY MANAGER MAY asked if the Commission approves this plan, could they direct the County to not process or approve any first time home buyer applications until the amended substantial plan.

RENATA CASTRO, 1534 NW 61ST AVENUE spoke about the possibility of conflicts within the Grant Regulation and said that it was only fair that residents who live and had already spent money get first preference. She asked if they could approach developers to see if they could contribute to the City repair fund which would help them move property and make money.

Discussion ensued on buying property exclusively for first time Margate residents.

MS. PRINCE said that if they could create a program for ex-Margate residents to return and purchase property.

Discussion ensued.

JOY RICHARDS, 6284 SEMINOLE TERRACE asked about funding for the roof for her property. She also thanked Commissioner Simone for welcoming her into her new home.

Discussion ensued about the waiting list for funding.

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

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

- B. [ID 2018-301](#)** APPROVING SUBSTANTIAL AMENDMENTS TO THE CITY OF MARGATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLANS FOR FISCAL YEARS 2014 AND 2015; PROVIDING FOR CLARIFICATION OF PROJECT DESCRIPTIONS AND ANNUAL GOALS AND OBJECTIVES, REALLOCATION OF CDBG FUNDS TO OTHER ELIGIBLE ACTIVITIES, AND UPDATE OF THE CITIZEN PARTICIPATION PLAN; AUTHORIZING THE CITY MANAGER TO EXECUTE AND/OR SUBMIT ANY AND ALL RELATED DOCUMENTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 18-071

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Caggiano, that this Resolution be approved. The motion carried as follows:**

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

Meeting went into Recess.

## 7) DISCUSSION AND POSSIBLE ACTION

Meeting Reconvened.

- B. [ID 2018-320](#)** MODIFICATIONS TO A NON-CONFORMING USE.

7B. was heard before 7A.

DEVELOPMENT SERVICES DIRECTOR, ROBERT J. MASSARELLI presented a PowerPoint presentation and explained that one of the challenges that they faced in Development Services was addressing non-conforming uses and how they should be managed. He advised that they had some projects that had raised questions and sought guidance from the Commission. He spoke about the Zoning Ordinance under Article 31 that addressed non-conforming and existent uses. He said that from a staff perspective, they were debating on what was the intent.

Discussion ensued on non-conforming uses.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI explained that for catastrophes

in Margate, they allow the damage to be up 75 percent assessed value and if you are under the 75 percent assessed value, you can re-build. He said that he would be addressing that in the future and would make recommendations for natural disasters. He said that they could not increase the floor area and read the definition. He said that the floor area was not referenced in the Code as it was not the foot print of the building but multiple layers. He explained that the underlying premise of non-confirming that the City had made a decision that uses were no longer desirable and said that the implied intent of that was over time, they would be moved out and replaced with desirable or permitted uses. He asked whether they should allow people to make modifications or expand the activity which would make the use stay longer or do they want a system where they were orderly phased out and encourage the buildings and uses that they acquired. He said that if they put a loft in, they would have to complete Building Code requirements.

Discussion ensued.

COMMISSIONER RUZZANO said that he had no issue with it.

COMMISSIONER PEERMAN said that she had no issue with it.

Discussion ensued and spoke about uses in the Transit Oriented Corridor (TOC).

JONATHAN B. LINKER said that he represented 1950 Banks Road. He explained that he was here to discuss Self-Storage USA facility and that he understood about the Moratorium. He said that they were looking for a more economic approach to the residents of the City of Margate. He said that he had met with the Fire and Development Services to discuss the redesign and whether he was conforming or non-confirming and was worried about the resistance to his business model. He said that he would like to remain in the City as he had been here since 1978 and was looking for direction to move forward.

Discussion ensued on what his proposals were.

COMMISSIONER SIMONE said that she had no problem with it.

ACTING CITY ATTORNEY TOLCES explained that if there was a consensus of the Board to direct staff to say that as long as the creation of the additional use was within an existing structure and they were not expanding the footprint, then they would not consider that to be an expansion of a non-confirming use, staff would have the necessary direction to move forward.

**A motion was made by Commissioner Ruzzano, seconded by Vice Mayor Caggiano, to direct staff that if the creation of the additional use is within an existing structure and you are not expanding the footprint, it should not be considered expansion of a non-confirming use. This motion carried by the following vote:**

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

**A. [ID 2018-317](#) DEVELOPMENT SERVICES DEPARTMENT TWO YEAR WORK PLAN.**

7A was heard after 7B.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI gave a presentation on the work plan proposal for the Development Services division. He said that they had been working on redesign Guidelines with the CRA. He said that they needed to update the Comprehensive Plan where some elements were 30 years old. He advised that before they updated the Comprehensive Plan, they would have to do some Evaluation on Appraisal Report (EAR) amendments. He said that thereafter, they would have to re-write the Zoning Ordinance to reflect the Comprehensive Plan which was the guiding document and all other plans would have to be consistent with this plan. He also explained that they would have to revise and phase out Margate's CRA. He said that in order to accomplish a lot of things under the CRA, they would need to move forward in a timely fashion. He said that there was a certain sequence as they would have to address the Comprehensive Plan, the Design Standards, the Zoning Code and then the Redevelopment Plan. He indicated that if they address the entire Comprehensive Plan, it would take 18 months.

Discussion ensued on the timeline to complete the Comprehensive Plan.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said he proposed that the sequence was split between the two fiscal years to cover his two year plan. He also spoke about the current zoning in the TOC and said that there were some weaknesses as it did not allow Margate a variety of opportunities of settings. He said that they were creating a series of areas and sectors for the downtown area. He provided a bubble diagram and demonstrated where the boundary lines would be and where it would incorporate the entire City owned land and asked how would they create that as an economic engine for the City. He spoke about the Medical Village around the hospital and indicated that it had been discussed before. He said that they should be broad minded and that they could build upon the hospital. He advised that there were a lot of shopping centers in the Midtown area and that there were many opportunities to redevelop that area and could they identify specific industries and businesses. He said that at the North End which was next to Coral Springs, they would have an Uptown which was a major retail area which they would focus on redeveloping them as prime retail space. He said that Southgate was the most challenging area as to what they could do in the area but it was a huge employment area. He classified Banks Road as an innovation that they should shift the focus from the local small repair shops or industry and try to market themselves as a convenient location for global businesses as they were within an hour of three international airports and ports. He said that to address Broward County's concerns on transit, the Downtown and Medical Village could be the transit modes for a regional connection. He spoke about the Uses and different type of business sectors in terms of residential or office oriented which would create a different setting, atmosphere and economic development opportunity. He said that for the Downtown area, there was the possibility to include 441/State Road 7, Atlantic Boulevard intersection and that a shopping center could be all tied together. He spoke about many advantages to the Medical Village and discussed with a developer, who had customers coming from Miami all the way up to Port St. Lucie and said that their market was huge which they could have to build upon. He said that Margate has affordable housing for the workforce. He spoke about opportunities and concepts for small entrepreneurs and start-up firms. He spoke about changing the building height, landscape strip, pedestrian corridors and in Southgate, the building and parking zones. He said that for the time line, they were looking at holding a series of public workshops in August and September to start laying out concepts and getting ideas from the public. He said that they would need assistance from a Consultant and would need to go through a selection process and spoke about financing this through the budget. He said that he defined his objectives through the work plan and to stay focus with minimal distractions. He advised that the staff recommendation would be dealing with a series of possible changes to the Code on

hedges which could be wrapped up with the Zoning Code changes. He asked for their views on directions.

COMMISSIONER RUZZANO said that he was not a fan of all of his proposals and repeated his request that if they could be informed when new businesses come to Margate. He said that he was unaware that a medical building was going into the Medical Village. He said that he wants to know about every concept. He spoke about the Arbor View project. He explained that he was told that the TOC could do mixed use.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said that based on his discussion with the Senior Planner, they could do mixed use.

Discussion ensued on mixed use, the TOC, buildings being up front and planning concerning the height and the consultant process.

COMMISSIONER PEERMAN said that she liked his plan and that he wanted to seek the input from the residents.

COMMISSIONER SIMONE said she was in favor of this conceptual approach and that it would enhance a fresh approach.

VICE MAYOR CAGGIANO said that he loved what he had given them and said that it made sense and welcomed more plans and ideas.

MAYOR SCHWARTZ said that she had no problems on how he intends to use his time and staff for the next couple years as it would come back to the Commission for discussion.

COMMISSIONER PEERMAN asked if the Consultant's input would make the process quicker.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said yes. He advised that the Senior Planner would be dealing with the Zoning Ordinance changes. He said that \$200,000 in the current budget would not buy a lot of consultant time.

Discussion ensued on the budget, personnel needed for the project, a web based plan and interactive plan.

MAYOR SCHWARTZ spoke about a company called Buxton who deal in analytics. She advised that they would like to come down to do a presentation.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said that it was a very good tool but would recommend that they hold a Workshop on Economic Development to define what they want to be.

Discussion ensued on new business and confidentiality.

COMMISSIONER RUZZANO repeated that he wanted to see every business inquiry.

MAYOR SCHWARTZ said that she did not want to see another building near a sidewalk and spoke about businesses within the TOC.

Discussion ensued on direction.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI said that he would direct his staff to keep a log of every inquiry.

COMMISSIONER RUZZANO said that he did not want to see another building near a sidewalk.

Discussion ensued on the building by Burger King.

There was CONSENSUS to move forward with the process presented by Development Services Director Massarelli.

C. [ID 2018-321](#) HEIGHT OF HEDGES.

DEVELOPMENT SERVICES DIRECTOR MASSARELLI presented a PowerPoint presentation and explained that they received a complaint of the height of hedges along some roadways which were approximately 8 feet - 10 feet tall but the Code requires that there be a 6 foot tall hedge. He said that after researching the same, the hedge was extremely well maintained and when they looked further into the Code, it contained a number of inconsistencies. He asked for direction on whether they could re-do the fence and hedge section of the Code to correct a lot of the inconsistencies and to reflect what was going on in the City. He spoke about the height requirements for plots of land with single family and multi-family and provided examples. He advised that they would also need to look at their Landscape Code on how they should be maintained. He explained that the staff's recommendation was not to enforce the Code and rework the fence zoning situation. He said that the Florida Turnpike Authority was talking about widening the turnpike to 10 lanes along the southern end of the City and that they were thinking of installing a sound wall which would violate their Code as it would be in excess of 15 feet tall. He said that they would need to address sound walls pertaining to fences. He said that it was really a complex issue but they would like direction on redoing that. He said that working with his time schedule, they would wrap it up in the Zoning Ordinance update.

Discussion ensued.

There was CONSENSUS to not enforce the Code and address this issue as part of the upcoming rezoning process.

D. [ID 2018-327](#) ~~CITY ATTORNEY UPDATE.~~

This item was not heard.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:24pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

  
Joseph J. Kavanagh, City Clerk

Date: 8/15/18

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.