



# City of Margate

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

## Meeting Minutes City Commission Workshop

*Mayor Arlene R. Schwartz*  
*Vice Mayor Antonio V. Arserio*  
*Commissioners:*  
*Anthony N. Caggiano, Tommy Ruzzano, Joanne Simone*

*City Manager Cale Curtis*  
*City Attorney Janette M. Smith*  
*City Clerk Joseph J. Kavanagh*

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Thursday, February 4, 2021

4:00 PM

Virtual Meeting  
<https://us02web.zoom.us/j/86467853476>  
Webinar ID: 864 6785 3476

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### CALL TO ORDER

### MOMENT OF SILENCE - INVOCATION

### PLEDGE OF ALLEGIANCE

### ROLL CALL

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

Commissioner Caggiano attended via Zoom

Commissioner Simone attended via Zoom

Commissioner Ruzzano attended in person

Vice Mayor Arserio attended via Zoom

Mayor Schwartz attended in person

City Manager Curtis attended in person

City Attorney Smith attended via Zoom

City Clerk Kavanagh attended in person

CITY CLERK JOSEPH J. KAVANAGH read a statement pertaining to the City's virtual public meeting pursuant to the Sunshine Law and Governor DeSantis' Executive Order.

### 1) DISCUSSION AND POSSIBLE ACTION

A. [ID 2021-052](#) CODE COMPLIANCE

MAYOR ARLENE R. SCHWARTZ discussed the background to this Workshop and explained that the objective was to provide information pertaining to the way they did business, making the process much more accessible and easier so people understood what some of the Codes were and how to comply with them. She also wanted to ensure that the City looked a lot more attractive.

COMMISSIONER TOMMY RUZZANO indicated that he had a problem with the current Code, as it was out of date and did not make sense. He recommended approximately two years ago, that they should discard the current Code and start over. He explained that he wanted to address the presence of Margate including the look of the property and explained there were problems with some Codes not being enforced and said that they needed to all be on the same page with the direction of Code Compliance. He said that he had a problem with parking in Margate and that it needed to be addressed and referenced homes that were being rented. He said that if they were going to put a Code in place, they should help the residents. He suggested that they could take City funds and work with improving their homes in return for a bigger tax roll such as improving driveways. He also had a problem with roofs. He said that he did not think they should be issuing citations or violations to business owners and suggested that they should go directly to the property owner.

MAYOR SCHWARTZ responded to Commissioner Ruzzano on the history of parking in Margate, expanding driveways and the look of the City.

COMMISSIONER ANTHONY N. CAGGIANO recalled that a former City Attorney said that they were not permitted to use City money to improve on private property and questioned if the funds could be loaned which they could repay over the course of 10 years.

CITY ATTORNEY JANETTE M. SMITH stipulated that the Florida Constitution stated that a City should not lend or use its taxing power or credit for any cooperation, association, partnership or person. She advised that a Community Redevelopment Agency (CRA) is different to a municipality although there could be other possibilities such as a special assessment.

Discussion ensued including assisting with driveways, home improvements, awarding grants to residents, offering incentive programs and repairing seawalls.

VICE MAYOR ANTONIO V. ARSERIO explained that his role was not to fine residents but recommended doing a major education campaign through Code Compliance. He believed that the Code Enforcement was under resourced and if the City Commission expected changes, they needed to recruit more staff. He referenced the look of the City and highlighted the problems with cars, boats and trailers being parked on lawns. He said that they should start enforcing the cleaning of roofs and also spoke about trash and debris on the property.

COMMISSIONER JOANNE SIMONE concurred with a lot of what had been said and advocated for the Code Enforcement to be in the Building Department, as they knew what the Codes were. She said that she also agreed with Vice Mayor Arserio that the boats and trailers should be behind a fence or hedge.

CHIEF OF POLICE, JON SHAW introduced Code Compliance Officer Tiffany Harris, Animal Control Officers, Kelly A. Slade and Phil Bilbao, Code Compliance Officer Joe Scimeca and Lieutenant Ashley McCarthy who ran the Code Division. He informed that they currently had three Code Officers and that their full time staff would be five. He

explained that they recently had a Code Officer retire, another that accepted a position as a Police Officer but a new Code Officer would start next Monday bringing the total up to four positions and referenced that she would require at least five to six weeks of training. He invited Lieutenant McCarthy to discuss the Codes that the Division had addressed and wanted to change.

Discussion ensued on the timeframe for recruiting new Code Officers.

COMMISSIONER SIMONE highlighted problems with selective enforcement from Code Officers. She agreed that they should make the property owners responsible for Code violations rather than the businesses. She said that they need to do a better job of educating their residents by putting their various Codes on their website, using Margate Matters and through social media platforms. She said that there was a possibility for more Code Officers. She said that she was yet to receive a reply on the responsibility of residents' sidewalks and maintaining overgrown trees. She queried whether a camper should be higher than a resident's fence.

COMMISSIONER TOMMY RUZZANO asked about the role of a Code Officer and whether they abused their power. He also questioned the possibility of enforcing an "eyesore" code. He referenced the Property Assessed Clean Energy (PACE) program and asked City Attorney Smith if she could look into whether the City could loan residents money and put it on their tax money for them to pay back.

Discussion ensued including on discrimination and criteria, implementing a "eyesore code" and the Fence Code.

CODE ENFORCEMENT LIEUTENANT ASHLEY McCARTHY said they looked into amending the following Codes.

- Chapter VI (6) Animals and Foul;
- Prohibited Signs;
- Chapter XXIII (23) Ground Cover;
- Create two City Codes prohibiting parking vehicles within the front yards and residential areas;
- Address the topic of perpetual yard sales and;
- Section 40, Exterior Maintenance; to add a requirement that the mailbox should be added to the standards.

ANIMAL CONTROL OFFICER KELLY A. SLADE discussed the City Code process pertaining to the trapping of animals.

A question and answer session between the City Commission and Code Enforcement Officers pertaining to the permit process of euthanizing iguanas in Florida, animal traps provided for residents, what animals residents could have on their property, dumpster covers, ground covers, which department the Code Department should be under, mail boxes and prohibited signs.

CODE COMPLIANCE OFFICER JOSEPH SCIMECA worked with the City since 1995 and said that he had been in the Code Compliance since 1999. He provided suggestions for parking.

Discussion ensued including parking a boat on the side of a house, the removal of trees and overhanging branches encroaching on other properties and fences.

CODE COMPLIANCE OFFICER SCIMECA continued to discuss implementing new Parking Codes and highlighting a "Code of the Month".

Discussion ensued on parking, commercial vehicles, civil citations, landscaping and Homeowners Association/Neighborhood crime watch meetings, yard sales, re-routing of Code Compliance telephone calls for after-hours and at the weekend, the recruitment of more Code Enforcement Officers and moving Code Department from the Police Department to the Building Department.

DIRECTOR OF BUILDING RICHARD R. NIXON indicated that regardless of where Code Enforcement was located, he was confident that staff would work together as a team and accomplish the goals of the City.

COMMISSIONER TOMMY RUZZANO said that he was in favor of putting Code Enforcement into the Building Department and recapped on the comments made by the City Commissioners pertaining to parking, trees impeding onto a neighbor's property, dumpster covers, motor homes, fences being consistent, plaza owners, lighting in plazas, roofing and "Code of the Month".

Discussion ensued pertaining to trees impeding onto a neighbor's property and fencing.

CITY MANAGER CALE CURTIS thanked the City Commission and Code Enforcement Officers for providing feedback. He highlighted the challenges that they would change the Code and some behaviors in an appropriate way. He referenced a list of requirements and asked whether they could get CONSENSUS to either bring back amendments to the Code or ideas for amendments for the Code so that they could move forward. He recommended that the topic to move Code Compliance to the Building Department and the recruitment of additional Code Compliance Officers should be discussed at a separate meeting.

MAYOR SCHWARTZ read a note that had been presented to her pertaining to a street off 77th Avenue and 1st Court, which was blocked off with a truck and a trailer and questioned Director of Building Nixon whether they had anyone over there doing anything.

DIRECTOR OF BUILDING NIXON responded to Mayor Schwartz's comments.

CITY MANAGER CURTIS questioned whether there was a CONSENSUS to look at amending the Code that would restrict all vehicles from parking on the front lawn.

Discussion ensued.

CONSENSUS was given by the City Commission to amend the Parking Code and bring something back for consideration including grant programs or incentives to build driveways.

Discussion ensued on parking on the lawn and the use of promoting garages.

CITY MANAGER CURTIS asked the City Commission for CONSENSUS to amend the Code to provide that non-commercial vehicles such as boats, trailers and campers, if parked on the side of the house, would have to be screened by some sort of fence or hedge.

Discussion ensued.

CONSENSUS was given by the City Commission.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY advised that he prepared a slide show pertaining to commercial vehicles and residential properties and questioned the City Commission if they wanted him to present the same. He stated that commercial vehicles that were allowed to park at residential properties were not allowed to park on the grass.

Discussion ensued.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY provided a brief PowerPoint presentation on commercial vehicles parked on residential properties.

Discussion ensued including recreational vehicles, yard sales and fencing requirements.

CITY MANAGER CURTIS said he heard CONSENSUS on amending the Code to allow signage on Dumpster Covers. He cautioned the City Commission that they could not discriminate on the content of the sign.

Discussion ensued on roofing.

CITY MANAGER CURTIS continued to read from his list and said that he heard CONSENSUS of the suggestion that they could not downgrade their roofing materials.

Discussion ensued.

CONSENSUS was given by the City Commission.

CITY MANAGER CURTIS referenced sidewalk maintenance and questioned who was responsible for maintaining and pressure washing those. He indicated whether there was CONSENSUS for changing or being specific in their Code for that issue.

Discussion ensued.

CITY MANAGER CURTIS questioned whether there was CONSENSUS for color palettes for the houses and the roofs.

CONSENSUS was given by the City Commission.

CITY MANAGER CURTIS asked whether there was CONSENSUS for fencing standards.

Discussion ensued on turf for lawns and fencing.

CITY MANAGER CURTIS said that he heard CONSENSUS on reviewing the organizational structure of Code Compliance. He provided timelines on the proposed amendments and forewarned that the timeline on the organizational structure would take far more conversation individually and as well as a group in workshops and said that it was something that could be incorporated through next year's budget.

Discussion ensued including moving Code's location, the future of the offices of Banks Road, mailbox standards and how they would reform the Animal Code, reviewing grant programs and incentives.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B said that this Workshop reminded

him of previous Workshops on Code. He also discussed comments made pertaining to Beauty Land and other topics.

VICE MAYOR ARSERIO requested if they could look into Mr. Zucchini's point on industrial versus commercial versus residential or non-commercial.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY stated that it was already in the Code but it was prohibited to have those type of industrial equipment parked at the house.

COMMISSIONER RUZZANO responded to Mr. Zucchini's comments on wood horizontal fencing and questioned the process for dirty roofs.

CHIEF OF POLICE SHAW explained the process on roofing.

Discussion ensued including the Special Magistrates system.

MR. ZUCCHINI responded to comments made by Commissioner Ruzzano and referenced horizontal PVC fencing.

MAYOR SCHWARTZ thanked everyone for attending the Workshop.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:34pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

  
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Joseph J. Kavanagh, City Clerk

Date: 4/6/21

**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.

Per the unanimous approval of Emergency Ordinance 2020-8 on December 9, 2020, the City Commission authorized the City Manager to provide for the City Commission, members of the various Boards, Committees, Magistrate, staff, and the public to be able to attend meetings electronically during a declared public health emergency, pursuant to the City's Charter, Chapter 252, Florida Statutes, Section 4 D of Governor DeSantis' Executive Order 20-52, and the City's home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes.

Consistent with the authority contained in the Emergency Ordinance, and in order to ensure the health, safety, and welfare of the City of Margate's residents and employees, the City of Margate finds that it is in their best interests to hold this virtual public meeting.

- Therefore, the City of Margate will be holding this virtual meeting through the use of electronic communication. Members of the public are invited to join the City of Margate meeting by accessing the meeting through Zoom using Webinar ID: 864 6785 3476 or can call in via telephone by calling one of the following phone numbers: US: +1 312 626 6799 or +1 929 205 6099.
- A copy of the Agenda for this Virtual Meeting is posted on [www.MargateFL.com](http://www.MargateFL.com) and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.
- Any comments related to any item on the agenda can be submitted to the City of Margate via the following e-mail address: [JJKAVANAGH@margatefl.com](mailto:JJKAVANAGH@margatefl.com).

#### THROUGH THE CITY'S WEBSITE:

Go to [www.margatefl.com](http://www.margatefl.com)

Go to "Agendas & Minutes" > Find the respective meeting date and click "Agenda Summary" to view the agenda items and see the Zoom meeting website address

PRIOR to the start of the meeting, email Public Comments to [JJKAVANAGH@margatefl.com](mailto:JJKAVANAGH@margatefl.com) (all public comments that are three (3) minutes or less will be read into the record.)

#### ALTERNATE OPTION FOR VIEWING AND PARTICIPATING IN THE MEETING:

##### THROUGH ZOOM TECHNOLOGY:

Instructions for Attendees\Participants:

Topic: "Virtual Meeting - Margate City Commission Workshop"

Enter the following link to join the webinar: <https://us02web.zoom.us/j/86467853476>

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Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099

Webinar ID: 864 6785 3476

To virtually raise hand and be acknowledged to speak:

1. Users who call in can dial \*9 to raise their hand and dial \*6 to toggle mute/unmute
2. If going through mobile (phone/tablet) app, to raise hand select "Participants", then see option to raise hand.
3. On the computer users should click "Participants" then see option to raise hand
4. Once you have been selected to speak, you will be prompted to unmute your device or stay muted.