



City of Margate

5790 Margate Boulevard
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Meeting Minutes City Commission Workshop

Mayor Anthony N. Caggiano

Vice Mayor Tommy Ruzzano

Commissioners:

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

City Manager Cale Curtis

Interim City Attorney Weiss Serota Helfman Cole & Bierman

City Clerk Jennifer M. Johnson

Tuesday, May 9, 2023

10:00 AM

Commission Chambers

CALL TO ORDER

ROLL CALL

Present: 4 - Commissioner Antonio V. Arserio, Vice Mayor Tommy Ruzzano, Mayor Anthony N. Caggiano and Commissioner Arlene R. Schwartz

Absent: 1 - Commissioner Joanne Simone

Commissioner Antonio V. Arserio attended via Zoom.

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

1) PRESENTATION(S)

A. [ID 2023-147](#) PHASE 1 OF THE CODE UPDATE PROJECT

CITY MANAGER CALE CURTIS explained that the objective of the workshop was for the City Commission to hear some of the recommendations and to receive their feedback and direction so that they can make the final edits and move them on for the Planning and Zoning (P&Z) Board for consideration. He informed that thereafter, the draft would revert to the City Commission for approval. He introduced Messrs., Hickey and Long from Calvin, Giordano & Associates, Inc. who would be conducting a presentation on Phase I of the code update which would cover Chapters 2, 11, 17, 31 and 35. He explained that these Chapters typically related to Boards of Committees, drainage and waterway, floodplain management, platting and subdivision land use, street sidewalks and public spaces.

CALVIN, GIORDANO & ASSOCIATES (CG&A), INC, DIRECTOR OF PLANNING, JIM HICKEY, recapped on the history of Margate's Code and discussed the importance of making changes. He conducted a PowerPoint presentation on Phase I and discussed pre-development and thanked the City staff for their input. He advised that they were keeping an annotated outline as they were going to place a number of those sections and put them into the new Chapter 40. He indicated that the ultimate goal was for something

that was user friendly, the importance of consistency and for it to be clean and concise. He advised that for all Chapters, they would incorporate the fees which would be in one section of the code. He referenced that in a forthcoming City Commission meeting, there would be a Resolution where all the fees were established which he indicated was an excellent idea. He also referenced Phase II where they would have one location for definitions. He recommended removing the Board of Adjustment (BoA) language and the P&Z Board and moving those into Chapter 40 as they have specific requirements and that they would be clarifying with the Director of Development Services as liaison in divisions 2 – 4. He explained the benefits of combining the BoA and P&Z Board which he recommended and highlighted that most other cities practiced this and that a local planning agency was a State requirement.

MAYOR ANTHONY N. CAGGIANO referenced the BoA and P&Z Board and sought clarification as to whether the same slate of people conducting both Boards would be making one-off rules and suggestions or was it only suggestions.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY explained that as the BoA, they would make a final determination on setbacks and variances and then they would meet as a P&Z Board and make recommendations to site plans and other matters that the City Commission would have a final say on. He discussed the Appeal of the Rulings and explained that if they kept the BoA as it was, currently, any decisions would go to the City Commission and he questioned if they wanted to keep that as the process or have them go directly to the circuit court.

COMMISSIONER ARLENE R. SCHWARTZ questioned what the value was of having someone go straight to court as opposed to appeal to the City Commission as the people who lived in Margate would understand what the issue was.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY, explained that a lot of the cities saw the BoA as a “be-all” for that process hence why they would go directly to court and the City Commission would not get involved in that process.

Discussion ensued on communities taking things to circuit court.

INTERIM CITY ATTORNEY DAVID N. TOLCES advised that if it went to a circuit court, they would have to file a petition to writs of certiorari and explain to the Court why they believed their due-process rights would be violated. He indicated that it could shorten the process to a certain extent as it would save a property owner from having to schedule and appeal to the City Commission. He explained that if they were unhappy with their decision, then they could go to court thereafter. He informed that it was perfectly fine and understandable if the City Commission wanted to keep it in their purview.

Discussion ensued.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY advised that by adding in the Building permit process, the applicant would need to identify the current owner of the structure during the construction and also identify the future owner of who would own and maintain it.

Discussion ensued.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY said that they made some other changes to make sure that docks and other requirements that were in there were up to date with current standards. He discussed the process to Chapter 17 and referenced

comments that were made in 2021 and questioned if the City Commission were content with the changes applied.

CITY MANAGER CURTIS confirmed that he did not have any issue with the adopted language but advised that the City Commission had not yet had sight of this Chapter.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY, advised that they could provide the City Commission with the latest version of their changes.

MAYOR CAGGIANO expressed his concerns for agreeing to something that the City Commission had not seen.

INTERIM CITY ATTORNEY TOLCES said that the City Commission previously approved the language pertaining to the Floodplain Management which was revised in July 2021 and that he believed that they were not recommending that the City Commission make any further changes.

Discussion ensued including whether the department heads had reviewed Chapter 17.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY, discussed the major changes pertaining to platting, subdivision and other land use regulations and referenced the City's 1,500 feet radius.

Discussion ensued on the 1,500 feet radius and the Single Family Home notifications.

COMMISSIONER ANTONIO V. ARSERIO discussed Chapter 31 pertaining to the 1,500 feet radius.

Discussion ensued on extending on plots.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY, indicated that they could add language to Chapter 31 and the City Commission could then consider it but said that this information would help their residents.

CITY MANAGER CURTIS confirmed that they would be adding notice requirement to Single Family homes and questioned if the City Commission wanted to look at reducing the radius for all of the parties.

VICE MAYOR TOMMY RUZZANO questioned whether there was nothing in the code about Single Family homes. He believed that the 1,500 feet for a non-residential was fine but for residential, he would be lenient.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY, advised that for anything that pertained to the BoA, they would have to provide signage but the current code went back to 1,500 feet.

Discussion ensued including notifications.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY, suggested that they should provide notice to their neighbors to enable awareness and that they would drop some language for that to incorporate in the City's code. He referenced Chapter 35 and said that one of the changes was to update the abandonment procedures which he believed were the most complex of all within Broward County. He said that they wanted to clarify in the language, the responsibility for the driveway approaches and the maintenance of those

and he also discussed the sidewalk responsibility.

Discussion ensued on the responsibility of maintaining the sidewalks.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY, discussed language pertaining to items allowed in the canal such as piers and docks.

Discussion ensued on the size of docks and seawalls pertaining to the City's code.

COMMISSIONER SCHWARTZ voiced her frustrations on not enforcing the law pertaining to the City's code.

COMMISSIONER ARSERIO voiced his concerns on enforcing the City's code and questioned why they could not hire a third party to assist with code issues.

CITY MANAGER CURTIS informed that the enforcement of some of those issues could be a topic of discussion for another City Commission meeting. He repeated that the objective of today's workshop was to set the code for development of these structures and then down the line, maintenance or enforcement for structures that were not in or fell out of compliance were separate that the City would need to address. He repeated that he was looking for feedback pertaining to the docks including the setbacks from properties which were currently in their code. He received differing feedback from the City Commissioners on allowing those docks to become wider or to be closer to the property owners. He also heard the challenge in enforcing the structures that fell out of compliance.

CITY MANAGER CURTIS referenced the size of the dock and said that he heard CONSENSUS on reverting with the best recommendation for a percentage based on the width of the canal and read the City's current Code on the size requirements.

Discussion ensued on the size requirements of the docks and the language contained therein.

CITY MANAGER CURTIS heard CONSENSUS that they were pro-docks and that they should bring back some best practices in terms of code for allowing large sized docks.

COMMISSIONER SCHWARTZ requested if they could point them to places where they could actually see what that meant and questioned whether they should look to the boat that was attached to the top.

Discussion ensued.

CG&A, INC., DIRECTOR OF PLANNING, HICKEY concluded his PowerPoint presentation and thanked the City Commission for their feedback. He advised that from the sections they had discussed today, it would go to the P&Z Board on June 6th and then come before the City Commission for First Reading on the current schedule of June 21st.

COMMISSIONER SCHWARTZ requested if they could see a "before and after" pertaining to the changes.

CITY MANAGER CURTIS confirmed that Commissioner Schwartz's request was possible as it would go before the P&Z Board. He advised that he would incorporate today's feedback that they received and circulate the drafts to the City Commission in due

course.

Discussion ensued between the City Commission and CG&A, Inc. which included:

- Culverts and bridges;
- Requirements for green building and reference made to CRA grants;
- The zoning districts, regulations and that setbacks would be covered in Phase II;
- Standards on Chapter 31 pertaining to the requirement of burying lines underground and the costs thereto; and
- Lighting for new developments including foot-candle and street lighting.

COMMISSIONER SCHWARTZ indicated that they should utilize the time to obtain comments from the City staff before they closed the workshop.

MAYOR CAGGIANO echoed Commissioner Schwartz's sentiments and invited the City staff to address any outstanding issues.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY expressed that CG&A, Inc., Director of Planning, Hickey, had done a pretty good job and that the staff have gone back and forth and highlighted a number of issues.

DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) DIRECTOR CURT KEYSER said that on behalf of his team members, they were comfortable with what CG&A, Inc. was promoting. He highlighted that last week, there was an issue pertaining to traffic studies and referenced the current City code and advised that they were going to seek consultation from a traffic engineer on what Margate should be doing. He referenced culverts and said there was no engineering reason why that code existed. He foresaw that there could be an issue with maintenance and that they may want to restrict corrugated metal culverts and replace them with concrete. He suggested that if the City Commission were favorable to culverts, they could possibly propose some language.

Discussion ensued.

PUBLIC WORKS DIRECTOR, GIOVANNI BATISTA confirmed that everything that had been said was good.

DIRECTOR OF BUILDING & BUILDING CODE SERVICES, RICHARD R. NIXON felt comfortable with CG&A, Inc. and that they had been responsive and communicated well with respect to some of the proposed changes that he had made. He worked with the Department of Environmental and Engineering Services (DEES) and the Floodplain Management Chapter and indicated that some of the things that pertained to his department would be covered in Phase II of this project.

CITY MANAGER CURTIS confirmed that he was content with everything and thanked the team who had been working together on these changes along with the representatives from CG&A, Inc. He advised that it had been a collaborative effort to bring forth these proposed and improved changes to the code. He indicated that staff is knowledgeable of the City Commission's feelings on certain subjects.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:35am.

Respectfully submitted,

Transcribed by Salene E. Edwards

Jennifer M. Johnson, City ClerkDate:

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 Boards may be in attendance and may participate at the meeting.