



City of Margate

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Meeting Minutes

City Commission Workshop

Mayor Tommy Ruzzano
Vice Mayor Joyce W. Bryan
Commissioners:
Lesa Peerman, Joanne Simone, Frank B. Talerico

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

Wednesday, December 9, 2015

5:30 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Joanne Simone, Commissioner Lesa Peerman, Commissioner Frank B. Talerico, Vice Mayor Joyce W. Bryan and Mayor Tommy Ruzzano

In Attendance:

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

1) PRESENTATION(S)

A. [ID 14-1591](#) COMMERCIAL VEHICLES

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL provided a handout and a PowerPoint presentation. He explained that the format for the Workshop was to go through the current codes of what was and was not allowed. He said that he would show a series of slides with pictures of 25 vehicles. He noted that picture 25 would be the largest commercial vehicle. He stated that he would provide a scenario with each picture and then would ask for a response as to whether or not the vehicle in the picture should be allowed on residential property. He explained that following the 25 vehicle pictures he would show a picture of a residential property in Margate with different vehicles parked. He stated that following the Workshop, the City Clerk would collect the survey sheets. He highlighted pertinent information of the Code regarding commercial vehicles related to residential properties. Director Ziskal noted the definition of a commercial vehicle and read that the vehicle was designed, intended or used for transportation of people, goods or things for profit or any vehicle displaying commercial lettering. He added that a pickup truck with an altered cargo box or where the cargo box or bed of the truck had been removed was also included and would change definitions from pickup truck to commercial vehicle. He explained that a commercial vehicle also included any vehicle with tools, building materials, merchandise, or outfitted with emergency flashing or rotating lights visible from the street or from abutting residential property. He read the definition of a pickup truck as being any motor vehicle designed primarily for the transportation of property within a permanently attached cargo box. He added that any pickup truck where the cab or cargo box had been altered or enlarged to facilitate the transportation of people, items or goods for commercial purposes, shall be deemed a truck and not a pickup truck. Director Ziskal further explained that the Code currently

stated that within any residential district in the City, the following commercial vehicles shall be allowed: standard sedans, coupes or other automobiles designed primarily for non-commercial uses, station wagons, mini-vans, sport utility vehicles and vans, pickup trucks and limousines. He added that the vehicle could have no more than two axles and could be no greater than 23 feet in length or 9.2 feet in height. He read that no commercial vehicles shall be parked on any lawn and must be parked in a driveway or area constructed and permitted by the Building Department. He mentioned that any commercial vehicle wholly enclosed in a garage would be allowed on the property. Director Ziskal said that he also highlighted the section of the Code regarding non-commercial vehicles for recreational purposes. He clarified that the parking of these vehicles shall be only in back or side yards such that no portion of the vehicle protruded past or in front of front facades of the residences. He noted an exemption stating that any of those vehicles parked on a driveway permitted by the Building Department shall be allowed.

DIRECTOR ZISKAL proceeded with showing the slide presentation while reviewing the questionnaire. He showed a sedan, SUV, mini-van, standard van, larger van, standard pickup truck, modified pickup truck, dump truck with lift, standard delivery vehicle, bus, moving trucks of different sizes, landscaping truck, large hauler, small tow truck, large tow truck, flatbed tow truck, semi-cab, large bucket truck with a boom and trailers in different ways, such as with decals, a commercial message, ladders, tool box, cargo box, cab topper, a kayak, plumbing equipment, racks, generators, camping equipment, lawn mowers, hiking gear. He questioned whether these should or should not be allowed on residential property. He also spoke about where the vehicles were parked on the property with relation to size.

CITY ATTORNEY EUGENE STEINFELD questioned up to what number the Code presently allowed.

DIRECTOR ZISKAL said that it would be a judgment call as to what was considered altered. He noted that the top could be brought from a dealership. He replied that picture 6 would be considered good, and picture 7 would be questionable, but picture 8 and above was definitely not allowed.

DIRECTOR ZISKAL continued by showing a picture of a pickup and a landscape vehicle and asked for an analysis of different positions and scenarios of those vehicles.

CITY ATTORNEY STEINFELD clarified that the Commission had to draw a line. He noted that unincorporated Broward had very liberal standards; however, some Cities, such as Coral Springs and Coconut Creek had very strict standards. He explained that in the 1980's, there was an attempt to do this, which caused mass meetings, because if things were changed some people would be angry.

DIRECTOR ZISKAL noted that the Code was written based on size and impact, but not on lettering. He clarified that any of the smaller vehicles shown, such as plain sedans and plain SUV, could have whatever was wanted on them, but the vehicle itself was judged.

COMMISSIONER TALERICO felt that aesthetics were important. He said that some trucks looked nice while others looked a mess. He mentioned situations that were let to slide in the past for particular situations. He mentioned the trucks being intrusive and not belonging in a residential area. He spoke about property values and said that people were parking their vehicles all over. He noted that there was a parking issue in general because some streets were not even allowed parking. He also mentioned problems with

parking on one side of the street with families growing and children getting cars. He stated that there was no simple solution, and that aesthetics, size and condition of the vehicle were important. He said that he drew the line after picture 8. He said that some utility trailers were not for commercial use; however, they were being used that way. He asked whether the aesthetics could be addressed. He mentioned prior years when vehicles had to be inspected.

CITY ATTORNEY STEINFELD said that some Cities allowed the vehicle providing it was able to be operated.

COMMISSIONER TALERICO spoke about surrounding Cities with similar problems.

COMMISSIONER PEERMAN noted that Parkland had horse trailers and pickup trucks.

DIRECTOR ZISKAL explained that there were pictures of vehicles shown that had been cited and the individuals who owned the vehicles were upset. He noted that the vehicle was in violation of the current Code. He stated that the purpose of the Workshop was to inform the Commission of the Code and to show them some of the issues. He said that he could point out which vehicles were cited to see if the Commission felt that the vehicles were beyond the line they were drawing.

VICE MAYOR BRYAN commented about a ladder being replaced with a Kayak, which she had no problem with.

DIRECTOR ZISKAL asked whether she had a problem with the ladder.

VICE MAYOR BRYAN said that she did have a problem with the ladder.

COMMISSIONER PEERMAN said that she did not have a problem with the ladder, because possibly it belonged to a roofer. She felt that after working all day, she did not want to have to haul the ladder down at home.

DIRECTOR ZISKAL asked whether everyone was in agreement with the pictures in the 7 to 8 range.

COMMISSIONER PEERMAN said that her concern was with length, and that her concerns stopped at picture 8.

DIRECTOR ZISKAL noted that picture 7 would be considered fine with the Kayak; however, the ladder pushed it over. He said that everyone was fine with picture 8, but picture 9 was too much.

COMMISSIONER PEERMAN said that she was concerned with having glass because of the safety issue.

DIRECTOR ZISKAL clarified that nobody was okay with picture 9. He noted that if the vehicle was parked in an enclosed garage and was not visible, it would be okay.

VICE MAYOR BRYAN questioned whether the Code would supersede the Homeowner's Association (HOA).

DIRECTOR ZISKAL stated that the HOA could go stricter; however, they could not allow something that the City did not allow.

COMMISSIONER TALERICO questioned how many complaints were received at Code Compliance.

CODE COMPLIANCE OFFICER JACKIE KING agreed that the vehicles were in the top 10 complaints received, and that Code Compliance was reactive when people called in. She explained that there were several businesses in the City that had their Local Business Tax Receipt (LBTR) from their home, such as plumbers or air conditioning technicians. She noted that many of their employees lived in the City and had trucks about the size of the Mannino's truck parked in the driveway. She said that Code Compliance did write citations on those trucks, and then the trucks would be parked in the shopping centers. She stated that Penn Dutch had 5 such vehicles parked in the rear, and Air Conditioning companies were parking their trucks in the WalMart shopping center. She noted that some areas in the City were single car driveways; therefore, they were parking on the grass. She stated that there were three complaints on a particular vehicle; however, courtesy notices were given rather than citations.

COMMISSIONER TALERICO questioned whether the vehicles were allowed to park at Penn Dutch and WalMart if given permission.

CODE OFFICER KING replied that it was not permitted by Code, because there was a section of the Code stating that the vehicle had to be an accessory use to a business located in the plaza.

COMMISSIONER PEERMAN questioned the size of the Mannino's truck.

CODE OFFICER KING replied that it was approximately 22 feet. She noted that regular vans, even with ladders on them, had previously been allowed and had not been addressed in the 15 years she was with the Code Compliance Department. She explained that there was a particular plumbing company that was angry because his employees were being noticed; therefore, they started parking them in the shopping center. She said that once parked in the shopping center, they were cited. She explained that they would have to get a storage area and drive a car there. She noted that some of the larger trucks being parked on the driveway were forcing additional cars on the grass.

COMMISSIONER PEERMAN felt that it was her house, driveway and her grass and she did not care whether her house was visible. She said that if she had a truck in her area, which was a one car driveway area, she would have to park the truck on the driveway while putting the cars on the street or grass. She stated that her issue was with length of some of the larger vehicles.

CODE OFFICER KING asked whether the Commission would consider putting a limit on how many vehicles someone could have at their home. She noted that they were allowed to run a business out of their home, but they would be limited.

COMMISSIONER PEERMAN said that if employees were coming to the house to pick up the truck, they were breaking the Code regarding home businesses.

CODE OFFICER KING believed they were allowed to have three with a home business.

DIRECTOR ZISKAL asked what vehicle was the threshold, assuming they were following the law of one vehicle. He believed that all were in agreement that truck 9 would be considered as not good.

MAYOR RUZZANO felt that it depended on whether it was north or south Margate.

COMMISSIONER TALERICO felt that the problem was trying to help a select group of people having the vehicles at the expense of a group of people who do not want those vehicles.

DIRECTOR ZISKAL asked whether everyone agreed that picture 10 and picture 11 had too much modification.

COMMISSIONER PEERMAN said that picture 10 did not bother her because it was closed; however, picture 11 did bother her.

DIRECTOR ZISKAL stated that picture 10 and picture 11 were the vehicles that received warnings, because under current Code, these two vehicles were not allowed and were given a verbal warning. He noted that the homeowners of these two vehicles raised the concerns and came to a Commission meeting regarding the issue.

VICE MAYOR BRYAN asked whether the generators were a safety hazard sitting on the truck overnight.

COMMISSIONER SIMONE pointed out that the generators were attached to the truck.

COMMISSIONER TALERICO questioned whether the City would be in a situation where people would say they were being deprived of making a living.

CITY ATTORNEY STEINFELD disagreed and explained that every community drew a line. He noted that at one time there was a ban and no pickup trucks were allowed in Coral Springs in the 1980's. He said that pickups became a lifestyle; however, Cities drew lines. He stated that people did not have to live in the City and did not have to follow the laws if they did not live in the City; however, if they wish to live in the City they have to follow the laws. He mentioned grandfathering vehicles in, but that would have to be monitored with stickers. He noted that Margate was a working class community and was in a very contentious situation, but the Commission needed to determine where to draw the line.

MAYOR RUZZANO asked whether picture 11 would be approved without the two pieces of equipment.

COMMISSIONER PEERMAN said that her concern was whether or not the equipment was connected or would fall off. She stated that she would not be concerned if the equipment was connected.

COMMISSIONER SIMONE said that her concern was with regard to protecting property values. She noted that the Commission fussed at the apartment complex going into El Rancho because the monument sign was not up to the City's standards for appearance; however, the Commission was allowing trucks that did not look good into the residential neighborhoods. She did not feel she should have to move into a neighborhood with a HOA in order to be able to live in a nice neighborhood. She noted that HOA's would not allow these types of vehicles. She felt that there would be a ripple effect if allowed, and that the sheds, boats, 35 foot mobile homes and the trucks would deteriorate Margate.

COMMISSIONER PEERMAN stated that offensive was in the eye of the beholder, and she was not offended by the trucks in her neighborhood. She felt that if picture 11 belonged to a person that lived in Margate and the truck was for his business, that person should have the right to use the property that person was paying taxes for.

VICE MAYOR BRYAN stated that from her perspective she did not like the way picture 11 looked. She was additionally concerned with the potential for other hazards due to the compressor and generator. She stated that she would not want to live in a neighborhood with those trucks next door. She understood that people needed to make a living; however, she would not want picture 11 in hers or someone else's driveway. She stated that she had a problem with picture 10; however, she was not sure what the silver thing behind the cab was.

COMMISSIONER SIMONE said that it was a large silver metal tool box.

VICE MAYOR BRYAN stated that she did have a problem with picture 10, and COMMISSIONER SIMONE agreed.

COMMISSIONER PEERMAN stated that she had no problem with picture 10.

MAYOR RUZZANO questioned whether the Commission would be against those trucks if they were parked in the back yard.

COMMISSIONER PEERMAN did not care what was in the back yard.

CITY ATTORNEY STEINFELD clarified that if someone's property backed up to the back yard where the truck was parked, they may care. He explained that in an urban or suburban area where everyone was close up and not on acre lots, everybody could see everybody. He stated that if you kept your house a mess with weeds, no lawn mowing, etc., and the next person took a lot of pride in their home, it would be a problem for the pristine home. He noted that the neighborhood was a result of everybody maintaining their properties. He stated that if living in a rural area nobody cared, but being close to other neighbors did affect other people.

COMMISSIONER PEERMAN spoke about not having money to spend on the house compared to a neighbor who was retired and had a lot of money.

CITY ATTORNEY STEINFELD stated that it was up to the City to determine minimum standards.

COMMISSIONER SIMONE said that affordability was in the eyes of the beholder. She stated that there was a question of affordability.

RICH ALIANIELLO, 7631 NW 23rd Street, commented on picture 10, and said that the owner of the vehicle moved to Margate from Coral Springs because of the laws and the truck was not owned by the property owner. He felt that the owner was trying to get the Commission to bend and allow the truck to be parked where it was. He noted that the truck was being backed in so the appearance could be hidden. He questioned why anyone would bring home a United Parcel Service (UPS) truck, unless it was for extra transportation. He felt it did not belong parked at the house and a lot of people might not want it there. He felt that if allowing it, many people might be upset because they had received and paid violations. He asked that the Commission be careful of what they allow.

MAYOR RUZZANO stated that he understood Commissioner Peerman; however, he felt that the Commission was responsible for the City.

COMMISSIONER TALERICO questioned whether picture 10 and picture 11 were currently

illegal per the current Code. He questioned why the individual from Coral Springs moved to Margate knowing it was illegal.

DIRECTOR ZISKAL agreed that the truck was illegal.

CITY ATTORNEY STEINFELD said that the individual might not have asked prior to moving here.

ARLENE SCHWARTZ, former Commissioner, asked that the last picture be shown again, because she took the picture two days ago in her neighborhood. She said that unfortunately, her Code Compliance Officer was not present or she would ask why the property was never cited. She noted that it was illegal to be on the lawn and to have a refrigerator with its door attached outside. She felt that she did not receive good Code Compliance in her neighborhood since 1982. She stated that people had the right to do what they wanted, providing she did not have to see it because it would bring down the value of her property. She mentioned the corner of 77th Avenue and NW 1st Street, where someone had a pig in their back yard. She noted that the City did not have something in the Code about having pigs in the yard. She felt that people did not need a big budget to mow their lawn. She stated that she was not concerned about the length of the vehicle, because she did not want a bus of any size in her neighborhood. She noted that her neighborhood had alternate side of the street parking that switches sides on each corner, which was very dangerous. She said that for her neighbor to park the truck on the driveway, the Mercedes must be parked on the lawn, which was not right. She noted that she provided a report to the Commission showing that the City had inadequate parking for residents. She mentioned people not using their garages for parking their cars. She suggested taking Community Development Block Grant (CDBG) money and offering grants to people to enlarge their one car driveways to allow two-car parking without having the eyesore. She said that people who had business outside the City should park their trucks where the business was and drive another car to pick it up. She felt that the neighborhoods could be residential areas, but did not have to be a dump.

COMMISSIONER PEERMAN agreed that was unacceptable for a number of reasons. She asked that it be determined how many times Code was called regarding that property. She noted that if the people were not calling, it meant they were not bothered by it.

COMMISSIONER SIMONE disagreed and said that she saw many things in her neighborhood that she did not like; however, she was not calling Code.

COMMISSIONER PEERMAN reiterated that she was good up until picture 8 and was negotiable for the others.

MAYOR RUZZANO asked for a consensus on picture 8.

*COMMISSIONER SIMONE – NO
COMMISSIONER PEERMAN – YES
COMMISSIONER TALERICO – YES
VICE MAYOR BRYAN – NO
MAYOR RUZZANO - YES*

The consensus carried by a 3-2 vote.

DIRECTOR ZISKAL clarified that picture 9 was not agreed on and he asked about picture 10 and picture 11.

COMMISSIONER PEERMAN stated that she had no problem with picture 10 and picture 11.

VICE MAYOR BRYAN noted that Commissioner Peerman was the only Commissioner that had no problem with picture 10 and picture 11.

MAYOR RUZZANO questioned whether picture 10 and picture 11 were still parking there daily.

DIRECTOR ZISKAL clarified that picture 9 was out.

COMMISSIONER PEERMAN asked whether everyone would still have a problem with picture 10 if it was covered across the top.

COMMISSIONER TALERICO noted that it was a camper top.

MAYOR RUZZANO asked what the problem with picture 10 was.

DIRECTOR ZISKAL explained that the bed had been altered and was not even an active bed anymore. He said that the tool boxes were on the side with the equipment on the inside; therefore, it was not a functioning bed. He stated that the question was whether or not the regular tool box was altering the bed.

CITY ATTORNEY STEINFELD said that back in the 1980's the attempt was made to determine what the vehicle was primarily; a commercial vehicle used in business during the day; a passenger vehicle that had a sign on and was used both ways.

DIRECTOR ZISKAL said that having an accessory put on a newly purchased F150 from a Ford dealership was considered an accessory; however, if sending the truck to a commercial fleet or warehouse to add something that cannot be done at the dealership, that would be considered altering. He noted that a cab, liner, tool box or things that can be installed at the dealership while changing oil were considered accessories. He stated that the big question was what was considered altering. He added that when drawing the line tonight, there was some level of altering that was okay, but some was not.

COMMISSIONER SIMONE referred to Picture 8, which had a ladder on the side, and said that she was not in favor of allowing too many other things to add to the truck.

DIRECTOR ZISKAL clarified that the truck in picture 8 was for plumbing and was particularly outfitted with a lot of PVC on top on racks.

COMMISSIONER TALERICO stated that it was up to Code Compliance and the Police Department to enforce the rules, once the Commission determined them.

DIRECTOR ZISKAL noted that he and the City Attorney were tasked with writing the Code; however, without understanding the intent of what goes into the Code Book, it was difficult to apply the text in the field to each and every truck. He said that there were many altered pickup trucks shown in the slide presentation because each Code Officer would read the text, look at each vehicle and make a determination.

CITY ATTORNEY STEINFELD said that it was a rare week if he did not get two or three calls from Code Compliance asking him to look at a vehicle and make a call based on his interpretation. He noted that there was going to be some discretion no matter what

the Commission did.

VICE MAYOR BRYAN questioned what Dan Topp's position was.

DIRECTOR ZISKAL explained that he was the Code Compliance Officer for the Economic Development Department.

CODE COMPLIANCE OFFICER DAN TOPP explained that he chiefly handled Local Business Tax Receipt (LBTR) enforcement, as well as some sign issues and illegal banners. He said that for many years he handled commercial and residential.

MAYOR RUZZANO asked Code Officer Topp whether he had a problem with picture 8.

COMMISSIONER TALERICO noted that there were trucks bigger than that in the neighborhoods.

MAYOR RUZZANO asked whether that was legal.

DIRECTOR ZISKAL said that it was not commercial and he would have to double check on the height, but the vehicle itself was not currently designed primarily for commercial.

VICE MAYOR BRYAN stated that it was primarily a private vehicle.

DIRECTOR ZISKAL stated that the majority voted yes for picture 8, and the majority voted that the others were no good.

MAYOR RUZZANO asked whether the altered truck without the lettering would be allowed.

DIRECTOR ZISKAL replied that the regulation was that it was the style or design of the truck that determined if it was commercial vehicle, not whether it was actually being used for commerce or not. He clarified that regardless of what the truck was actually being used for, the issue was what it was designed and intended to be used for. He noted that the intent of the truck was determined by the manufacturer and not by the user. He stated that the direction was to have the City Attorney's office and the Economic Development Staff would work on possibly revising the language. He noted that the Code needed some clarification about the level of modification to a pickup truck. He said that a memorandum would be sent to the Commission, and that if there was a need for a proposed modification, he would bring that back for the Commission's consideration.

MAYOR RUZZANO questioned whether campers and boats were included.

DIRECTOR ZISKAL said that was not being discussed tonight; however, it could be revisited in the future if the Commission wanted.

COMMISSIONER SIMONE stated that she did want to address that.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:52 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo

Joseph J. Kavanagh, City Clerk

Date: _____

DRAFT