



City of Margate

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Meeting Minutes City Commission Workshop

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Commissioners:
Anthony N. Caggiano, Lesa Peerman, Joanne Simone

Interim City Manager Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

Wednesday, August 23, 2017

5:00 PM

Commission Chambers

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:

Interim City Manager Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

1) PRESENTATION(S)

A. ID 2017-555 WINDOW SIGNS

ASSOCIATE PLANNER ANDREW PINNEY, Economic Development, gave a presentation on Window Signs. He referred back to the discussion that took place at the City Commission meeting on July 12, 2017, and wanted to clarify a few issues.

MR. PINNEY explained that in the first instance according to current Code, there was no limitation on window tint. He said under Section 33106 of the Police chapter, the Code stipulates that it prevents black out tint on convenience stores but no other stores or businesses.

MR. PINNEY started his presentation and explained that he uploaded a proposed Ordinance and he had highlighted and added comments to each modification. He indicated that the theme for the modifications was Time, Place and Manner which the City has to enforce due to case law at the Supreme Court. He also wanted to simplify the Regulation to make it more user friendly.

MR. PINNEY said he wanted to remove content Regulations, rules on signs with lights, redundant language and unnecessary items. He explained that he received positive feedback at his last presentation in July, in particular the K&G Fashion Superstore concerning some of their window panes which were completely covered over. Although this violated the Code, he received no objections. He also explained that he struck out the letter height Regulation and window outline.

MR. PINNEY said he would be recommending the following:

- An amortization date to allow businesses sufficient time to repair their signs before they receive any negative interaction with Code.
- A permit would be required for permanent lettering both internally and externally.
- Design flexibility.
- Tint limitations could be applied to first law businesses.
- Clarity for window outlining.

VICE MAYOR SCHWARTZ referred to the last Ordinance originally enacted in 1997 which has changed several times between 1999 and 2015 but the City does not enforce anything. She said that the City should not enact a law that they do not intend to enforce. She questioned why K&G and a nearby shoe store were not penalized. She also noted that there were parts of the Ordinance that they were not changing.

MR. PINNEY said he focused on window signs.

INTERIM CITY MANAGER SAM MAY explained that upon his appointment with the City, he inherited the Sign Code issue and for this reason, this is why he is reviewing the same.

VICE MAYOR SCHWARTZ said she understands that the City is fixing the problem, she was concerned that the City turned its back since 1997 to date on this issue and again reiterated that a law should not be made if they do not intend to enforce it and that is the reason why there are laws.

INTERIM CITY MANAGER MAY agreed and said this is why they are making a number of changes to a variety of codes. He also said that they have to ensure that the Commission is agreeable to the codes that they intend to enforce.

VICE MAYOR SCHWARTZ suggested that workshops should be put in place for business owners.

COMMISSIONER LESA PEERMAN referred to the Police chapter on tinting for convenience stores and asked if massage parlors could be added too.

INTERIM CITY MANAGER MAY said that could be possible.

VICE MAYOR SCHWARTZ asked the purpose of black out windows. She said that the idea of having surface area visible is for security reasons such as a robbery or any other wrong doing which may occur in a store.

MAYOR TOMMY RUZZANO said that Camp Canine is totally blacked out.

COMMISSIONER PEERMAN suggested that Camp Canine should have a separate section to their store that has all their information and the other part as an entrance. She said that the massage parlor's windows are totally blacked out and perhaps the Police department could add this to their policy pertaining to convenience stores which would prevent other stores installing total blacked out windows.

MAYOR RUZZANO asked whether "blacked out" is similar to Massage Envy where they have tinted the whole window and it is not visible to see out of it.

MR. PINNEY said that refers specifically to tint but if it contained a graphic or text, it would need to be reverted back to the Window Sign Regulation.

COMMISSIONER PEERMAN said they would have to lower the tint.

MR. PINNEY said that if the window is totally black, that is tint. He said if a massage parlor has a logo or wording which you still cannot see through due to a message being conveyed, that would be considered to be a sign.

COMMISSIONER PEERMAN reiterated that this could be added to the convenience store and the rest of them can go under the tinting of cars.

MAYOR RUZZANO asked why this rule only pertains to convenience stores.

COMMISSIONER PEERMAN said that apparently, the Police can pick and choose for safety reasons.

INTERIM CITY MANAGER MAY said it is in the Police's best interest to be able to determine what happens from outside without entering into property for officer safety.

COMMISSIONER PEERMAN said that according to the Sign Code, that would not be considered a sign.

MR. PINNEY advised that as it contained wording and imagery, it was a sign.

COMMISSIONER PEERMAN asked if it was according to the City's sign.

MR. PINNEY said that it was not permitted.

MAYOR RUZZANO asked for the percentage of the window coverage.

MR. PINNEY confirmed this to be 50% and his proposal is to change it from 50% per pane to 50% of the store front. He read a section from the proposed Ordinance on Window Transparency.

MR. PINNEY said that he copied the language from the Statute as this is what the Police Department currently enforces.

VICE MAYOR SCHWARTZ asked if a new business owner receives an Occupational License, are they in receipt of any further documentation from Margate.

MR. PINNEY advised that the City has a business guide which they distribute with the application but the same is currently being updated.

VICE MAYOR SCHWARTZ suggested that they should have a quick guide informing the business owner of the codes.

MR. PINNEY agreed.

VICE MAYOR SCHWARTZ said that the business owner should sign a document confirming that they are in receipt of the business guide. She said this would avoid any confusion at a later date if they said that were never in receipt of the said document which would be similar to a contract for a new hire. She suggested community meetings in parts of the City that business owners can be informed of any changes.

INTERIM CITY MANAGER MAY suggested implementing a large outreach program for those who currently have signs. He said that Code Compliance would have to also visit

existing business owners to bring them up to speed on any changes, giving them sufficient days to apply which should hopefully avoid any citations.

COMMISSIONER ANTHONY N. CAGGIANO said that not all of the business names are displayed on the monument signs in plazas, so if there is a store located in the back, the only way they could attract customers is by displaying large signs in their windows. He said that by limiting what they are able to display which would include the size of the lettering, the City could possibly put them out of business. He said installing additional monument signs within a plaza could be a way to avoid this.

MR. PINNEY said the current Regulation stipulates that they cannot contain letters any greater than 12" and that is one of the areas he prepares to strike.

COMMISSIONER PEERMAN agreed with Mr. Pinney and said that if they remove the limitation of the signage, this would resolve that problem.

MR. PINNEY said that most store fronts would be an 8 foot window and if the signage is more than 50% coverage, it would be too big.

COMMISSIONER PEERMAN said that although they have considered the number of monument signs which can be displayed, the problem would lie with the property owners not allowing additional monument signs.

VICE MAYOR SCHWARTZ mentioned the medical supply place where Winn Dixie used to be and said that the property owner prohibits them to display their business on the monument sign. She also explained that the owner's agent will not speak to the medical supply store or the rest of the tenants in the plaza concerning a monument sign. She said the business owners would be prepared to come together to contribute towards a monument sign but they cannot proceed without permission. She said that the City could act as a liaison between those businesses and the property owner.

COMMISSIONER JOANNE SIMONE suggested that perhaps the business owners could put pressure on the property manager by not renting in the areas towards the back of the plaza and this would bring awareness that they would need to re-think on how better to appease them.

VICE MAYOR SCHWARTZ said it is not the City's concern to either promote that idea within the plaza as it is a private industry in a private place doing business. She stated that they either want it to be aesthetically pleasing or they do not.

COMMISSIONER PEERMAN indicated that they would still experience the same problem as it would be the property owner's decision.

MAYOR RUZZANO asked whether the property owner would refuse this. He also said that he heard at a recent CRA meeting where they explained that they could work with a business and possibly pay for the new monument.

COMMISSIONER PEERMAN said that it is not a matter of paying for the sign.

MAYOR RUZZANO asked if anyone had questioned a business owner if they had any concerns providing additional monument signs.

COMMISSIONER PEERMAN said that tenants have offered to pay for extra monuments. She stated that this decision lies with the property owner.

MAYOR RUZZANO suggested that large plazas such as Lakewood, which are full for at least 10 years, would not require a monument sign as it would not benefit them.

COMMISSIONER PEERMAN explained that the benefit of installing a monument at a plaza is to assist those small businesses.

COMMISSIONER CAGGIANO said the issue should be addressed in those plazas which are not full.

MR. PINNEY asked if he had consensus on adding a form to the Local Business Tax Receipt (LBTR) application asking if businesses had received a business guide and the sunscreen language that he read being applied universally and asked whether this was only for convenience stores or should it also include massage parlors.

COMMISSIONER PEERMAN said that they should remove the blackout from convenience stores and massage parlors.

MR. PINNEY stated that it would prevent the black-out from any business.

VICE MAYOR SCHWARTZ asked if there could be exceptions and provided an example if Camp Canine had a legitimate reason which could lead to a variation of the coding.

MR. PINNEY stated that they could provide additional exceptions. He indicated that if they were to do it case by case, this would need to be referred to the Board of Adjustment.

COMMISSIONER PEERMAN suggested that they should go in for variance.

COMMISSIONER SIMONE was concerned that if there were a large number of variances, then this would prove difficult for Code to enforce.

VICE MAYOR SCHWARTZ said it should just apply to Camp Canine.

COMMISSIONER PEERMAN reiterated that to simplify matters, it should be applied to parlors and convenience stores.

COMMISSIONER CAGGIANO asked if any other business should be added to the list.

INTERIM CITY MANAGER MAY mentioned that dentist and doctors' offices have blacked-out windows or full signs.

VICE MAYOR SCHWARTZ asked whether they should have a definition of what is legally described as dark tint as opposed to blacked out.

MR. PINNEY said it could be between 28% - 32%.

POLICE CAPTAIN JON SHAW said he was unaware of the exact percentage. He mentioned that some business owners, such as electrical retailers, did not want people peering through the windows due to security concerns.

CITY ATTORNEY DOUGLAS R. GONZALES said that front side windows must allow more than 28% of light in and back side windows must allow more than 15% of light in.

MR. PINNEY explained that the lower the number goes, the darker the window appears.

Discussed ensued on using the term blackout or blockout in reference to window tint.

MR. PINNEY said that if the window signs were not strictly enforced, each one of the panes would be limited to no more than 15% and under the proposal, it would be 50% of the store front so it could free up six panes which would be totally blocked with the graphic. He asked the Commission for feedback.

COMMISSIONER CAGGIANO said it would be a great idea and referred to one of the advertisements as being beautiful.

COMMISSIONER PEERMAN referred to the proposal and asked if the Police Department could see into the businesses. She mentioned the safety aspect that if someone was to hold someone at gunpoint and no one was able to see this through a blacked out window.

VICE MAYOR SCHWARTZ said that she did not find it aesthetically pleasing.

MAYOR RUZZANO said that they were not going to find a solution to the problem but needed to come to an agreement as to what they wanted to see. He said that he has not received any feedback from Police officers about removing any black or blocking from the windows.

A discussion took place between the Commissioners about the illustrations that were provided by Mr. Pinney.

VICE MAYOR SCHWARTZ believes that a monument sign is a clean way of representing a business.

COMMISSIONER PEERMAN stated that temporary signs, such as banners, are available for business users subject to the property owner's discretion. She also said that if they are going to 50%, they can have all their windows but still have the ability to look in.

VICE MAYOR SCHWARTZ said that if she was aware that other cities such as Coral Springs had similar measures enforced, she would have taken pictures to display at the meeting.

COMMISSIONER PEERMAN said that Coral Springs has huge signs that advise you of the street blocks such as address numbers.

MAYOR RUZZANO asked the Commission if they want 100% removed from every business.

The Commission said no blacking out.

MAYOR RUZZANO asked about convenience stores.

The Commission were in agreement with this but asked for the inclusion of Massage Parlors.

RICK RICCARDI, 4829 South Hemingway Circle, Chamber of Commerce, said he is aware it is currently illegal to cover 100% but by introducing it at 50%, the City would be

making the law better for all businesses. He agrees with Interim City Manager May that it should be enforced this time around and that consistency and simplified measures are also taken. He is in full agreement with Mr. Pinney's proposals.

INTERIM CITY MANAGER MAY mentioned illuminated window signs which refer to neon, LED rope lighting, window outlining or other similar lighting devices which are not permitted. He said that there is a high degree of businesses that have rope lighting and most of which are in a tasteful manner, but others are not.

MAYOR RUZZANO asked if he had seen any lighting which was not on the perimeter.

INTERIM CITY MANAGER MAY said that he had seen a few, but that Barber Shop USA is a good example of something that has been professionally done.

MR. PINNEY suggested that a change could be made that would include the outline which you could not see the light element of the individual bulbs. He said this would result in being able to see the glow and color but not the glare. He also indicated that there is wording in the sign code that any signs should be professionally prepared.

There was general consensus to add rope lighting.

COMMISSIONER PEERMAN AND VICE MAYOR SCHWARTZ both spoke about Checker's request for neon light but their application was refused.

MR. PINNEY said that issue pertained to neon which was going to be exposed but Lester's Diner had building and embellishment lighting which is hidden behind their stainless steel trim. He explained that it glows on the building and the light fixture is not exposed.

COMMISSIONER PEERMAN said that Jerry's Plaza on Atlantic used to have an incredible lighting system with signs on top in different colors which was extremely effective.

VICE MAYOR SCHWARTZ asked what was decided on the tinting.

COMMISSIONER PEERMAN explained that they are adding massage parlors on the police code and allowing car tinting.

ANTONIO ARSERIO, Resident, said that everyone has made valid points. He said he is aware that Planning and Zoning recently approved a more business friendly recommendation for certain type of banners which would encourage promoting. He said his only concern regarding massage parlors is that as this change would pertain to a 50% coverage, if the business only had two windows, they could cover the window in the lobby with a sign and cover the other window so more specification would need to be clarified in this respect.

COMMISSIONER PEERMAN stated that massage parlors cannot change their window as they would be referred to Special Magistrates or pay a fine.

MR. ARSERIO explained that the massage parlor could wrap the entire window with a colored background and apply text and logo over the same, preventing someone seeing through the window.

CITY ATTORNEY GONZALES explained that this would need to be under the Police

Department's safety power as otherwise, it will be an improper Sign Code.

COMMISSIONER PEERMAN said that it should then be 50% per window for massage parlors and convenience stores.

MR. ARSERIO said they should list a specific percentage on the tint as law enforcement uses a meter to measure it.

COMMISSIONER PEERMAN asked if there is any wording pertaining to transparency or see through.

MR. PINNEY reiterated that the proposed text referring statute 3.16.2953 which says at least 28% light transparency.

RICHARD ZUCCHINI, Resident, said his main concern relates to the safety issue of having cash register type businesses. He said that the Police should be able to see inside as they approach that area and said the cashier area should always be visible and this should be added to the Code. He said he believes that businesses should be able to cover the entire window and promote their organization as some of them are located in areas where they require additional signage. He mentioned that the Ordinance should not legislate good taste as this would be difficult to accomplish and he did not think people would want to see inside a massage parlor.

COMMISSIONER PEERMAN said what they are considering is more business friendly as they are allowing for advertising and it also increases the organization's ability and makes it better for them as opposed to the other ordinance which is more restrictive had it been enforced.

MR. PINNEY asked if they adopt the car tint standard, then no one would be allowed for black out tint as it would only go up to 28%.

MR. PINNEY asked if everyone agreed to this and the general consensus was yes.

B. [ID 2017-556](#)

PARKING

The Commission agreed to defer the discussion of Parking to a later date.

VICE MAYOR SCHWARTZ also said that as Parking was going to be a lengthy discussion, it should not have been added as an Agenda item on the same day as the City Commission meeting.

MAYOR RUZZANO mentioned the Transit-Oriented Corridor (TOC) but agreed that this would be discussed at a future meeting.

VICE MAYOR SCHWARTZ asked if there any other parking issues which require discussion and advised that the same should be brought to the Commission's attention in the near future. She asked about variances based on the amount of spots they currently have.

MR. PINNEY said it was difficult to predict.

VICE MAYOR SCHWARTZ advised that Parking should be discussed beforehand.

MR. PINNEY said that another workshop can be scheduled in the near future.

C. [ID 2017-557](#) MORATORIUMS

MR. PINNEY explained that the City already adopted Regulations for Charter Schools. He said three other items are under Moratoriums: Marijuana Dispensaries, Message Parlors and Storage Buildings. He said although these have previously been extended, the current extension will expire in November, 2017. He explained that for the dispensary and discussions with the City Attorney, there is a nexus between the City's Regulations and the State's Regulations. He said there is an opportunity to extend that particular Moratorium for the Medical Marijuana Dispensaries.

CITY ATTORNEY GONZALES explained that the justification for the second Moratorium and the first one which they enacted was due to the fact that the residents in the State of Florida have overwhelmingly approved of the medical use of marijuana. He said the State has still not yet determined exactly what areas of the Cities will be required to accommodate those uses and whether it will be the hospital districts or for industrial or commercial. He recommended that they should continue and although he recognizes that the Commission do not like Moratoriums, this is one where he would dislike a situation where somebody came in, purchased a piece of property, obtained the approval, had that property opened or running business as they would have a property right and that the City would not be able to change that decision in the future. He said he would prefer to wait until the State advises them accordingly.

COMMISSIONER CAGGIANO indicated that Miami, Orlando and Tampa already had this in place.

COMMISSIONER PEERMAN explained that businesses would be aware of how they would run their business and how it will be regulated. She said cities would only be permitted to decide on the area.

COMMISSIONER PEERMAN said she is in favor of Medical Marijuana and for having dispensaries but with the Moratorium, the City would be guided by the State who is more than likely to say that wherever a CVS or Walgreens is located, they could set up the dispensaries there. She also believes that the reason why other Cities have passed or come up with zoning is that they are anticipating it will be grandfathered in.

CITY ATTORNEY GONZALES said that if the State stipulates that the dispensaries should operate in industrial areas, they will have that one particular location as well as opening in other industrial areas.

COMMISSIONER PEERMAN said that as an all cash business, they should place them in central locations.

COMMISSIONER CAGGIANO said that his preferred location would be near the Kentucky Fried Chicken (KFC).

VICE MAYOR SCHWARTZ asked the City Attorney if the City can be less restrictive than a State Statute.

CITY ATTORNEY GONZALES said that the City would not be able to be more restrictive.

VICE MAYOR SCHWARTZ asked why the City would designate a location which is not legally viable.

COMMISSIONER PEERMAN asked that as a Commission, could they say that they are oversaturated meaning that no further Massage Parlors could be located in the City similar to the storage units.

CITY ATTORNEY GONZALES asked the Commission if that is something that they would prefer to see.

MAYOR RUZZANO said it would be wrong to refuse a new Massage Parlor if they wanted to operate in the City and said they cannot pick and choose what comes into the City.

VICE MAYOR SCHWARTZ indicated that if you deny, they can come for a variance but if there is no rule in place, then they can open up anywhere they please.

INTERIM CITY MANAGER MAY asked Mr. Pinney to elaborate on the new rule that allows the Commission to give leniency on new businesses.

MR. PINNEY explained that the new rule is on the City Commission Agenda under Public Notice and Special Exception procedures. He said they did amend the criteria for special exception uses and if it comes before the Commission as a Public Hearing, they would have the discretion to say that there is a market saturation and deny approval.

VICE MAYOR SCHWARTZ said that if they did not stipulate that rule, then anyone zoned for a particular business does not need to come before the Commission, which could result in multiple businesses of the same stature.

INTERIM CITY MANAGER MAY indicated that the Vice Mayor Schwartz was probably right and said that this is only if it is a Special Exception. He said that every day, businesses are opened in the City but do not come before the City Commission.

MAYOR RUZZANO asked who has the final approval for new businesses within Margate.

MR. PINNEY indicated that it depends on how it is categorized. He said if it is a permitted use, it is directed to staff only, He said if it is a Special Exception, it would go to the Board.

MAYOR RUZZANO asked if that can be changed.

INTERIM CITY MANAGER MAY said that if every application for a new business came before the Board, the Commission would be doing nothing more than approving or disapproving them.

MAYOR RUZZANO was concerned that if something is approved without their knowledge which subsequently looked hideous, then questions would be referred to the Board as to why they approved the same.

INTERIM CITY MANAGER MAY said that it would be similar to every sub shop being opened in Peppertree Plaza and advised that they would not want it coming before the Commission.

MR. PINNEY said that if they want that discretion applied to Massage Parlors, they can allow a Massage Envy or a Red Door Spa. He said this could be re-categorized from a Permitted Use to Special Exception Use which would have to be presented before the Commission.

VICE MAYOR SCHWARTZ said that one of the benefits of conducting it this way is that they would need to present this before the Board of Adjustment or the Commission as a Special Exception and the City would be able to apply sanctions. She said if this stipulation is not enforced, then anyone can open a similar business at any time and the City would have no ability to stop them.

COMMISSIONER PEERMAN concurred by saying that if they say that they are over saturated, then this would be the City's way of controlling it.

General Consensus was that Massage Parlors would be a Special Exception.

VICE MAYOR SCHWARTZ said they could adopt this for other businesses which are oversaturated on in the City.

MR. PINNEY said he did not believe Storage Buildings would be appropriate for the main thoroughfares within the City. He asked the Commission how they would feel confining them to Industrial Districts.

VICE MAYOR SCHWARTZ said they have nine Self-Storage Warehouses within nine square miles and there are currently more than enough in the City of Margate.

General Consensus was to prohibit Self-Storage Warehouses.

VICE MAYOR SCHWARTZ said only if one closes down can another one open.

COMMISSIONER PEERMAN suggested that a new owner could buy out the previous owner's warehouse.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:25 PM.

Respectfully submitted,

Transcribed by Salene E Edwards



Joseph J. Kavanagh, City Clerk

Date: 11/16/17