



City of Margate

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

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

City Attorney Janette M. Smith

City Clerk Joseph J. Kavanagh

Thursday, September 12, 2019

6:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Cale Curtis

City Attorney Janette M. Smith

City Clerk Joseph J. Kavanagh

1) PRESENTATION(S)

CITY MANAGER CALE CURTIS explained that they had a presentation to go over a variety of topics including the City's Code and Compliance. He recognized that there were a number of business owners and representatives who wanted to discuss Section 3.22 and asked for CONSENSUS from the City Commission if they wanted to bring forward that portion of the presentation.

CONSENSUS was given by the City Commission to bring forward the Alcohol PowerPoint presentation.

CITY MANAGER CURTIS gave a presentation on Section 3.22 Extended Hours that prohibited the sale of alcohol after midnight and that it allowed for special hours via a special permit of up to 4:00am. He advised that those permits were heard last Wednesday and it required a Judicial meeting. He also explained that it was suggested to discuss it at this meeting as it related to the hours that were allowed to be served. He provided options for the Commission.

Discussion ensued.

MAYOR ANTHONY N. CAGGIANO invited members from the audience to speak for a maximum of three minutes.

JESSE WALKER, 1494 LINCOLN ROAD, DELRAY BEACH spoke on this item on behalf of Jesse's Extreme Sports Bar and sought further clarification of this Code. He also compared Margate's Code to other neighboring cities. He said that if they removed his 4:00am permit, this would affect his business.

VALERIE PERRY, 6812 DOGWOOD LANE requested clarification on the whole concept of the Code. She also discussed developing the downtown area and referenced entertainment and questioned whether the Code could affect new business. She said that the City would be infringing on the business' ability to earn a living and was against the changes.

CHARLIE ARTNER, 6631 NW 22ND COURT said 2:00am would be a fair compromise. He expressed his concerns about drink driving and questioned how much more revenue it would cost for policing those bars. He indicated that he would prefer the 4:00am license to be exclusive for the downtown area once it was established.

KERRY C. PURCELL, 6209 NW 17TH STREET did not agree with midnight and said that it was too early.

COMMISSIONER ANTONIO V. ARSERIO agreed 100 percent with Mr. Artner's comments. He also spoke about attracting new business to the entertainment center. He said that he thought 2:00am was enough and suggested that they should revisit the 2:00am – 4:00am time period once the downtown was established.

VICE MAYOR TOMMY RUZZANO explained that he had a problem with the whole process and referenced the application procedure, licensors, attending meetings and the cost of the permits. He advised that the Code should have been addressed prior to this meeting. He indicated that he did not have a problem with 2:00am but 2:00am – 4:00am should be reviewed with an explanation from the business owner as to what they would contribute to the City. He also spoke about the lack of extra taxes being generated in the City.

Discussion ensued on establishments going to 4:00am.

MAYOR CAGGIANO concurred with returning to the 2:00am permit as soon as possible. He also indicated that he had less of a problem with 4:00am and also referenced special holidays. He said that they needed to discuss the applicants who already paid \$150.

Discussion ensued.

CITY ATTORNEY JANETTE M. SMITH requested that she wanted to hear from all the City Commissioners and that she also wanted a CONSENSUS for a time certain.

COMMISSIONER ARLENE R. SCHWARTZ explained that her major concern was that there were 19 requests for extended hours that were given to establishments that do not stay open beyond midnight and that they should not be on that list. She questioned the "last call" process with Mr. Jesse Walker.

MR. JESSE WALKER explained his "last call" process.

Discussion ensued including the open container law.

COMMISSIONER JOANNE SIMONE explained that from a health, safety and welfare issue for all their residents, that more information was required in order to make an informed decision as opposed to the hours of operation. She also spoke about acquiring more information on Drinking Under the Influence (DUI). She said that midnight during the week and 2:00am at the weekends was sufficient and until she received further information, she was not in favor of staying open until 4:00am on the holidays.

CITY ATTORNEY SMITH explained that they were looking to get CONSENSUS to move forward for a Code change. She referenced January 2020 so that they could obtain all the information and that it would take two readings. She asked if they could bring back the Quasi-Judicial Resolution that they previously had. She said that the business owners could be on notice to have a Special Meeting on September 17th which would be a fairer process to the applicants.

MAYOR CAGGIANO confirmed that the Special Meeting would take place at 5:00pm September 17, 2019.

Discussion ensued including the procedure for the Special Meeting.

A. [ID 2019-473](#) DISCUSSION ON CITY OF MARGATE CODE ENFORCEMENT.

CITY MANAGER CURTIS explained that they had a number of topics to discuss and introduced Police Lieutenant Ashley C. McCarthy who would provide an overview of how Code Compliance was being conducted in the City.

POLICE LIEUTENANT ASHLEY C. MCCARTHY introduced herself and said that she was in charge of Code Compliance. She explained that she had worked for the City for 17 years and had been with this unit for one year. She provided a PowerPoint presentation which gave an overview of legal and specific Code Compliance duties which included their calls for service and staffing. She explained that thereafter, she would be turning the presentation over to City Manager Curtis so that they could discuss specific areas of concern that they had presented to him.

Discussion ensued including staffing issues and rotation, Code violation apps to submit complaints, building relationships with residents and other related topics.

CHIEF OF POLICE, JON SHAW discussed his patrol staff. He explained that at present, they were going through a transition period but had to deploy their resources the best they could. He advised that they did educate their Officers to do Code Enforcement but they also had to make decisions on how best they deploy those resources.

POLICE LIEUTENANT MCCARTHY continued with her presentation which included Animal Control responsibilities. She advised that for the last several years, Margate had operated with only one Animal Control Officer. She also discussed her personal management goals which included implementing unit specific operating procedures similar to that of the Police Department. She also wanted to budget for one Code Compliance Officer and one Office Specialist

Discussion ensued including Animal Control and parking enforcement.

CITY MANAGER CURTIS thanked Police Lieutenant McCarthy for her presentation. He explained that the next part of the presentation was to go through a few "hot topics" and that he was looking for the City Commission to provide him with CONSENSUS with either amending or enforcing Code and doing educational campaigns.

COMMISSIONER SCHWARTZ requested the City Manager Curtis to explain the Special Magistrate process.

Discussion ensued on Special Magistrate.

POLICE LIEUTENANT MCCARTHY discussed the Special Magistrate process.

CITY ATTORNEY JANETTE M. SMITH discussed the recent history of the Special Magistrate Judges for the City and also spoke about the outcome on certain cases.

Discussion ensued on Special Magistrate including homestead property.

CITY MANAGER CURTIS continued with his PowerPoint presentation. He referenced Section 3.22 of the distance restrictions for alcoholic beverages and indicated that it came up recently for the variance for the Brazilian Steakhouse in Peppertree Plaza. He said that they had come up with two different options for the City Commission to consider so that it would not occur again and referenced selling alcohol. He questioned the City Commission if they wanted to retain the Code in its current format or request staff to research with a different type of limitation.

Discussion ensued on selling alcohol within a particular zone.

CONSENSUS was given by the City Commission for changes to be applied to this Code subject to research being conducted by City staff and brought back to a City Commission meeting in January 2020.

CITY MANAGER CURTIS referenced Section 27.2 for Commercial Vehicles of his PowerPoint presentation and explained that this was discussed at a recent City Commission meeting where residents in one of their Homeowner Associations (HOA) received Notices of Violations for Commercial Vehicles parked in one of the community areas. He explained that Commercial Vehicles was defined very broadly and that their Code prohibited parking in any area of the City that was zoned other than commercial or industrialist. He informed that that the staff had put in some modifications for them to consider and recommended that the City Commission should review this Code and making allowances for HOAs to designate common areas where commercial vehicles could park with conditions. He continued to read through a number of options which the City Commission could consider.

VICE MAYOR RUZZANO discussed Commercial Vehicles and asked how they are defined.

CITY ATTORNEY SMITH explained that a Commercial Vehicle was a very broad definition and read the definition from Section 26-1 of the City's Code.

Discussion ensued on Commercial Vehicles being parked in residential areas.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY discussed and read extracts from Permissive Parking under Section 26-2 of the City's Code.

Discussion ensued on the parking of Commercial Vehicles.

MAYOR CAGGIANO invited members of the public to speak on this item.

ROBERTO A. AGRAMONTE, 5568 LAKEWOOD CIR N #G discussed an issue with Code Enforcement pertaining to an alleged room in a garage. He questioned how an Inspector could go to resident's home without an official complaint registered with the City.

PETER A. BEAUDOIN, 6608 SW 7TH STREET discussed problems with parking additional vehicles in residential areas and referenced homestead.

Discussion ensued.

DELORES C. VITTUM, 1605 NW 80 AVE #A, TOWNHOMES OF ORIOLE illustrated and discussed pictures of vehicles that were going to be cited for having Commercial Vehicles parked in their clubhouse.

Discussion ensued on Commercial Vehicles in HOAs.

CITY MANAGER CURTIS confirmed that he had heard from three City Commissioners in favor of amending the Code and to allow for some sort of allowance for HOAs to designate a common area for making it a permissible use for parking Commercial Vehicles.

Discussion ensued.

RICK E. BROWN, 6695 SW 6 ST discussed Commercial Vehicles, Code Enforcement and Margate being a drive through City and referenced Coral Springs.

Discussion ensued on parking on the grass.

MR. ARTNER did not believe that there needed to be anything redefined for Commercial Vehicles and referenced lettering. He also referenced statistics pertaining to crime and Commercial Vehicles and said that there was a higher break-in for vehicles when letters appeared on the same and said that he hoped that it was not removed from the Code. He hoped Code Enforcement would be a little more proactive. He advised that they should also review the standard 10 days for residents to fix violations and referenced grass cutting and leaving garbage out which may not require that length of time.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B thanked the City Commission for allowing the public to speak at Workshops. He provided examples of how a Commercial Vehicle could be defined. He referenced enforcement and suggested that a Code citation could be added to a water bill.

CITY ATTORNEY SMITH said that she needed time to research this but they were working on priorities for this meeting.

MR. ZUCCHINI continued to discuss citations.

CITY MANAGER CURTIS said that he was moving off from Commercial Vehicles and said that he thought that he had CONSENSUS for some language. He referenced the next topic as Section 39.8 which had to do with the Sign Code and addressed a few issues which were relevant and referenced perforated windows.

COMMISSIONER SCHWARTZ suggested that the comments from the previous meeting should have been provided.

Discussion ensued on window signs including perforation and advertising from other companies.

MR. ARTNER said that he agreed with Commissioners Arserio and Simone on the signage and said that the plazas needed to be uniform and referenced Coral Springs.

Discussion ensued on window signage.

MR. ZUCCHINI spoke about empty plazas, monument signs and signage on windows.

Discussion ensued.

MAYOR CAGGIANO confirmed that three of the City Commission gave CONSENSUS to have window perforation at twenty-five percent.

CITY MANAGER CURTIS explained that the next set of slides would cover aesthetics and improvements to the look of the community and that all of them needed to be addressed in the City. He strongly recommended that they phase these improvements in. He continued to read through a list of areas which included exterior improvements such as landscaping, dirty roofs and fencing. He suggested that they could phase them in by doing three to five projects at a time over a period of six to 12 months and also by promoting educational campaigns. He forewarned that those improvements could be costly to property owners such as not being able to park their trailer or Recreational Vehicle (RV). He said that he was going to pass out a sheet containing 14 different types of community/property improvements and would ask the City Commission to select their top five for the City to address. He also spoke of the importance of notifying the residents of the forthcoming improvements to the City and that they should not overwhelm them with citations.

Discussion ensued including educating residents with community improvements, temporary signs and fencing.

MR. ZUCCHINI explained that two years ago, the Planning and Zoning Board voted against allowing fences up to the edge of the side walk.

Discussion ensued on permit for trees.

MR. ZUCCHINI continued to speak on civil citations, alcohol sales and licenses and trailers.

MR. ARTNER referenced the Code and explained that the biggest problem they had was that they had not enforced anything since his arrival to Margate. He agreed with the City Manager's comments by easing in those initiatives but indicated that one year was too long.

Discussion ensued on using education initiatives and the length of the campaign, the cost of using a robocall, the lack of Code Officers and the process for Special Magistrates.

CITY MANAGER CURTIS recommended implementing one, two, four, five and ten.

Discussion ensued including hat racking a tree and pressure cleaning sidewalks.

COMMISSIONER SIMONE recommended one, five, eight, ten and eleven.

COMMISSIONER ARSERIO said that he would follow staff's recommendation of one, two, four, five and ten.

VICE MAYOR RUZZANO recommended one, six and fourteen.

MAYOR CAGGIANO said that he already submitted his list and did not recall his selection.

COMMISSIONER SCHWARTZ recommended one, two, three, four, five, six, seven, eight, ten, eleven and twelve and thought they were all a problem.

CITY MANAGER CURTIS read the results from the list:

Option One-Four votes
Option Two-Three votes
Option Three-One vote
Option Four-Two votes
Option Five-Three votes
Option Six-Two votes
Option Seven-One vote
Option Eight-Three votes
Option Nine-Zero votes
Option Ten-Three votes
Option Eleven-Three votes
Option Twelve-Two votes
Option Thirteen-One vote
Option Fourteen-One vote

CITY MANAGER CURTIS confirmed that there were CONSENSUS on six items:

Option One
Option Two
Option Five
Option Eight
Option Ten
Option Eleven

MAYOR CAGGIANO thanked everyone for attending the Workshop.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:09pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

Joseph J. Kavanagh, City Clerk

Date: _____

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.