



City of Margate

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

Meeting Minutes Regular City Commission Meeting

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, July 12, 2017

7:00 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

PLEDGE OF ALLEGIANCE

[ID 2017-448](#) GIRL SCOUT TROOP 10269

1) PRESENTATION(S)

A. [ID 2017-473](#) HOME OF THE MONTH - JULY 2017

[ID 2017-479](#) PRESENTATION OF 4TH OF JULY PARADE WINNERS
PRIVATE BUSINESS: LINE DANCE TO BFREE
MARGATE FAMILY: ED LAPADURA
NON-PROFIT: ABUNDANT LIFE

ATHLETES OF THE MONTH

B. [ID 2017-449](#) BASEBALL: CAMERON BROOKS
(Parkland Pokers)

SWIM: ADEN THOMPSON
(Margate Motion Swim Team)

SOCCER: RANSOM BROWDY
(Margate United FC Travel)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- C. [ID 2017-462](#) PETER O' LAUGHLIN, TREATMENT PLANT OPERATOR - DEPARTMENT OF ENGINEERING AND ENVIRONMENTAL SERVICES - 30 YEARS

ANDREW PINNEY, ASSOCIATE PLANNER - ECONOMIC DEVELOPMENT - 10 YEARS

JOHN M. CASINO, FIREFIGHTER/PARAMEDIC - 5 YEARS

2) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO said that 4th of July social activities were a success. He recognized Mike Jones and his crew for doing a wonderful job putting together a safe, happy and phenomenal day.

COMMISSIONER CAGGIANO reminded everyone that drowning is the number one cause of death for young people in the State of Florida. He said that parents and guardians should be mindful of this and that they should watch their children around watered areas. He suggested that if their children do not know how to swim, they should speak to Mike Jones who can discuss swimming lessons. He said that the City of Margate is a great family area and he would like it to stay that way.

COMMISSIONER JOANNE SIMONE mentioned the replacement of Paul Barasch on the Board of Adjustment. She said she believes in serving with the highest integrity to stand up to what she perceives to be right and wrong and what is best for the City and she will not compromise on her beliefs. She said she will vote "no" for all Board appointments as it is a very political nature in the City. She said the Commissioners made an agreement at the Commission meeting in 2013 that they should not go through each applicant's name and publically discuss each one. She said it was agreed that each Commissioner would submit a name to serve on the Board and it would be automatically approved by the other Commissioners. She explained that last week, Commissioner Peerman's original Board appointment resigned. She said that under the agreement, Commissioner Peerman submitted a replacement name, Millie Lester, but that name was voted down which she believed was due to a political nature. She said that Millie Lester was just as qualified, or more so, than the applicant who was appointed. She said that the reasons stated for this particular appointment were that the appointee had experience with serving on prior City Boards although the same applicant, when new Board appointments were chosen several months ago, was passed over for applicants who were all new except with the exception of two and had no City Board experience. Commissioner Simone asked that if this was a deciding criterion, why was that person not given a Board appointment in the past. She also questioned why applicants with no political experience were chosen over him and again, she believed this was due to politics.

COMMISSIONER SIMONE said that Millie Lester had experience sitting on several Boards, including the Charter Review Board. She also explained that in Ms. Lester's application, it stated that she was a past president of her Home Owner's Association (HOA), board member of her Temple, attended the Margate Citizen Academy and all Commission, Development Review Committee (DRC), Planning and Zoning and Board of Adjustment meetings. She said she wanted to bring awareness to the political atmosphere of Board appointments based on the application, qualifications, experience, City involvement and upholding an agreement.

COMMISSIONER SIMONE said that the City of Margate put on a fabulous fireworks display but they need to leave the handling of fireworks to the professionals. She

explained that after hearing and reading through media sources about serious injuries sustained by fireworks to adults and children, she believes that any effort the Commission put through to stop the illegal use of fireworks in the City is well worth the time and investment. She mentioned proposing significant improvements to events such as New Year's Eve and the next 4th of July. She requested that either electronic or corrugated signs be placed on every major roadway intersection throughout Margate. She mentioned bringing awareness to the community and said there is a law in place to keep illegal fireworks out of the City.

COMMISSIONER SIMONE read an article from the Sun Sentinel that reported three people who were badly injured by fireworks. She asked that those listening should picture if it was their child, a relative, a friend or a neighbor.

COMMISSIONER SIMONE said she did not believe that anyone would want to hear of a Margate child being injured or visit them in hospital due to illegal fireworks. She further stated that those lighting fireworks may think they know what they are doing and it would not happen to them until the day it happens. She said that the City will need to step in and protect Margate's children from harm. She mentioned that most of the fireworks are produced in China and elsewhere, they do not meet federal safety guidelines and 46% were found to be non-compliant. She referred to a similar article on July 6, 2017 where another six year old boy from Fort Lauderdale and a 25 year old man in Plantation sustained serious hand injuries.

COMMISSIONER LESA PEERMAN said that although she could not attend the firework display as she is a responsible dog owner and stayed at home, a good job was carried out on 4th July celebrations. She said she is trying to find a way to change the rules in the State of Florida and said that the community can buy illegal fireworks for agricultural purposes and she does not believe that Margate is an agricultural community. She said she would like to introduce an agricultural permit to those who want to purchase fireworks and this should be presented at the time of sale. She said that this initiative would be a long process as it would have to go through the State but believes that it would give the Margate Police Officers the ability to confiscate fireworks if the resident did not have the required permit.

COMMISSIONER SIMONE said that she is currently working with the Lobbyist, David Sigerson, to try and initiate this idea in Tallahassee and hopes that this could be pursued. She believed that this request could fail due to the financial and political aspects of the same.

COMMISSIONER PEERMAN said that it is extremely political. She said that in the North Florida, they have farms and more green space and therefore, they may not experience the same problems as South Florida.

COMMISSIONER SIMONE received a telephone call from a resident advising that a fire had started between two homes due to people lighting fireworks.

COMMISSIONER PEERMAN said that it is a long process and that we can only go one step at a time. She indicated that some people may not want this rule enforced as it their freedom to light fireworks. She said she appreciated Commissioner Simone's passion.

VICE MAYOR ARLENE R. SCHWARTZ said she had great respect for Commissioner Simone for all the work and time she puts into various investigative matters. She explained that after a member of the Board of Adjustment discussed the potential

appointments and also having attended several meetings, she was a witness to some very poor decisions due to the fact that those members sitting on the Board really had no idea of what to do. She explained that she made her decision purely on the basis that the candidate had the relevant experience in that Board and was not politically motivated. She said that the Board of Adjustment forgot to vote on some matters and they should not have voted when they did not have a quorum of people who would actually read their information. She mentioned being informed of other rules that she was unaware of.

MAYOR TOMMY RUZZANO confirmed that there are no other rules but asked if there is something in writing. He said that when the nomination of Board member, Anthony Caggiano arose, one sustained and one voted no.

COMMISSIONER PEERMAN said that this was correct.

COMMISSIONER CAGGIANO said that Commissioner Peerman asked to have him singled out.

COMMISSIONER PEERMAN said that she did not want to go into the reasons why but there was a gentleman's agreement.

MAYOR RUZZANO asked what that meant and whether this referred to his time as a Vice Mayor.

COMMISSIONER PEERMAN said that there was no gentleman's agreement in that respect.

VICE MAYOR SCHWARTZ said her vote was purely based on the experience of the candidate and not on politics. She stated that she did not care if she won another election and she is not running for her next election now. She mentioned working for the Commission on a daily basis due to what she believes as being right for the City. She said that she has lived in Margate long enough to see the changes over the years that she does not recognize, such as how people treat each other.

MAYOR RUZZANO asked whether the Commission meetings should start at 6:30pm from September, 2017 in light of the presentations.

CITY CLERK JOSEPH J. KAVANAGH said the presentations for Student/Teacher of the Month start the first week of October, 2017.

MAYOR RUZZANO said the next meeting is scheduled for Wednesday August 23, 2017, and he would like to have a special presentation for a young resident who wanted to be a fireman for the day. He said the City Manager and the Fire Chief made this request possible and he shared a photo on Facebook and got 1,200 hits and almost 200 shares. He said this was motivational and positive for Margate and believes that this would capture a large audience and would prefer the meeting to start at 6:30pm.

CITY CLERK KAVANAGH asked for clarification whether this would be the first meeting or every meeting of the month. The general consensus was to have a 6:30pm start time for the first meeting of the month.

MAYOR RUZZANO mentioned the firework display and said that he was in a restaurant and a customer informed him that she had a great time. He said her only complaint was that she experienced long wait lines at the food trucks but that was inevitable for an audience of 8,000 – 10,000.

3) PUBLIC DISCUSSION

JULIE JONES, 7871 NW 1ST STREET, thanked the Margate Police Department for keeping the community safe during the July 4th activities which she said was enjoyed by all. She discussed the Pie Eating Contest and questioned why the Mayor needed to pay for gift cards. She mentioned that the City staff were great assets, was sick and tired of seeing them bashed on social media and that we needed a more polished Commission.

COMMISSIONER PEERMAN said that she was unaware about the Pie Eating Contest until after it was set up and the same applies to the funding of the prizes.

COMMISSIONER PEERMAN said it is the resident's right of freedom of speech to express their views on an elected official.

MS. JONES said that she understands but indicated that the Commission and their staff are working hard and doing their best but does not agree that they should be bashed on social media.

CHARLIE ARTNER, 6631 NW 22ND COURT AND VICE CHAIR OF THE BOARD OF ADJUSTMENT, said they signed their appointments in their first or second meeting in which the term of this appointment was set to one year. He said he checked the Code of Ordinance of the City of Margate in Section of 7.76 and 7.86 for both Boards for Planning and Zoning as well as the Board of Adjustments which states that the term is two years. He requested if the Commission could re-write the appointments and allow every Board member to sign the new appointment with the term of two years.

Discussion ensued about correcting the Code.

MAYOR RUZZANO said that if the Code states two years and the contract details one, there is a conflict.

MR. ARTNER said that as the Code details two years when he signed the application, he believes that the correct procedure would be to re-write the appointments with a two year term and have every member of the Board sign it. He suggested that if the Commission wants to change the Code thereafter, that would be fine. He said that when they were appointed to the required positions by the Commission, the Code states two years and not one year.

MAYOR RUZZANO said that if the Code said two, he said that the Commission would discuss it. He also indicated that he would be in favor of amending the Code to honor the two years.

CITY ATTORNEY DOUGLAS R. GONZALES stated that according to Section 2.73A3, the Commissioner shall appoint five members of each City Board for a term of one year.

MR. ARTNER asked the City Attorney to refer to Section 2.76, Section 68 and Appendix A Planning and Zoning.

CITY ATTORNEY GONZALES explained that those two Boards, including the Board of Adjustment, that all appointments should be for a two year period but said that it does not conflict with the other provision.

MR. ARTNER said that perhaps the other provision is for all the other Boards but the Board of Adjustment and the Board of Planning Zoning contains specific two year terms.

CITY ATTORNEY GONZALES concurred.

VICE MAYOR SCHWARTZ mentioned an appointment for Affordable Housing which contains a three year term and asked whether this would be a different Code.

CITY ATTORNEY GONZALES confirmed that it was a different Code.

VICE MAYOR SCHWARTZ said that they need to abandon the first reading he gave explaining that all other Boards will be for one year as it appears that no other Boards will be there for that timeline.

CITY ATTORNEY GONZALES said that he believes that there are a few other Boards that have a one year term.

VICE MAYOR SCHWARTZ asked the City Attorney which Boards and whether this would include Unsafe Structures.

CITY ATTORNEY GONZALES confirmed that one of them would include Unsafe Structures which is now being reconstituted and there are a few others.

CITY CLERK KAVANAGH believed that in 2013 when the Ordinance was passed, the intent of the Commission was to change the Board appointments to one year.

MAYOR RUZZANO asked the City Clerk whether the Commission voted to change the Code to one year.

CITY CLERK KAVANAGH explained that if the Ordinance was passed, it had to be voted by the Commission.

MAYOR RUZZANO advised that he would discuss this Ordinance in more detail with the City Clerk Kavanagh at a later date.

MR. ARTNER mentioned an email he sent to the Commission three weeks ago concerning Section 3.22 as to how Margate is measuring the distance between an establishment applying for a liquor license, a school, daycare or a place of worship. He said that in his email, he provided an example that currently, with the way that Margate measures their distance, there could be a strip club or liquor store in the same parking lot as an elementary school. He said that although he was informed that this would not be possible, in the last Board of Adjustment meeting, the applicant did not appear. He said at yesterday's Board meeting, there is an applicant applying for a liquor license which is within 80 feet of the Hebrew Elementary School and the code requires 1,000 feet. He said that the staff came up with 850 feet and requested the Commission to review his proposal and bring it before the Board of Planning and Zoning in order that they can review the Code. He does not believe that their current Code is family friendly or in the interest of the City of Margate if they locate liquor stores next to an elementary school.

MAYOR RUZZANO said that this question arose at the last Workshop and the answer was that if they have a liquor store and there is a church, even if it is next door that you have to walk on a hard surface. He also agrees with Mr Artner that 1,000 feet determines how you walk on a side walk.

MR. ARTNER said that in this particular case, although the measurement is 850 feet, the

fact is that the liquor store would be opposite the Hebrew Elementary School and that there is no obstruction and said that the current Codes referring to measurement are misleading.

MAYOR RUZZANO said that he is unsure if other cities review the current Code but he sought advice from the other Commissioners.

COMMISSIONER CAGGIANO said he was proud of the efforts of Mr. Artner and thanked Mr. Artner for reading his backup and doing his job.

MR. ARTNER said that he appreciated it.

VICE MAYOR SCHWARTZ asked whether it was measured from the front door.

MR. ARTNER explained that the measurement is taken from the front door, then it is taken to the property line and then along the property line and public streets until you arrive to the other place to the front door. Mr. Artner also explained that a similar process took place in April, 2017, when the Board of Adjustment had to approve a liquor license; the actual distance between the church and the proposed liquor store was 345 feet yet the staff calculated this to be 916 feet which was subsequently approved. He said he voiced his opinion about this and also sent a copy of the Commission to enable them to find a solution that is less misleading and more serving to the City of Margate.

MAYOR RUZZANO said that he respects Mr. Artner's opinion. He indicated that if a liquor store is within close proximity of a school and if you have to walk around the side walk which is 1,000 feet but it is 50 feet behind it, it does not make any sense.

RICH ALIANIELLO, 7631 NW 23RD STREET, discussed the Fire Assessment and EMS. He mentioned an article in The Forum about living within your means. He said that Margate's EMS is one of the best and the response time of 3 minutes is amazing and that the EMS had saved his wife twice.

COMMISSIONER SIMONE asked the City Manager to explain to Mr. Alianiello what the fire assessment fee covers.

INTERIM CITY MANAGER SAMUEL A. MAY said that the fire assessment fee covers the operations base of the Fire Department. He said it does not cover 100% of the Fire Department as the fee of \$367 per resident or current household covers a proportion of the operations.

COMMISSIONER SIMONE asked whether this covered EMS.

INTERIM CITY MANAGER MAY stated it did not include EMS unless it is a first responder.

MAYOR RUZZANO said that public safety which includes the Fire Department is number one in the City and will only get better.

DENISE CONROY, SUNFLOWER DRIVE, requested more street lights as it is extremely dark and that the polls are spread too far apart. She said that it is very scary at night time and those who drive around the neighborhood have to drive with their high beams switched on. She is concerned that someone could fall or get injured.

MAYOR RUZZANO requested the City Manager to look into this issue.

INTERIM CITY MANAGER MAY said they will request a luminosity study by FPL.

RENATO CASTRO, 534 NW 61ST AVENUE, explained that on July 4th, none of the residents in her neighborhood were informed that trash day was being collected the following day. She explained that her husband saved a neighbor's house from catching fire due to the fireworks. She said she believes that the City should reconsider their July 4th strategy to avoid an incident such as this recurring.

MAYOR RUZZANO confirmed he was in receipt of the pictures which Ms. Castro sent and said that it looked like someone dropped a bomb in his garbage. He also requested the City Manager to arrange for the garbage bin to be replaced.

INTERIM CITY MANAGER MAY said that he would request the address from the City Clerk.

RICK DUNN, 2030 NW 29TH TERRACE, Executive Director of Men to Boyz (M2B), explained that M2B is a program designed to mentor youth which started at The Christian Life Center and has since grown into other areas of Broward County but they consider Margate as their home.

MR. DUNN said he was organizing an event on August 12, 2017, to create a better relationship between the young males which M2B mentor and the Police Department. He said that he will be utilizing the facilities at Firefighter's Park and is seeking the Commission's agreement to consider waiving the \$240 fee for the use of the park. He said that M2B is a non-profit 501C3 organization. He requested use of the pavilion/house at Firefighter's Park for group discussions and use of the courts for a 3-on-3 basketball tournament which would be a great incentive to encourage the youth to participate.

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to waive fees for the Men2Boys event at Firefighters Park on August 12, 2017. The motion carried by the following vote.

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

4) CONSENT AGENDA

Item 4B. was pulled from the Consent Agenda for discussion.

Items listed under Consent Agenda are viewed to be routine and the recommendation will be enacted by one motion in the form listed below. If discussion is desired by the Commission, the item(s) will be removed from the Consent Agenda and will be considered separately. Anyone wishing to comment on any item on the Consent Agenda should approach the podium now. Each speaker is limited to three (3) minutes.

A. [ID 2017-464](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES.

APPROVED

C. [ID 2017-465](#) RESOLUTION - AWARDED BID NO. 2017-012 - INTERIOR PAINTING AND FLOORING REPLACEMENT FOR THE DEES ADMINISTRATION BUILDING TO BENTLEY & COMPANY, INC.; NOT TO EXCEED \$129,583.

APPROVED

Approval of the Consent Agenda

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, to approve the Consent Agenda. The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

- B. [ID 2017-450](#)** RESOLUTION - APPROVING EXPENDITURES FOR SILVER SPONSORSHIP OF THE SOS CHILDREN'S VILLAGES "STEPS FOR SOS 5K RUN/WALK" EVENT FROM THE CITIZEN PROJECT INITIATIVES; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, for discussion.

The Resolution was approved by the following vote.

Yes: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

No: 1 - Commissioner Simone

5) CITY MANAGER'S REPORT

INTERIM CITY MANAGER MAY explained that they hired a new Structural Plans Examiner. He mentioned looking into the City Wi-Fi. He said that 100% of the summer camp vouchers have been paid out and 36 people have registered in the team program and 207 people have registered in the youth camp program. He said that on August 1, 2017, the Police Department and Parks and Recreation will have their National Night Out event at the Sports Complex.

6) RESOLUTION(S)

- A. [ID 2017-460](#)** CONSIDERATION OF NEW SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY 2016/2017 FOR PALADIUM SPORTS BAR AND LOUNGE.

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Resolution be approved. The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Peerman and Mayor Ruzzano

No: 2 - Commissioner Simone and Vice Mayor Schwartz

- B. [ID 2017-463](#)** APPROVING REAPPOINTMENT OF WALLACE J. LEWIS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE FOR A TERM COMMENCING JULY 17, 2017, THROUGH JULY 16, 2020.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Commissioner Schwartz, that this Resolution be approved. The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

- C. [ID 2017-477](#)** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, PRESENTED TO THE FLORIDA LEAGUE OF CITIES SUPPORTING THE ETHICAL AND RESPONSIBLE USE OF SOCIAL MEDIA BY ELECTED OFFICIALS; PROVIDING AN EFFECTIVE DATE.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, that this Resolution be approved. The motion failed by the following vote:

Yes: 1 - Vice Mayor Schwartz

No: 4 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman and Mayor Ruzzano

7) ORDINANCE(S) - FIRST READING

- A. [ID 2017-419](#)** AN ORDINANCE TO ELIMINATE BOARD MEMBER SUBSTITUTIONS BETWEEN THE PLANNING AND ZONING BOARD AND THE BOARD OF ADJUSTMENT.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Ordinance - 1st Reading be approved.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that this Ordinance be a tabled item until the August 23, 2017, Regular City Commission meeting.

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS

- B. [ID 2017-433](#)** CONSIDERATION OF AN ORDINANCE TO PROVIDE UPDATED SPECIAL EXCEPTION CRITERIA AND PUBLIC NOTICE REQUIREMENTS.

A motion was made by Commissioner Lesa Peerman, seconded by Commissioner Simone for discussion.

An amendment was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, that this Ordinance be amended to include:

Minimum sign size of 48" x 72"

Allow corrugated boards for signs
Allow 36" x 24" feet signs for Single Family Homes
Provide 1,500 feet notification radius
Allow Single Family Home Signs to be 4 feet tall

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

The motion as amended carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

- C. [ID 2017-435](#)** CONSIDERATION OF AN ORDINANCE TO PROVIDE UPDATED REGULATIONS FOR WALKWAY CAFES.

A motion was made by Commissioner Joanne Simone, seconded by Commissioner Anthony Caggiano, that this Ordinance - 1st Reading be approved.

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

8) ORDINANCE(S) - SECOND READING

- A. [ID 2017-443](#)** APPROVAL OF AN ORDINANCE TO REZONE THREE REAL PROPERTIES TO S-1 RECREATIONAL DISTRICT AND ONE REAL PROPERTY TO S-2 OPEN SPACE DISTRICT.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Simone, that this Ordinance - 2nd Reading, be approved. The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

- B. [ID 2017-444](#)** APPROVAL OF AN ORDINANCE FOR REZONING OF FELLOWSHIP LIVING FACILITES INC., LOCATED AT 451, 461, 465, 471-A, 471-B AND 471-C BANKS ROAD.

A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that this Ordinance - 2nd Reading, be approved. The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

- C. [ID 2017-445](#)** APPROVAL OF AN ORDINANCE TO UPDATE THE CODE OF ORDINANCES' REFERENCES OF THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES TO THE ECONOMIC DEVELOPMENT DEPARTMENT.

A motion was made by Commissioner Simone, seconded by Commissioner Peerman, that this Ordinance - 2nd Reading, be approved. The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

- D.** [ID 2017-446](#) CONSIDERATION OF AN AMENDMENT TO AN EXISTING PLANNED UNIT DEVELOPMENT-CELEBRATION POINTE SOUTH - LOCATED AT 2850 NORTH STATE ROAD 7.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Simone, that this Ordinance - 2nd Reading, be approved. The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

9) DISCUSSION AND POSSIBLE ACTION

- A.** [ID 2017-451](#) RECYCLEBANK RECYCLING REWARDS PROGRAM.

COMMISSIONER SIMONE explained that last year, she fought hard to withdraw from the RecycleBank Recycling Rewards Program but was advised that they needed to work on it further and send out information to the residents to see if they can increase the recycling rate. She mentioned that after all their efforts, the recycling rate marginally increased to 21.4% from 20.3%. She also indicated that most of the residents are unaware that they are paying for this service and they are not utilizing it and therefore, she is glad to see it go away.

VICE MAYOR SCHWARTZ said it was her understanding that Waste Management does not want to continue with this service either. She also advised that they are supposed to give a 60 day notice to those residents who are participating in the program.

COMMISSIONER SIMONE indicated that residents can continue to earn points but they will have to do this independently as the recycling they put at the side of the curb will not count towards points.

A motion was made by Commissioner Simone, seconded by Commissioner Peerman, to get rid of the RecycleBank Recycling Rewards Program. The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

- B.** [ID 2017-474](#) WINDOW COVERAGE ON BUSINESS ESTABLISHMENTS.

MAYOR RUZZANO said he does not consider tinted windows as part of window coverage.

COMMISSIONER PEERMAN asked if that was the black you could not see through the window.

MAYOR RUZZANO replied that was correct and indicated that they have a very respectable business by the name of Camp Canine that just opened up with black windows.

COMMISSIONER PEERMAN said they need to figure out the Sign Code and then enforce

the Sign Code or not have a Sign Code.

MAYOR RUZZANO mentioned the K & G Fashion Superstore (K & G).

INTERIM CITY MANAGER MAY said that they are currently reviewing K & G and initially thought it was in Code but upon further investigation, noted they had pearl windows and therefore, that would not be in compliance with the Code. He said that if you refer to the far right of K & G windows, they can only go up to a maximum of 50% per window.

Discussion ensued about other areas in the City not in compliance with the Code.

INTERIM CITY MANAGER MAY advised that if they have Codes on the book, they need to enforce them but if the Commission has a consensus not to enforce the Codes, they will change the Code.

COMMISSIONER CAGGIANO asked if the Codes could be grandfathered in.

VICE MAYOR SCHWARTZ said that you could not grandfather something in as it may appear that people were too lazy to take action and made reference to the Beauty Supply Store.

MAYOR RUZZANO said that it is similar to the problem with McDonald's and that this, together with the Beauty Supply Store are both out of Codes and he said that the Commission should either be for or against the Code.

COMMISSIONER PEERMAN asked whether K & G is not in compliance for the group of four windows and asked whether they used to measure the whole group and not individual windows but also questioned whether you could still see through in the next grouping of windows at K & G.

INTERIM CITY MANAGER MAY replied that it was correct.

COMMISSIONER PEERMAN asked if you could see in any of the windows at Allure Massage.

INTERIM CITY MANAGER MAY replied negative.

COMMISSIONER PEERMAN also asked the same about the dentist.

INTERIM CITY MANAGER MAY replied negative.

COMMISSIONER PEERMAN asked if there is a difference between the out of code that K & G has and the dentist.

INTERIM CITY MANAGER MAY indicated that both were out of Code.

COMMISSIONER PEERMAN asked whether this meant anything as no one took time to enforce any Code.

INTERIM CITY MANAGER MAY advised that after the meeting, they will be Coded.

A motion was made by Commissioner Simone, seconded by Vice Mayor

Schwartz, to retain the Code and enforce it.

INTERIM CITY MANAGER MAY asked the Commission if staff can do a brief presentation on the topic.

MAYOR RUZZANO said that he could do the presentation but forewarned that they are unsure how they will fix it.

VICE MAYOR SCHWARTZ advised that the issue of Codes stems from ignoring and turning your back on laws.

INTERIM CITY MANAGER MAY said they are trying to solve the problem.

VICE MAYOR SCHWARTZ said that this problem has been ongoing for a number of years, in particular, under the Police and Code Compliance departments. She also said she used to visit a beauty parlor near K & G and the owner used to pay someone to stencil snowflakes but was informed that she had to remove it as it covered more than 50% of window that was clear glass. She indicated that back during that time, someone should have enforced the Code during the application stage and advised them that was not the Code. She is also aware that it is a health and safety issue as if someone is being robbed inside, the Police Department would have no clue.

VICE MAYOR SCHWARTZ suggested that a similar process should be implemented to what they previously did with monument signs. She explained that they amortized how long they had to eliminate their poll signs by giving them a certain amount of time and stated that this should be the correct and fair procedure to follow.

COMMISSIONER CAGGIANO asked what would be considered a reasonable time.

VICE MAYOR SCHWARTZ said six months.

MAYOR RUZZANO said that he does not disagree with Vice Mayor Schwartz and referred to the pre-schools with the pictures of the kids. He said that McDonald's is not in compliance.

COMMISSIONER PEERMAN asked what would be the solution to this problem.

MAYOR RUZZANO said that he would completely get rid of the Code.

VICE MAYOR SCHWARTZ queried whether this meant anything goes.

MAYOR RUZZANO suggested that it would be difficult to enforce and that is the problem we are currently facing.

COMMISSIONER PEERMAN said that the problem was that they have a Code but we only have 50%.

MAYOR RUZZANO advised that the Code was changed last year.

COMMISSIONER PEERMAN reiterated that although they had 50%, the new change would not be 50% and this would be a problem.

MAYOR RUZZANO said that it would be 50% of total window coverage.

ASSOCIATE PLANNER ANDREW PINNEY conducted the presentation.

- Sign Code Regulation signs 39.86G and addresses four different types of window signs.
- Marked interior and exterior to highlight some of the issues that do not make sense.
- Interior is everything behind the glass within 10 feet.
- Exterior is anything that is applied to the outside.
- Different size letters between the two 12" and 8".
- Logo limitation for exterior but not interior.
- Material limitation for exterior being vinyl only, none for interior.
- Limited to five colors on both.
- Exterior has a restriction against showing prices whereas the interior does not.

He said he would recommend a couple of changes for consistency.

COMMISSIONER PEERMAN asked if the Chamber assisted and spoke to the businesses.

ASSOCIATE PLANNER PINNEY said that the Chamber assisted around 2012 and there was an update thereafter.

COMMISSIONER PEERMAN asked if that was the final update after 2012 as the problem was not fixed during that time either.

ASSOCIATE PLANNER PINNEY said that was correct and that is the current Code. He continued with his presentation.

- Illuminated/neon signs, the square footage has been increased up to two signs as long as one of the signs says "open".
- Maximum five colors, 12" letters, 25% coverage per window.
- No strobes or flashing
- Code says permits are required for every lit sign.
- Window outlining.

MAYOR RUZZANO asked if window outlining is permitted.

COMMISSIONER PEERMAN explained that it was not permitted all year round as the sign could be displayed for 364 days, which could be taken down for a day and then put back up.

ASSOCIATE PLANNER PINNEY said that this would need more work although there could be an exception for a holiday sign if you wanted to implement more colors. He also indicated that there is no cross reference or time limitation other than year round and therefore this code will need to be tightened up.

ASSOCIATE PLANNER PINNEY provided other samples and discussed a legal sign that covered less than 50% and said that this code should be applied. He said that that the sign code does not address window tint.

MAYOR RUZZANO said that the Commission was informed at a Workshop that window tinting was part of coverage.

COMMISSIONER PEERMAN indicated that you could see in those particular windows if you were close proximity by the same.

INTERIM MANAGER MAY asked if 100% full black out tinting would be coverage.

ASSOCIATE PLANNER PINNEY said that would not be interpreted as a sign and explained that it would have to contain some type of graphic or lettering. He provided further examples of professionally prepared signs which were below the 50% coverage, one of which was an illuminated sign.

COMMISSIONER PEERMAN noted that each window had a sign in it as the previous Code did not and she believed that this was a better decision.

MAYOR RUZZANO asked Associate Planner Pinney that if the top part of the window displayed "now" and on the bottom part of the same window, it said "open", would that be considered a 100% coverage.

ASSOCIATE PLANNER PINNEY said that although Mayor Ruzzano could be right, he would have to look at the definition of the sign of area.

MAYOR RUZZANO said that it would be illegal.

VICE MAYOR SCHWARTZ referred to a particular example and said that it was totally tinted as you could see the cars parked outside which is mirror reflected.

ASSOCIATE PLANNER PINNEY said that all the pictures were courtesy of the Community Redevelopment Agency. He displayed another set of pictures which showed examples of violations, one of which displayed prices. He explained that the price in a sign is illegal if it is outside but if it is inside, it is not a problem. He said that another violation is K & G as it is more than 50% of pane.

MAYOR RUZZANO asked if that particular example could be referred to the whole frontage which would be in Code.

INTERIM MANAGER MAY said that this could be the whole frontage but currently, this is not in compliance.

MAYOR RUZZANO asked if the example he showed contained wording, would it be illegal.

ASSOCIATE PLANNER PINNEY said that the second violation is due to the letter height as the size of 60% which is beyond the 12". He referred to other examples and indicated that were a few issues as there were four illuminated signs as opposed to the maximum of two that is allowed by Code and there was also LED window outlining which is difficult to see during the day. He also explained that example had two red areas which were projecting signs which the Code permits but not in that particular location or spacing and a permit is required.

VICE MAYOR SCHWARTZ said she is amazed that they would apply strict Coding for a business owner who would display a banner for a grand opening for a short period but could not understand why the previous example would be overlooked.

ASSOCIATE PLANNER PINNEY discussed examples of window outlining and said that during the day, it is less dramatic than at night. He said that one of the challenges they

have is that the First Amendment gets involved and due to the Court's interpretation, the City would be restricted if they move forward with new Regulations as they would have to think this as time, place and manner and could not get into content.

VICE MAYOR SCHWARTZ said that the original Sign Codes never did as it was a matter of size, spacing and safety.

ASSOCIATE PLANNER PINNEY said that he agreed.

VICE MAYOR SCHWARTZ suggested that new businesses will need to be given sufficient time by Code to make any changes to their signs.

COMMISSIONER PEERMAN asked the Commission if they wanted to get rid of the signs but said that the Mayor Ruzzano wanted to get rid of the Sign Code.

A motion was made by Commissioner Simone, seconded by Vice Mayor Schwartz, to withdraw their original motion.

COMMISSIONER PEERMAN asked what would be a reasonable time limit to send out to give them what is reasonable.

COMMISSIONER SIMONE said six months.

VICE MAYOR SCHWARTZ said that the expense is not putting up but it is taking down.

COMMISSIONER PEERMAN said there would be an expense for some business owners for replacing.

INTERIM CITY MANAGER MAY suggested that business owners should submit a plan with their application so when they meet with the Code Officers, they would be able to confirm whether the sign would be acceptable before it is displayed.

ASSOCIATE PLANNER PINNEY explained that this was in the Code's last amendment that an exterior sign required a permit but an interior sign did not as it was never enforced.

INTERIM CITY MANAGER MAY said that they will start enforcing it for new businesses.

ASSOCIATE PLANNER PINNEY said that they can change the code to require the permits again.

COMMISSIONER PEERMAN asked the reason why it was struck out.

ASSOCIATE PLANNER PINNEY said that it could have been a business friendly initiative.

VICE MAYOR SCHWARTZ said that when Checkers came to Southgate and 441, there was an issue about their neon lighting and asked if a deal was struck for them to remove the same.

INTERIM CITY MANAGER MAY said that he recalled that there was a lot of back and forth.

COMMISSIONER PEERMAN said that a similar situation occurred with Golden Corral as they were refused neon lighting.

MAYOR RUZZANO asked if full tint is not considered coverage.

ASSOCIATE PLANNER PINNEY confirmed that it was not covered in the Sign Code as they are only looking at letters and pictures.

MAYOR RUZZANO reiterated his question about a word being on top and bottom of a window being 90% coverage.

ASSOCIATE PLANNER PINNEY said that the definition of sign area requires the gross area so you would draw one box around the whole thing.

MAYOR RUZZANO advised that for clarification, suggested that they should draw a box around the words.

ASSOCIATE PLANNER PINNEY said if this was used for a net calculation.

MAYOR RUZZANO advised that they should let the businesses know that it would be 100% and said that he was unsure how that problem could be rectified.

VICE MAYOR SCHWARTZ suggested that a draft could be given to the Commissioners to compare with the old Codes.

MAYOR RUZZANO agreed and asked Associate Planner Pinney to bring the Commission back something to look at.

COMMISSIONER PEERMAN agreed and said that the Code should not be enforced until staff brings back a draft for the Commission to agree.

VICE MAYOR SCHWARTZ suggested that this be discussed at a Workshop.

MAYOR RUZZANO asked the Commission to set a date and asked Interim City Manager May to organize a Workshop as soon as possible so that they can address this at the next Commission meeting.

VICE MAYOR SCHWARTZ advised that Code Compliance should read, understand and do something with as it would be irrelevant if they only notice some aspects of the Coding and not others.

INTERIM CITY MANAGER MAY confirmed that this would be something that they would follow up on.

COMMISSIONER PEERMAN mentioned the window tinting and said that she would prefer to see, see-through window tinting where she could see inside.

MAYOR RUZZANO said that he does not have a problem with the window tinting at Peppertree Plaza but he had concerns with the black window tinting where you do not know what is going on inside.

ASSOCIATE PLANNER PINNEY said that he heard the Commission want to see permits for window signs, get away from the individual window pane restriction and go for it overall. He said that there were some conflicts to the actual amount and whether full coverage was okay for daycare but not for a hair stylist.

The Commission agreed that they could not separate this. The Commission also agreed to six months amortization.

VICE MAYOR SCHWARTZ asked whether new businesses are given any guidelines on Code.

ASSOCIATE PLANNER PINNEY confirmed that they are provided a Business Guide.

VICE MAYOR SCHWARTZ asked whether it stipulated the amount of signage on a window.

ASSOCIATE PLANNER PINNEY said that he would look into that.

The general consensus was given to direct staff to hold a future Workshop on this topic and revert back with revised standards for Window Coverage on Business Establishments.

ERIC MAYER, 2700 N. STATE ROAD 7, explained that as a property owner, he believes Margate is anti-business and many of the problems derive from obstacles which have been discussed during the evening. He said that some of the businesses in his complex struggle to make ends meet but he works very hard with them to maintain tenancy in his building. He mentioned his concerns regarding signage and he believes that this is subjective. He explained that the reason why they had signs was to attract customers. He also believed that if the City created more obstacles regarding the signs, it creates a worst atmosphere in attracting new business and some may look elsewhere.

VICE MAYOR SCHWARTZ asked of Mr. Mayer's business location.

MR. MAYER said that his business is opposite Alfa Motors.

VICE MAYOR SCHWARTZ explained that a Medical Supply Place, which is located in a nearby shopping center, is not permitted to display their business on the monument sign.

MR. MAYER said that he agrees that some signs are inappropriate to be displayed in a window. He explained that one of his Florist tenants, who is probably unaware of the current Code, put balloons on both Mother's and Valentine's Day and was immediately advised by Code enforcement to remove them. He said the display was beautiful, creative and tastefully done but it was against the Ordinance.

VICE MAYOR SCHWARTZ said the lack of consistency within Code enforcement is her biggest problem.

COMMISSIONER SIMONE explained that on weekends, a barbershop opposite her displays a feather banner. She also said that there could be selective enforcement.

MR. MAYER said that he is not expecting Code enforcement to turn a blind eye but discretion should be applied when it comes to special days or holidays such as Valentine's or Mother's Day and believes that she should have at least one day to attract extra business. He wants the City to be more pro-business.

COMMISSIONER PEERMAN said that she agrees and has no problems with sidewalk signs.

MAYOR RUZZANO agrees with the Vice Mayor and perhaps some initiatives could be adopted such as displaying a bigger marquee sign.

VICE MAYOR SCHWARTZ said that she does not understand that the current Code does not allow this.

COMMISSIONER SIMONE referred to a similar situation at Palm Lakes where the owner of a property refused permission allowing tenants to use their respective expenditure to change the signs after previously agreeing to do so.

MAYOR RUZZANO suggested whether any compromise could be applied to those buildings which are set further back in a plaza.

COMMISSIONER PEERMAN said that it would not be possible and that the Uniform Sign Code is no longer enforced. She also forewarned that when they refer to signs, this could also reflect on the freedom of speech. She was also unsure if the Commission could make a suggestion on flexibility if a business is set further back in a plaza.

CITY ATTORNEY GONZALES said there is a possibility this could be construed as treating people differently, which could cause an issue.

COMMISSIONER CAGGIANO said he had sympathy for the florist industry as he grew up in one. He said that if they did not generate sufficient funds on Easter, Christmas, Mother's and Valentine's Day, it was difficult to survive as a business owner and would therefore have to pray for funerals and weddings. He said that although some signs can look a little distasteful, it would be more beneficial to have the business details listed on monument signs, no matter how large the font size is, to advertise the nature of the business which would avoid the tenant going out of business.

VICE MAYOR SCHWARTZ said that they are not asking to be Parkland or Coral Springs but requested a happy medium where the monument signs can be tastefully designed. She also believes that putting 100% on the windows will make any difference.

INTERIM CITY MANAGER MAY said that there may be instruments within the City's code to allow for outdoor sales events. He advised Mr. Mayer to speak to Mr. Pinney for further guidance.

CITY ATTORNEY GONZALES advised that the Commission try not to talk over each other so that we can create an accurate record of the meeting.

MR. ARTNER provided details of Coral Spring's size requirements concerning signs and stated that they have thriving business within their City. He said he is aware that a sign can help a business but suggested that the signs shown previously were bad.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:41 AM.

Respectfully submitted,

Transcribed by Salene E. Edwards


Joseph J. Kavanagh, City Clerk

Date: 11/16/17