

3. **DISCUSSION - Lighting Ordinance for Commercial Properties**

Frank Porcella, Executive Director of the Margate CRA, explained that the Lighting ordinance was previously mentioned at a City Commission meeting, but it involved most of the CRA properties. He pointed out that enforcement of the required candlefoot lighting was required to start in March, 2008, but, City staff found that only 10 percent of the businesses had complied. He said the businesses needed to prove to the City that the required candlefoot had been met; however it cost \$1,000 to \$3,000 for the businesses to complete the study. He added that if the study showed that the required candle foot was not met; then it was an additional cost to the business to fix the issues. He needed direction on the enforcement of the candlefoot requirement starting in March.

Attorney Eugene Steinfeld, explained that the item could be discussed at the CRA, but the final determination needed to from the City Commission.

Mrs. Donovan asked for the history of the candle foot requirement.

Mr. Talerico stated that he had originally proposed the requirement because the shopping centers had become dark, unsafe, and looked dreary. He explained that the previous City Planner, Bob Meehan, had looked at ordinances from neighboring cities and based the city of Margate's ordinance change on those requirements. He was not aware of the hardship to the businesses, and suggested to base the requirement on the square footage or the location. He added that there needed to be some kind of standard. He mentioned that Mr. Meehan had hired a lighting engineer to make the suggestions on what was needed.

Mr. McLean suggested conducting an in-house study with a light meter to save the cost to the businesses. Mr. Porcella explained that the tests involved more than a light meter. He stated that a computerized program was required and the cost had been researched. He stated that even if the City did the testing, it would still involve a designated employee, and it would still cost the businesses about \$1,000. He said Staff was boxed in by an ordinance that was created by the City Commission. He pointed out that the CRA properties were not in compliance and would have to spend the same money for the studies to prove the centers met the code.

Attorney Steinfeld suggested that the CRA Board recommend to the City Commission to direct administration to hold off on enforcement of the ordinance until a new ordinance was done.

The following motion was made by Mr. McLean, seconded for discussion by Mr. Varsallone:

**MOTION:** SEND THE ORDINANCE TO THE CITY COMMISSION TO CHANGE THE ORDINANCE AND RECOMMEND TO THE CITY COMMISSION THAT THE ADMINISTRATION HOLD-OFF ON ENFORCEMENT UNTIL THE NEW ORDINANCE IS DONE.

Emilio Esteban, Director of the Department of Environmental and Engineering Services (DEES), explained that originally a study was done by City Staff at the direction of the City Commission and the lighting requirements were determined to be five-foot candles. He noted that later on, some of the businesses complained that the standards were too much, another study was then done and the standards were reduced to the current two foot candle.

Mr. Varsallone wanted to give the businesses more time to meet the code. He stated that the lighting was necessary for the safety of people in the shopping centers as well as for the Margate Police.

Mr. Bross agreed with suspending the enforcement of the ordinance for a period of time to allow for Staff to come back with a less intense ordinance that could be simply done without having lighting engineers or other specialists. He suggested an ordinance that matched Florida Power and Light (FPL) "Area Lighting" requirements.

Robert Perkis, 2901 NW 68<sup>th</sup> Terrace, mentioned that the Winn Dixie shopping center was dreary in the day time. He suggested that first, the City needed to ensure that all of the lights were working, and to check to see that shopping centers had not cut back on lighting since the studies was done. He asked why code enforcement officers could not go out to the shopping centers with a light meter and make a general determination that there was enough lighting.

Mrs. Donovan asked if the motion passed if new shopping centers or shopping centers under renovation would be held to the current standard. Attorney Steinfeld explained that it had been required for the new shopping centers to meet the current standard and that the new shopping centers did not have the amortization to come into compliance.

Mr. Talerico asked that the item be added to the City Commission agenda. Mr. Porcella explained that the item should be reiterated at the City Commission and the comments could then become official direction to City Staff.

**ROLL CALL:** Mr. Bross, Aye; Mr. Talerico, Aye; Mr. Varsallone, Yes; Mr. McLean, Yes; Mrs. Donovan, Yes. The motion passed 5-0.