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**FINAL**  
**MEETING MINUTES**  
**PLANNING AND ZONING BOARD**  
**COMMISSION CHAMBERS**

**2020 WILTON DRIVE, WILTON MANORS, FLORIDA 33305**  
**MONDAY, JANUARY 11, 2021 – 7:00 P.M.**

<b>MEMBERS</b>	<b>ATTENDANCE</b>
Richard Safaty, Chair	P
Peter Flint, Vice Chair	P
Don D'Arminio	P
Rudy Molinet	P
Michael Siemer	P
Tim Theisen	P
Roy David Walker	A (excused)
Jeb Shafer (alternate)	P

- Staff**
- Mike Cirullo, Assistant City Attorney
  - Roberta Moore, Community Development Services Director
  - Evy Kalus, City Planner
  - Faith Lombardo, City Clerk
  - Brigitte Chiappetta, Recording Secretary, ProtoType, Inc.

**I. CALL TO ORDER**

Chair Safaty called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Roll was called by Ms. Chiappetta and it was noted a quorum was present.

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV. APPROVAL OF MINUTES**

**a. November 16, 2020**

**Motion** made by Vice Chair Flint to approve.

Vice Chair Flint requested confirmation of the amounts of groundwater referred to in p.2, lines 43-44. Assistant City Attorney Mike Cirullo stated that he would confer with Director of Emergency Management/Utilities David Archacki to clarify the statement.

Board Member D'Arminio **seconded** the Vice Chair's **motion** to approve.

1  
2 Vice Chair Flint and Board Member D'Arminio **amended** their **motion** and **second** as  
3 follows: **motion** to table the November 16 meeting minutes until the section is checked.  
4 In a voice vote, the **motion** passed unanimously.

5  
6 **b. December 7, 2020**

7  
8 **Motion** made by Vice Chair Flint, seconded by Board Member Theisen, to approve the  
9 December 7, 2020 meeting [minutes]. In a voice vote, the **motion** passed unanimously.

10  
11 **V. PUBLIC COMMENTS**

12  
13 **Any member of the public may speak on any issue for three (3) minutes.**

14  
15 None.

16  
17 **VI. PUBLIC HEARING**

18  
19 **a. Amendments to Chapter 20 of the City's Code of Ordinances**  
20 **pertaining to irrigation**

21  
22 Community Development Services Director Roberta Moore explained that the South  
23 Florida Water Management District (SFWMD) has requested each municipality evaluate  
24 its existing irrigation Ordinance to ensure compliance with State Statutes. City Staff has  
25 emailed SFWMD to ensure that the proposed Ordinance meets that entity's  
26 requirements. After the City's Ordinance was posted on its website, Wilton Manors  
27 received notice from SFWMD that they had additional comments.

28  
29 No additional comments have been received regarding the Ordinance that is before the  
30 Board at today's meeting, which indicates that the Ordinance meets SFWMD's  
31 requirements as well as state law.

32  
33 City Planner Evy Kalus showed a PowerPoint presentation on the proposed Ordinance,  
34 which will be included under Chapter 20 in the City's Code of Ordinances. Chapter 20  
35 addresses policies related to the administration of the City's utilities, including water,  
36 sewer, stormwater, backflow prevention, and utility franchises. Staff has determined that  
37 the proposed amendments to Chapter 20 must be in compliance with SFWMD's  
38 mandatory year-round landscape, irrigation, and conservation measures.

39  
40 SFWMD's year-round irrigation rule restricts the times and number of days that  
41 landscape irrigation is allowed within the District's jurisdiction. Based on this rule, the  
42 proposed amendments to Chapter 20 of City Code are recommended by City Staff:

- 43  
44
- Addition of definitions
  - Provision of specific landscaping requirements

- 1 • Exemption of uses such as reclaimed water, agriculture, nursery, and athletic
- 2 play areas
- 3 • Prohibition of landscape irrigation on Mondays, Tuesdays, and Fridays, and from
- 4 ten (10) a.m. to four (4) p.m.
- 5 • Assignment of watering schedule for even- and odd-numbered addresses
- 6 • Provides guidelines for the irrigation of new landscaping
- 7 • Exceptions to landscaping irrigation schedules
- 8 • Additional requirements for installation and maintenance of automatic landscape
- 9 irrigation systems
- 10 • Variances and special circumstances
- 11 • Declaration of water shortages and water shortage emergencies
- 12 • Enforcement of landscaping regulations and related fines
- 13

14 Chair Safaty noted that Vice Mayor Paul Rolli was in attendance at the meeting.

15  
16 Vice Chair Flint asked how the fines for violations were determined. Director Moore  
17 replied that fines were established following discussions with Code Compliance Staff as  
18 well as the City Attorney's Office. Attorney Cirullo added that the establishment of an  
19 amount for first and subsequent offenses is consistent with fines for other Code  
20 Enforcement issues. He recalled that there were several Special Magistrate hearings  
21 addressing violations of this nature during a drought in the early 2000s. It was also  
22 noted that a first violation results in a verbal warning or courtesy notice.

23  
24 Vice Chair Flint also asked if reclaimed water may be an option for the City in the future.  
25 Director Moore advised that reclaimed water is not available at present; however, the  
26 City would like to allow it as a future option.

27  
28 Board Member Siemer requested clarification of how a period of sufficient moisture is  
29 defined. Attorney Cirullo advised that the State Legislature has not formally defined the  
30 term.

31  
32 Board Member D'Arminio referred to the mention of connecting and construction  
33 charges to developers, both of which were proposed for deletion from the final  
34 Ordinance. Director Moore explained that these charges are not currently applied,  
35 although they remain part of Code. Sewer and water impact fees are charged to any  
36 new project.

37  
38 Board Member D'Arminio also noted a reference to a security deposit, pointing out that  
39 there is no language addressing the City's responsibility to return the deposit. He  
40 recommended that this language be included in the Ordinance.

41  
42 Board Member D'Arminio continued that if an applicant is granted a variance, they are  
43 required to post notice of the variance on each parcel to which it applies. Attorney

1 Cirullo stated that the Ordinance's section on variances was written to match State  
2 Statutes, which require notice to be posted when a variance is granted.

3  
4 Board Member Theisen asked how the words "wasteful and unnecessary" are defined,  
5 and recommended revisiting these definitions for greater clarity. He expressed similar  
6 concern regarding the phrases "immediately prior to" and "a reasonable time,"  
7 suggesting that these be quantified as well.

8  
9 Attorney Cirullo advised that the term "wasteful and unnecessary" is defined under  
10 Florida Administrative Code. He added, however, that "immediately prior to" and  
11 "reasonable time" are not defined in either Administrative Code or State Statutes. He  
12 noted that these phrases are typically defined based on the facts and circumstances of  
13 an individual incident. If fines are levied, an individual will have the opportunity to make  
14 their case at a hearing.

15  
16 Board Member Theisen also requested clarification of a reference to over fifty percent  
17 (50%) of new landscaping, asking if this percentage is determined by the City or  
18 SFWMD. Director Moore replied that this percentage comes from a model Ordinance  
19 supplied by SFWMD. The percentage refers to an overall area.

20  
21 Board Member Siemer commented that while the definition of construction costs was  
22 deleted from the proposed Ordinance, it includes a number of references to these costs,  
23 including a clarification that construction costs will be greater than connection costs.  
24 Director Moore confirmed that these references will be struck through.

25  
26 Board Member Siemer also noted a reference to floor drains, ERCs, and average water  
27 consumption, requesting clarification of the inclusion of drains. Director Moore advised  
28 that this is part of existing Code.

29  
30 Board Member Siemer also requested clarification of whether or not all low-volume  
31 hand-watering requires an automatic shut-off nozzle for the hose, as well as whether  
32 this type of watering is restricted to specific days of the week. He asked if the  
33 restrictions apply to other uses of water as well, such as power washing. Attorney  
34 Cirullo replied that he felt the restrictions are intended to apply to outside irrigation and  
35 watering of landscaping. It was noted that low-volume hand-watering is excluded from  
36 the restrictions.

37  
38 At this time Chair Safaty opened public comment. As there were no individuals wishing  
39 to speak on the Item, the Chair closed public comment and brought the discussion back  
40 to the Board.

41  
42 **Motion** made by Board Member Molinet, seconded by Board Member Theisen, to  
43 approve.

44

1 Vice Chair Flint recommended that because the fines associated with irrigation  
2 violations can be significant, there should be outreach to property owners to ensure they  
3 are aware of the new regulations and fine amounts. He also encouraged greater  
4 sensitivity regarding fines in cases of equipment malfunction and/or absent property  
5 owners.

6  
7 Board Member Molinet asked if he might amend his motion to include this  
8 recommendation of outreach prior to the implementation of any fines. Director Moore  
9 explained that the City will ensure that all residents are aware of these changes,  
10 particularly those related to days when irrigation is permitted. She added that she will  
11 work closely with Code Compliance Staff to make sure they are also aware of the  
12 changes.

13  
14 Board Member Molinet suggested that it could be helpful to clarify that the regulations  
15 apply to all types of irrigation, including wells. Director Moore agreed that this would be  
16 clarified further.

17  
18 In a roll call vote, the **motion** passed unanimously (7-0).

19  
20 **VII. STAFF COMMENTS**

21  
22 None.

23  
24 **VIII. BOARD COMMENTS**

25  
26 Board Member Molinet recalled a recent incident involving political signage, and  
27 suggested that Code Enforcement take a more proactive rather than complaint-driven  
28 position with regard to proliferation of political signs. He recalled that City Code requires  
29 political signs to be removed within 30 days of an election, and suggested that this be  
30 more strictly enforced in the future.

31  
32 Board Member D'Arminio recalled that at the November 16, 2020 meeting, he had  
33 asked when the Board would hear a presentation on the Transit Oriented Corridor  
34 (TOC) East. At that time, the Board was advised that requirements for the TOC East  
35 were being finalized and would be brought back to the Board in December or January.  
36 He asked if these requirements would come back to the Board in the near future.  
37 Director Moore replied that these requirements would be part of a new Land Use Plan  
38 application on which Staff is still working with consultant Calvin, Giordano and  
39 Associates. The consultant has provided the City with an amendment to the application,  
40 which Staff hoped to present in March 2021. She emphasized that the TOC East  
41 requirements remain a priority.

42

1 Board Member D'Arminio asked when the parking requirements discussed by the Board  
2 at workshop meetings would come back before them. Director Moore concluded that  
3 these may be brought back at the February 2021 meeting.  
4

5 **IX. ADJOURNMENT**  
6

7 Upon motion duly made and seconded, the meeting was adjourned at 8:00 p.m.  
8

9 **NEXT MEETING DATE – February 8, 2021**  
10

11 [Minutes prepared by K. McGuire, ProtoType, Inc.]  
12  
13

14 \_\_\_\_\_  
15 Chair

\_\_\_\_\_   
Date

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