



City of Margate

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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, August 23, 2017

6:30 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 2017-512](#) MICHAEL D'ANGELO

1) PRESENTATION(S)

- A. [ID 2017-502](#) EN USA SPANISH LANGUAGE NEWSPAPER (Presented by Judith Crocker, Publisher-Owner EN USA)
- B. [ID 2017-534](#) STEM PROGRAM AT UNIVERSITY OF FLORIDA (Presented by Timothy Meyer)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- C. [ID 2017-513](#) JAMES A. WILBUR, DIRECTOR OF INFORMATION TECHNOLOGY - 20 YEARS

SPECIAL RECOGNITION

- D. [ID 2017-547](#) MICHAEL D'ANGELO

2) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO hoped that everyone had a good summer and he welcomed those in attendance. He reminded the meeting that Schools commenced back on Monday August 21 2017. He reminded drivers that they should take care when driving around car zones.

COMMISSIONER JOANNE SIMONE reminded everyone that the Parks and Recreation Department is having a Neighbors Meeting Neighbors on two dates; Monday, August 31, and Saturday, September 2, at the Community Center and additional information can be obtained from The City of Margate's website. She also advised that participants can sign up for this program with The Parks and Recreation Department and they will be showing a movie called "New York Street Games". Commissioner Simone advised that this is a great opportunity for neighbors in Margate to get to know and support each other. She thanked The Parks and Recreation Department for organizing this event and she believed that it was a good idea. She hopes that it is fully attended and she will also be giving it her support and signing up for this program.

COMMISSIONER SIMONE said that she thinks that the Purchasing Department may get overshadowed but they are a key component to the function of the City. She said that this department of only four employees, is also responsible for capital inventory control and the disposal of surplus City property. She also thanked Spencer and the entire Purchasing Department who do a tremendous and invaluable job for the City and to the residents of Margate.

COMMISSIONER LESA PEERMAN welcomed all back from the summer.

VICE MAYOR ARLENE R. SCHWARTZ welcomed everyone back from the summer. She also reminded drivers that when it is raining, as well as putting on the windshield wipers, they should put their car lights on when driving.

MAYOR TOMMY RUZZANO mentioned that there is a piece of property owned by the County which used to be Wheelabrator and they are trying to designate it as a certain type of property where they are saying it was a scrivener's error and they left it out the first time. He said that the City of Coconut Creek is opposing Broward County's proposals.

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this motion be considered.

MAYOR RUZZANO said that the County Planning Council is indicating that there was a scrivener's error in the past in which the zoning or the land use category for the former Wheelabrator property was considered more than what it really is. He explained that it is an electrical generation facility that is the category it is in. He said the Council is trying to find that because of the scrivener's error, it was not just electrical generation facility land use but also for other expended unrelated uses such as water and waste water treatment plants, solid waste facilities and other similar types of uses. He mentioned that rather than going through a land use amendment process which is the way to do this, the Council trying to get it corrected as a scrivener's error which Coconut Creek believes is inappropriate and that is why they are trying to lead the charge to have Council require to do it under the appropriate manner. He read the title "As a Resolution of The City of Margate, Florida, opposing The Broward County's Planning proposal to amend the electrical generation facilities land use category within The Broward County land use plan, to allow for an extension of other unrelated utility uses, including water and wastewater treatment plans and solid waste facilities and providing for an effective date."

COMMISSIONER PEERMAN said she recalled that this was when the County was trying to sell that power plant and at the time, they reassured the Commission that it was not going to be a transfer area or anything to that effect so she is unsure if it was a scrivener's error. She said that at the time, they had concerns that it was going to be in

addition to Mount Trashmore.

COMMISSIONER CAGGIANO said that it is ridiculous to call this a scrivener's error. He said that the difference between electrical generation, water and waste water treatment and solid waste facility is similar to comparing the difference between night and day. He mentioned if they did this, they did it on purpose and suggested that it is a crock. He also believes that they should back Coconut Creek in this respect. He said that they will be voting on Friday.

MAYOR RUZZANO said that he is voting on the Motion for Consideration then they will do the underlying motion.

The motion carried by the following vote:

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

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to support Coconut Creek in a Resolution. The motion carried by the following vote:

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

3) PUBLIC DISCUSSION

RICH ALIANIELLO, 7631 NW 23RD STREET, welcomed everyone back and hoped that they had a good summer. He commented on the construction on NW 31st Street and said that it looked lopsided. He also had concerns about the resident parking at NW 31st Street and asked where the parking lots would be situated.

COMMISSIONER PEERMAN said that the parking lot is on the inside of the building.

JULIE JONES, 7871 NW 1ST STREET, said she was going to commend the Margate Police Department but the situation concerning Michael D'Angelo made her day. She explained that she has a disabled grandson and she required help from another County with a legal situation but could not get any assistance. She contacted, Captain Mike Palma, who had just returned from vacation and asked for further assistance. Ms. Jones said within 30 minutes of making contact with Captain Palma, she received a telephone call from Sergeant Michael Druzvik who directed her to the correct personnel in the St Lucie County who could assist her further. She wanted to commend the Police Chief for the support of both Mike Palma and Michael Druzvik and believes that the City have an awesome Police department.

MRS. JONES also said that she was unaware that Waste Management presenting two scholarships was a matter of national security. She only found out at the last minute but came over to the meeting immediately to watch the presentation to those wonderful children. She said that the City needs to improve their communication channels with their residents. Mrs. Jones also asked how presentations are being marketed to the rest of the community as today's meeting could probably have been better attended had more of the residents been made aware of this.

MRS. JONES mentioned 77th Avenue on Atlantic Blvd and that there was a huge dump truck blocking the street. She said she tried to report this incident to the non-emergency

number, the operator found great difficulty hearing or understanding her thereby having to repeat the information three times and further, asking her irrelevant questions as to the color of the truck.

COMMISSIONER PEERMAN explained that the scholarships are presented during the Commissioner meetings, are duly advertised and the two students were leaving for college, so the presentation had to be carried out as such.

MRS. JONES reiterated that matters pertaining to a positive nature need to be better communicated by the City.

COMMISSIONER PEERMAN asked if Mrs Jones was on Facebook and if so, whether she liked the City's Facebook page.

MRS. JONES said that she occasionally visits the City's Facebook site but the news concerning the scholarships was not originally on this site.

COMMISSIONER PEERMAN informed Mrs Jones that the City also does have a Twitter account.

CHARLIE ARTNER, 6631 NW 22 COURT AND VICE-CHAIR OF THE BOARD OF ADJUSTMENT, explained that there was an email conversation about the one year/two year term and he asked for proof that it was an ordinance. He said that to date, the only Ordinance he received was from March 1998 which confirms a two year term. He said that after he brought that information to their attention, all further communication between the City and him broke down and he has received no further communication. He asked what the current status was.

COMMISSIONER PEERMAN said that she has recently listened to a meeting which was recorded in February 2013. She explained that originally, the Boards were staggered; one for one year and one for two years. She mentioned that at the meeting in February 2013, Commissioner Simone made a motion that each board should be one year and that is when the one year period was passed.

MR. ARTNER asked if the Ordinance is for that one.

COMMISSIONER PEERMAN said that she has it on email and asked the City Clerk to send a copy of the Ordinance to Mr. Artner. She also reiterated that this is where Commissioner Simone made the motion for one year as it used to be one year for one board and two years for another board.

MR. ARTNER said that the City Clerk already sent him a copy of that Ordinance and it only applies to Section 273, but the Board of Adjustment is regulated in Section 276.

COMMISSIONER PEERMAN said that it applies to the Boards.

MR. ARTNER disagreed and said that Section 273 is for a specific board and does not apply to any other boards. He also asked that if it did apply to all boards, why are there different sections for the boards.

COMMISSIONER PEERMAN asked Mr. Artner whether he looked at the City's Code book.

MR. ARTNER said he looked at the Code Book and that it looks terrible.

COMMISSIONER PEERMAN agreed with Mr. Artner and implied that they have things in zoning and everywhere. She asked the City Attorney if this 2013 Ordinance states that boards would be for one year and whether this would supersede the 1978 Board.

COMMISSIONER SCHWARTZ confirmed that it was 1978 and that she voted on it.

CITY ATTORNEY GONZALES advised that they would be putting forward an Ordinance that would be clarifying for all purposes and removing any reference to two years throughout the code that is applicable to these boards.

MAYOR RUZZANO suggested that Mr Artner was asking for the current Ordinance.

MR. ARTNER stated the Ordinance read as, "An Ordinance of the City of Margate, Florida, amending Section 273" and nothing else. He further read, "Amending Section 273, appointment procedures for Boards and Committee providing for appointment and application procedures..." and said that this was for general Boards. He reiterated that the Board of Adjustment and the Board of Planning and Zoning have separate sections that deal with those two boards separately.

CITY ATTORNEY GONZALES said that they would be bringing Ordinances to the Commission to bring those to one year. He said the City would be interpreting it as one year for now because of the motion that was made.

MR. ARTNER asked the City Attorney if the City can interpret the Ordinance as to whatever they want it to be. He said that the next time Code Enforcement informs him that he has violated a code, he will advise them that he will interpret it differently as the City is not following their own code so how can they expect the residents to follow suit. He also said that the City have no idea as to what they are doing with that code and said that it is ridiculous.

COMMISSIONER PEERMAN asked Mr. Artner whether he just got on the Board. She said that he has two years according to the code although they will eventually change it to one year.

MR. ARTNER said that he does not have two years as he is not in receipt of the terms of agreement which he has signed to this effect as he only has the paperwork pertaining to one year. He said that it is not the point if it is one or two years but that the City need to adhere to their own code.

COMMISSIONER PEERMAN said that the City was adhering to the Code.

MR. ARTNER said the specific ordinance is for Section 273 and not Section 276.

COMMISSIONER PEERMAN explained that the codes that the City creates are Planning and Zoning and Board of Adjustment which are in the Charter. She said the Ordinance of how they select candidates and as to how many years are under that Ordinance which is also under Board of Adjustment.

CITY ATTORNEY GONZALES said they have more Boards.

COMMISSIONERS discussed which Boards they currently have and Commissioner Peerman said that they no longer have the Grants Advisory Board .

COMMISSIONER PEERMAN said that the Boards which the City create is under that particular code and it supersedes the other code.

CITY ATTORNEY GONZALES said that it does supersede that code but others are specific so they are bringing those back and changing them to one year to be consistent.

COMMISSIONER SCHWARTZ said that there is a general one and then there are others specific to two specific Ordinances.

MR. ARTNER said that the specifics oversee the general one.

COMMISSIONER SCHWARTZ agreed.

CITY ATTORNEY GONZALES said that they will be bringing them back.

MR. ARTNER said they should have signed documents that read two year terms and not one year and this should have occurred before that.

COMMISSIONER PEERMAN suggests that someone should give Mr. Artner a paper that says two year terms.

MR. ARTNER said that this situation was ridiculous.

COMMISSIONER SCHWARTZ asked the City Attorney that she heard that the City are bringing it for one year and unless she missed something, she does not recollect that conversation by making it one year as opposed to two.

CITY ATTORNEY GONZALES explained that for consistency, the City would bring it back as it does say in one code provision one year and another of the code provisions says two years, it appears that the intent of that was to have it as one year but the City Commission could decline this.

COMMISSIONER SCHWARTZ asked if the intent in 2013 was to have it for one year and whether this was what they were discussing.

COMMISSIONER PEERMAN said yes.

COMMISSIONER SCHWARTZ said that she has served on both boards and has plaques displaying the terms of two years.

COMMISSIONER PEERMAN asked Commissioner Schwartz whether she was on the Board in 2013.

COMMISSIONER SCHWARTZ asked whether they were discussing 2013.

CITY ATTORNEY GONZALES advised that the two sections that refer to Planning and Zoning and Board of Adjustment at two years will be the Ordinances that they bring back to the Commission to change to one year.

COMMISSIONER SCHWARTZ suggested that it should be brought back with a blank section for the Commission to decide whether it is one or two years as she would prefer that.

CITY ATTORNEY GONZALES confirmed that he would be able to do this.

MAYOR RUZZANO asked if they have boards that serve for more than two years.

CITY ATTORNEY GONZALES said that there are a couple of boards that are statutorily for more than one year.

MAYOR RUZZANO asked how that would affect what Mr. Artner was explaining.

CITY ATTORNEY GONZALES said that would be the specific overwriting.

MAYOR RUZZANO asked if Mr. Artner's explanation is correct.

CITY ATTORNEY GONZALES said absolutely.

COMMISSIONER SCHWARTZ said that she thinks that this is what Mr. Artner was trying to clarify.

COMMISSIONER PEERMAN said that this is correct and it is coming back before the Commission.

COMMISSIONER SCHWARTZ said that her understanding of this is whether Mr. Artner has a two year term to sit on the Board. She said she would assume that this is correct as the City has not changed or attempted to change it as yet and requested a document clarifying his position.

COMMISSIONER PEERMAN said that she previously advised that they can give him a document clarifying this.

MR. ARTNER said that this document should also apply to all members of the Board of Adjusting and Planning and Zoning.

COMMISSIONER PEERMAN said that it is not too difficult to give him a document that says two years.

MAYOR RUZZANO asked if it is the direction of the Board that whoever is elected or nominated to the previous existing two boards that they serve for two years once they started.

COMMISSIONERS SCHWARTZ AND PEERMAN said that is what it says.

COMMISSIONER SCHWARTZ explained that if they were appointed, under those Regulations, the answer would be yes.

CITY ATTORNEY GONZALES said that with this in mind, he would bring it back to the Commission to determine whether they want to retain it or go for a further year.

COMMISSIONER SCHWARTZ said it would be more logical to do this for an entire group which would allow for consistency.

CITY ATTORNEY GONZALES said that they were going to action this immediately so it could be resolved, going forward.

COMMISSIONER SCHWARTZ said that this should not be in arrears going forward.

COMMISSIONER PEERMAN reiterated that they should be given a piece of paper.

COMMISSIONER SIMONE said that when she made the motion in 2013, it was for the Board of Adjustment and for the Planning and Zoning Board for it to be a one year term.

CITY ATTORNEY GONZALES asked if this was approved at the time.

COMMISSIONER PEERMAN said yes.

CITY ATTORNEY GONZALES said that he would have to look that up.

MAYOR RUZZANO asked if they could take a Resolution to supersede an Ordinance.

CITY ATTORNEY GONZALES explained that this would not be possible as this Ordinance is the law of the City and the Resolution is a policy.

MAYOR RUZZANO asked that although the Resolution was made, it does not supersede the Ordinance.

CITY ATTORNEY GONZALES said that this was correct.

COMMISSIONER PEERMAN said that the 2013 is an Ordinance.

CITY ATTORNEY GONZALES asked whether the 2013 ordinance read twice.

COMMISSIONER PEERMAN said yes.

CITY ATTORNEY GONZALES said that he would have to investigate this further.

4) CONSENT AGENDA

Item 4C. and 4E. were pulled from 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 2017-529](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES.
APPROVED
- B. [ID 2017-517](#) RESOLUTION - AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE NUMBER ONE RANKED ENGINEERING FIRM CAROLLO ENGINEERS, INC. FOR REQUEST FOR QUALIFICATIONS (RFQ) 2017-017 DESIGN SERVICES FOR WASTEWATER TREATMENT PLANT UPGRADE ENGINEERING; PROVIDING FOR AN EFFECTIVE DATE.
RESOLUTION 17-099
APPROVED
- D. [ID 2017-522](#) RESOLUTION - APPROVING WAIVING OF BIDDING FOR THE PURCHASE

OF CIVICREC SUBSCRIPTION FROM CIVICPLUS, INC. FOR PARKS AND RECREATION FUNCTIONS.

RESOLUTION 17-101

APPROVED

- F. [ID 2017-546](#) RESOLUTION - APPROVING WAIVING OF BIDDING FOR THE PURCHASE OF THREE (3) WRAPAROUND SHADE CANOPIES FROM SHADE STRUCTURES, INC. TO CONNECT TO OUR EXISTING SHADE STRUCTURES, INC. CANOPIES AT A PRICE NOT TO EXCEED \$144,046.

RESOLUTION 17-103

APPROVED

Approval of the Consent Agenda

Approval of the Consent Agenda carried by the following vote:

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

ITEM 4C. WAS HEARD FOLLOWING CONSENT AGENDA.

- C. [ID 2017-521](#) RESOLUTION - AUTHORIZATION TO PURCHASE A PRE-FABRICATED RESTROOM WITH STORAGE BUILDING FROM RESTROOM FACILITIES LTD. A CORWORTH COMPANY FOR AN AMOUNT NOT TO EXCEED \$224,657.00, TO BE INSTALLED AT THE MARGATE MARINA. PRICING BASED ON BUYBOARD COOPERATIVE PURCHASING, A NATIONAL CO-OP PURCHASING ORGANIZATION. PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 17-100

The Resolution was approved by the following vote:

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

No: 1 - Commissioner Caggiano

ITEM 4E OF CONSENT AGENDA WAS HEARD FOLLOWING 4C.

- E. [ID 2017-523](#) RESOLUTION - AUTHORIZATION TO PURCHASE A PRE-FABRICATED RESTROOM, CONCESSION WITH STORAGE BUILDING FROM RESTROOM FACILITIES LTD. A CORWORTH COMPANY FOR AN AMOUNT NOT TO EXCEED \$361,436 TO BE INSTALLED AT SOUTHEAST PARK. PRICING BASED ON BUYBOARD COOPERATIVE PURCHASING, A NATIONAL CO-OP PURCHASING ORGANIZATION. PROVIDING FOR AN EFFECTIVE

DATE.

RESOLUTION 17-102

The Resolution was approved by the following vote:

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

No: 1 - Commissioner Caggiano

ITEM 10B. WAS HEARD PRIOR TO CITY MANAGER'S REPORT.

10) DISCUSSION AND POSSIBLE ACTION

- B. [ID 2017-553](#) SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM - DUCK HAVEN, INC.

A motion was made by Commissioner Peerman, seconded by Mayor Ruzzano for discussion, that this motion be considered for approval.

EUNICE SIVERSTEN, 2627 NW 61 AVENUE, Operator of Duck Haven, said she worked at that organization for 37 years. She said she has taken in all the permanently injured ducks and any sick ducks from other tri-city areas, mainly in the City of Margate. She requested a grant for roofing repairs at their sanctuary.

COMMISSIONER PEERMAN reiterated that she had already discussed why these contributions were necessary and that the contributions are for 501c3 organizations within the City. She also complimented Ms. Siversten by saying that she did a good job.

MS. SIVERSTEN thanked Commissioner Peerman.

MAYOR RUZZANO said that a couple of months ago, he had a meeting with the City Manager, the City Attorney and the Police Chief who questioned whether Ms. Siversten had a license and was led to believe that she was in the process of obtaining one.

MS. SIVERSTEN confirmed that she did not have a license as Fishing Game informed her that this was not required for the Muscovy ducks.

MAYOR RUZZANO said that he was informed otherwise.

MS. SIVERSTEN explained that she has been grandfathered in by previous City Attorney Steinfeld.

MAYOR RUZZANO said that although he does not have any problem giving her the grant, he wants to be sure that this information is correct.

COMMISSIONER PEERMAN said that she should be entitled to receive the grant and asked her to confirm her status.

MS. SIVERSTEN confirmed that she was a 501c3.

MAYOR RUZZANO said that he previously invited Ms Siversten to attend a meeting.

COMMISSIONER PEERMAN said that she did attend the meeting but asked Ms Siversten not to speak.

MAYOR RUZZANO said that matter pertains to something else and he wanted to clarify the situation.

MS. SIVERSTEN explained that Officer Paul Fix paid her a visit and explained that she required a federal license. She contacted Fishing Game who informed her that the license was not required for the Muscovy Ducks. She advised Fishing Game to contact Officer Fix on her behalf who requested that this be put in writing.

COMMISSIONER PEERMAN said she also discussed this and that she was covered under Fish and Game and that this is legit. The problem before is that perhaps Officer Fix did not believe that this was genuine.

CITY ATTORNEY GONZALES explained that they had previously carried out the research and determined that for Fish and Game, the license was not required but he thinks that the Police Chief may have something to add to this and invited him to the podium.

POLICE CHIEF DANA WATSON, explained that this matter has been ongoing for several years and it originated from a complaint in reference to the operation to the duck sanctuary in this neighborhood. He said they sought guidance from Fish and Game due to some federal and State law that require licensing. He said he did not bring any paperwork with him on this matter and is going from his recollection. He mentioned that although they have been communicating this requirement, within the last six months, Ms. Siversten did locate somebody in South Florida that said that as she works for Fish and Game, she can operate through their license. He stated that a license is required to operate a sanctuary but Ms. Siversten is working under Fish and Game's license. He also explained that they had an investigator look at the licensing and there were no underlying issue.

COMMISSIONER PEERMAN asked if Ms. Siversten is legit.

CHIEF WATSON confirmed that she was.

MAYOR RUZZANO asked that if Ms. Siversten is not on her property, can she pick up a duck and bring it to her house.

CHIEF WATSON explained that under Ms. Siversten's license, if the duck is injured, she can collect the duck.

VICE MAYOR SCHWARTZ asked what the situation is if the duck is made whole.

CHIEF WATSON said that he is unfamiliar with all the rules and Ms Siversten would need to seek clarification. He said that those without licenses cannot remove a duck and reiterated that he did not come prepared to discuss this matter in depth.

MS. SIVERSTEN stated that they are not prepared to relocate Muscovy ducks. She explained that she uses three farms in West Palm Beach which belongs to her friends. She said these farms have acreage, so she can put them on their property. She

explained she is not permitted to remove any ducks from the lakes within the City, rehab and place it back in the original lake.

VICE MAYOR SCHWARTZ asked how many ducks Ms. Siversten had on her property.

MS. SIVERSTEN said that she had about 40 permanently injured ducks.

VICE MAYOR SCHWARTZ said that she has lived in Margate since 1982 and recalls this request going back and forth. She asked the City Clerk to pull the Ordinances which started in 1978 which made what Ms. Siversten was doing illegal.

VICE MAYOR SCHWARTZ said that in 2000, she signed another document which made what Ms. Siversten do as being classified illegal. She said that for the 37 years Ms. Siversten has been working at Duck Haven, it has been illegal to have more than four ducks. She explained that she understands what the Chief Watson has said as over the years, this has become an issue for Ms. Siversten's neighbors. She said as Ms. Siversten is becoming legal, it would seem that to date, she can only have four ducks as it is deemed illegal to exceed this amount. She said that if she chooses to vote yes, she would be saying that the other 37 years was illegal does not matter anymore and if she does this for her, then she needs to do that every other person who has broken the law in this City.

MS. SIVERSTEN asked why as she grandfathered in.

VICE MAYOR SCHWARTZ said that she was never grandfathered in by the City of Margate. She also said that people may have looked in another direction due to who she was. She read the Ordinance "It shall be unlawful to maintain, raise or house the following within the City: chickens, ducks, geese, pigeons, doves or cattle horses that put them in the same category as sheep or goats". She mentioned that in 1978, no more than four ducks would have been permitted.

COMMISSIONER PEERMAN asked if it mentions about a sanctuary.

VICE MAYOR SCHWARTZ said no but she cannot have it. She said that Ms. Siversten did not have a sanctuary and that she is applying for one now.

COMMISSIONER PEERMAN said that she has always had a sanctuary.

MS. SIVERSTEN said that she has had the sanctuary since 1980.

VICE MAYOR SCHWARTZ said that she understands why Ms. Siversten has called it a sanctuary but this has always been illegal and now she is applying for a license under a different name. She said that she was always trying to obtain something which she could not do and therefore, she cannot be in support of this request.

MS. SIVERSTEN thanked Vice Mayor Schwartz for her comments and left the meeting.

COMMISSIONER PEERMAN apologized for Vice Mayor Schwartz's comments.

VICE MAYOR SCHWARTZ said that this is her opinion and that she is only one vote so Ms. Siversten should not walk away.

MAYOR RUZZANO reminded the Commission that a vote has not yet been cast.

VICE MAYOR SCHWARTZ said that this is her opinion.

COMMISSIONER PEERMAN suggested that Vice Mayor Schwartz embarrassed Ms. Siversten.

VICE MAYOR SCHWARTZ said that she did not embarrass Ms. Siversten and that she was just voicing her opinion.

COMMISSIONER SIMONE said that Ms. Siversten had before she had left, she was going to inform her that she does support her and brings newspapers on a regular basis for her ducks. She explained that due to the belief that government should be giving out donations, she would vote no.

MAYOR RUZZANO reiterated Commissioner Peerman's comments that they helped set this up to assist the 501c3s in the City. He said that despite what she did in the past, she brought along the appropriate paperwork to the meeting and this was a perfect example of a good person trying to do the right thing. He was sorry that she left the meeting.

VICE MAYOR SCHWARTZ reiterated that she is only one vote and that there are four other Commissioners. She said it was her opinion that this was something that was never permitted before.

COMMISSIONER PEERMAN asked whether Vice Mayor Schwartz was on the Commission when the City put in a French drain.

VICE MAYOR SCHWARTZ replied no. She said that she was on the Commission in 2000 when she signed it as a Mayor that this could not be done.

COMMISSIONER PEERMAN stated that the City put in a French drain for her.

VICE MAYOR SCHWARTZ suggested that the City should have presented that fact. She said that she does not read people's mind. She also stated that if there is a position where the City has no problem with this, then the City should bring that forward as she can only go with the facts that are presented to her.

MAYOR RUZZANO asked the City if she was in any violation.

CITY ATTORNEY GONZALES said that due to the changed circumstances of Ms. Siversten partnering with the other entity that is properly certified and has licensing, there are currently no concerns.

VICE MAYOR SCHWARTZ said that if she echoed Commissioner Simone comments concerning that government should not doing something with a private entity, there would be no discussion. She believes that as she had a different opinion, the votes are exactly the same way but this has become the major issue.

COMMISSIONER PEERMAN said that this is not the case as Vice Mayor Schwartz said that Ms. Siversten had been doing this illegally for all this time.

VICE MAYOR SCHWARTZ said that she was doing it illegally to date. She said she believes that this is her opinion and does not understand why it should cause such a problem. She explained she gave her reason and does not believe this should be a problem and this is her first amendment right.

A motion was made by Commissioner Peerman, seconded by Mayor Ruzzano, that this be approved. The motion failed by the following vote:

Yes: 2 - Commissioner Peerman and Mayor Ruzzano

No: 3 - Commissioner Caggiano, Commissioner Simone and Vice Mayor Schwartz

5) CITY MANAGER'S REPORT

INTERIM CITY MANAGER MAY said that on August 19 between 10:00am – 2pm at Fire Fighter's Park, the City had a Backpack giveaway.

INTERIM CITY MANAGER MAY mentioned that they are also having a new program coming up in the Police Department called the "Open and Empty" program where the Police will be placing stickers on some businesses to show that the safes are open and empty at the end of the night in the hope that this would prevent burglaries. He said there will be a grand opening of this event on August 29 at 5:00pm at Pete's Barbershop.

INTERIM CITY MANAGER MAY said that South Florida is expecting a tropical depression so to expect heavy rain over the next few days. He advised that in these conditions, drivers should switch their lights on as using their windshield wipers. He said that drivers should also be careful driving through any high waters to prevent the car from stalling.

INTERIM CITY MANAGER MAY also advised that the drain systems are flowing well so everything should work well in the City.

6) PUBLIC HEARING(S)

- A. [ID 2017-516](#) PUBLIC HEARING AND RESOLUTION - ADOPTING THE CITY OF MARGATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR FISCAL YEAR 2017; ACCEPTING THE ANNUAL ALLOCATION IN THE AMOUNT OF \$326,970 FOR HOUSING REHABILITATION, FIRST TIME HOMEBUYER ASSISTANCE, PUBLIC FACILITIES, AND ADMINISTRATION; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND/OR SUBMIT ANY AND ALL RELATED DOCUMENTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AFTER A FOURTEEN (14) DAY PUBLIC COMMENT PERIOD.

RESOLUTION 17-104

A motion was made by Commissioner Simone, and seconded by Vice Mayor Schwartz to approve.

MAYOR RUZZANO asked whether this item referred to a previous discussion where they were to capping it at \$25K.

ASSISTANT TO THE CITY MANAGER ADAM REICHBACH confirmed that the home rehabilitation would be capped at \$25K.

MAYOR RUZZANO asked whether this could be used on the exterior such as air, conditioners roofs, doors and windows.

ASSISTANT TO THE CITY MANAGER REICHBACH said that this was correct.

MAYOR RUZZANO asked whether the appropriate funds could be used to renovate bathrooms or used for first time buyers.

ASSISTANT TO THE CITY MANAGER REICHBACH said that it would not be possible to utilize the funds to renovate bathrooms but indicated that there is a first time homebuyer portion as well as a public facilities portion.

MAYOR RUZZANO asked whether this would also cover veterans.

ASSISTANT TO THE CITY MANAGER REICHBACH said that he does not believe that there is a veterans program incorporated in this funding.

MAYOR RUZZANO asked if it is a County run grant.

ASSISTANT TO THE CITY MANAGER REICHBACH said that it is the City's intention. He stated that they have set up a meeting with the County so that they can commence discussions.

MAYOR RUZZANO asked what the reason behind discussing this proposal as he was not in enthusiastic about it.

ASSISTANT TO THE CITY MANAGER REICHBACH explained that they have staff that can handle administering the grant similar to previous funding programs.

MAYOR RUZZANO indicated that the City has been on a waiting list for years to obtain this grant and asked why there was no one in the City who could expedite this.

INTERIM CITY MANAGER MAY said that they would still have the same waiting list and would be able to dictate to the County how they want the grant to be administered.

MAYOR RUZZANO asked if the City frowned upon grants.

INTERIM CITY MANAGER MAY replied no.

MAYOR RUZZANO said that some departments experience difficulty in obtaining grants and when monies are received, there seems to be a problem with spending it.

INTERIM CITY MANAGER MAY referred to the City Attorney's discussion on a former employee having an issue spending the money correctly and subsequently, they are working through this and seeking assistance from the County. He said they plan to administer the grant at some stage during 2018.

MAYOR RUZZANO asked if the County is charging 10%.

ASSISTANT TO THE CITY MANAGER REICHBACH explained that the CDBG (Community Development Block Grant) will pay for the program will pay for it so the City

are not paying for the County to run this program.

MAYOR RUZZANO asked that if the City receives a CDBG grant of \$100K per County, how much will it receive.

INTERIM CITY MANAGER MAY said the maximum administration cost allowed by the CDBG grant would be 20% but it needs to be negotiated when they meet with the County.

MAYOR RUZZANO asked that on average, will they receive \$300K per year for the grant and asked why it is difficult finding someone to administer it.

INTERIM CITY MANAGER MAY said that they are investigating this further but they need to administer this grant and they are doing their utmost to find out where they are with the grants that they have at present.

COMMISSIONER CAGGIANO asked if they will accept new applicants for this program and if so, where can they obtain an application.

ASSISTANT TO THE CITY MANAGER REICHBACH said that there is a waiting list.

COMMISSIONER CAGGIANO asked how applicants can get on the new waiting list as it has been closed for several years.

ASSISTANT TO THE CITY MANAGER REICHBACH said that assuming that the program is run by the County, that information would be easily available which the City will share on their channels and the new applicants will be able to register for the waiting list at the point. However, they are currently not taking any additional applicants at this time until they seek further clarification from the County.

VICE MAYOR SCHWARTZ asked if there is an out clause as in the meantime, so they could look for someone who would finally have or actually writes and administers and that the same person can do that. She asked about the length of the contract.

ASSISTANT TO THE CITY MANAGER REICHBACH explained that as they do not have the contract, they do not know how long this would be.

VICE MAYOR SCHWARTZ asked how long the current contract is.

ASSISTANT TO THE CITY MANAGER REICHBACH said that he was unsure.

INTERIM CITY MANAGER MAY explained they are processing an action plan to send to the federal government to inform them what they are spending the money on.

VICE MAYOR SCHWARTZ asked if there are safeguards written in the plan for accountability that the federal government would specifically want to see.

INTERIM CITY MANAGER MAY unsure if there is anything specifically written about that.

VICE MAYOR SCHWARTZ continued to have concerns that there were no safeguards in place.

INTERIM CITY MANAGER MAY said that at this stage, they are informing them how they intend to spend the money.

The motion carried by the following vote:

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

7) RESOLUTION(S)

- A. [ID 2017-490](#) APPROVING REAPPOINTMENT OF DENISE VALENTE-CONROY TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE FOR A TERM COMMENCING AUGUST 20, 2017, THROUGH AUGUST 19, 2020.

RESOLUTION 17-105

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, 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

- B. [ID 2017-491](#) APPROVING REAPPOINTMENT OF TODD ANGIER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE FOR A TERM COMMENCING AUGUST 20, 2017, THROUGH AUGUST 19, 2020.

RESOLUTION 17-106

A motion was made by Commissioner Simone, seconded by Commissioner Peerman that this Resolution be approve to reappoint Todd Angier.

An amendment was made by Commissioner Caggiano to insert the name of Richard Zucchini. This amendment failed for a lack of second.

A motion was made by Mayor Ruzzano that the original Resolution be approved. The motion carried by the following vote:

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

No: 1 - Commissioner Caggiano

- C. [ID 2017-527](#) APPROVING APPOINTMENT OF _____ TO THE FIVE MEMBER MARGATE BOARD OF ADJUSTMENT FOR THE VACATED POSITION TO FULFILL THE REMAINDER OF THE CURRENT TERM ENDING MARCH 21, 2018.

A motion was made by Commissioner Caggiano that this Resolution be brought back to the Regular City Commission meeting on 09/27/17. The motion carried by the following vote:

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

No: 1 - Commissioner Peerman

- D. [ID 2017-488](#) AMENDING THE CITY COMMISSION MEETING SCHEDULE FOR 2017; PROVIDING FOR THE FIRST MEETING OF EACH MONTH TO START AT 6:30 PM.

RESOLUTION 17-108

A motion was made by Commissioner Simone, seconded by Commissioner Caggiano, 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

- E. [ID 2017-496](#) APPROVING THE MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF MIRAMAR AND EACH OF THE EIGHTEEN (18) PARTICIPATING MUNICIPALITIES UTILIZING SUN-BERGERON FOR WASTE SERVICES IN ORDER TO FACILITATE IDENTIFICATION OF ALTERNATIVE, COST-EFFECTIVE DISPOSAL OPPORTUNITIES FOR THE PARTICIPATING MUNICIPALITIES.

RESOLUTION 17-109

A motion was made by Commissioner Caggiano, seconded by Commissioner Simone, 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

- F. [ID 2017-501](#) APPROVING THE SECOND AMENDMENT TO THE LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR ALLOCATION OF FUNDS RECEIVED FROM THE STATE OF FLORIDA UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM, FOR FISCAL YEARS 2017-2019; AUTHORIZING THE MAYOR AND CITY MANAGER TO APPROVE ANY AMENDMENTS TO THE LHAP THAT PROVIDES FOR RECEIPT OF FUNDS FROM THE STATE BUT NO CHANGE OF TERMS, WITHOUT FURTHER COMMISSION ACTION; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 17-110

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

- G. [ID 2017-500](#) APPROVING AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, FLORIDA STATE

LODGE (POLICE OFFICERS AND SERGEANTS) FOR THE PERIOD FROM OCTOBER 1, 2015, THROUGH SEPTEMBER 30, 2018.

RESOLUTION 17-111

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

8) ORDINANCE(S) - FIRST READING

- A. [ID 2017-434](#) CONSIDERATION OF AN ORDINANCE TO PROVIDE REGULATIONS AND PROCEDURES TO REVIEW TEMPORARY USE PERMITS.

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

An amendment was made by Commissioner Simone, seconded for discussion by Vice Mayor Schwartz, that the code define Block Parties, do not allow road closures and add a requirement to notify neighbors on the block of the party.

An amendment was made by Commissioner Simone, seconded by Vice Mayor Schwartz, to make an amendment to her previous amendment and that they define Block Parties, do not allow road closures and require the person who is having the Block Party to notify the neighbors on the block that they would be having a Block Party.

Commissioner Simone withdrew both amendments.

An amendment was made by Commissioner Caggiano, seconded by Commissioner Peerman, that they revert back to the original motion.

An amendment was made by Commissioner Peerman, seconded by Commissioner Caggiano, that they remove the wording referring to road closures. The amendment carried by the following vote:

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

The original motion carried as amended by the following vote.

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

- B.** [ID 2017-498](#) APPROVAL OF AN ORDINANCE TO PROVIDE DEFINITIONS AND REGULATIONS FOR TEMPORARY FEATHER BANNER SIGNS AND INFLATABLE SIGNS.

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

An amendment was made by Commissioner Simone, seconded by Commissioner Peerman, to insert the word "square" where it was missing. The amendment carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Simone, Commissioner Peerman and Mayor Ruzzano

Not Present: 1 - Vice Mayor Schwartz

An amendment was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Ordinance be amended to include Feather Signs and remove Inflatable Signs. The motion failed by the following vote:

Yes: 1 - Commissioner Simone

No: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

The motion to amend carried by the following vote:

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

- C.** [ID 2017-505](#) AN ORDINANCE TO REDUCE BOARD MEMBER SUBSTITUTIONS BETWEEN THE PLANNING AND ZONING BOARD AND THE BOARD OF ADJUSTMENT.

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

A consensus was taken by Mayor Ruzzano to have a sixth person as an alternate to stand in for absent Board Members. Consensus failed.

An amendment was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, that this Ordinance be amended to insert wording that refers to a succession order that the Board Clerk will call for Board substitutions in the following order: Board Chair, Board Vice Chair, other members of the Board. The amendment carried by the following vote:

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

- D. [ID 2017-518](#) AN ORDINANCE TO REZONE TWO REAL PROPERTIES TO CONSERVATION DISTRICT.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, that this Ordinance - 1st 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) ORDINANCE(S) - SECOND READING

- A. [ID 2017-506](#) CONSIDERATION OF AN ORDINANCE TO PROVIDE UPDATED SPECIAL EXCEPTION CRITERIA AND PUBLIC NOTICE REQUIREMENTS.

ORDINANCE 2017-14

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

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

Not Present: 1 - Commissioner Peerman

- B. [ID 2017-507](#) CONSIDERATION OF AN ORDINANCE TO PROVIDE UPDATED REGULATIONS FOR WALKWAY CAFES.

ORDINANCE 2017-1500.633

A motion was made by Commissioner Simone, seconded by Commissioner Caggiano, that this Ordinance - 2nd Reading be approved on second reading. The motion passed by the following vote:

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

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS

10) DISCUSSION AND POSSIBLE ACTION**A. [ID 2017-533](#) FPS HOMES PROGRAM (Presented by Marlon Onias, Onias Law)**

MARLON ONIAS, CEO of FPS HOMES made a PowerPoint presentation. Mr. Onias', Counsel, Greg Rossman from Rossman Legal was also in attendance. He highlighted the following points:

- *FPS take the liabilities in homeowner or condominium associations and turn it into positive cash flow at no additional cost;*
- *FPS would work with the City to put together an agreement to service their receiver and would petition the Court to appoint FPS as their receiver;*
- *They work hand in hand with HoAs and CoAs and can identify the properties which are vacant, abandoned or going through a foreclosure;*
- *The benefits of FPS Homes is that they employ a neighborhood stabilization method that increases the quality of life for residents;*
- *Is a revenue producer and provides viable short term housing for veterans, police, fire and other qualified individuals such as teachers at a reduced rate;*
- *The selling point is that Mr. Onias is a veteran of the US Code Guard and he believes in helping veterans;*
- *The average stay is about 18 – 24 months which will enable them to save money during this period;*
- *Thereafter, they would refer tenants to a VA mortgage lender or another organization such as United Way or Mission United;*
- *He believes that the quality of life would improve for the City of Margate.*

MAYOR RUZZANO asked how many people were on the waiting list to rent.

MR. ONIAS informed the Commission that he has a list together with a veterans list from Mission United.

MAYOR RUZZANO asked what is required from the City.

MR. ONIAS explained that they need to identify the number of homes which are delinquent on their liens and fines. He suggested that those particular homes which have been abandoned and the primary lien holder is not taking care of the homes and therefore, it would enable the City to take action. He also believes that it would allow the City to turn the liability into an asset by obtaining extra revenue which would also be an incentive to the banks to get the ball rolling.

MAYOR RUZZANO asked how the funds would be transferred to the City.

MR. ONIAS explained that the financial increments would depend on what method the City would prefer to be paid. He said FPS could pay them for each home specifically which is in their program or they can pay the City collectively.

MAYOR RUZZANO asked that once FPS has passed the initial stage of finding the homes and getting the homes, how much actual time the City would incur.

MR. ONIAS explained that the City would receive a check once per month from FPS and the City would also receive a receivers report every three months. This report is identical to the one that they have to submit by law to the Court.

VICE MAYOR SCHWARTZ asked if Mr. Onias was a lawyer.

MR. ONIAS confirmed this.

VICE MAYOR SCHWARTZ asked that if all the homes have liens on them in the form of possibly a mortgage, why a bank would forgo their value of the money they have put in that property to allow FPS to take ownership.

MR. ONIAS said that they would not be taking the property but it is placed into FPS's receivership.

VICE MAYOR SCHWARTZ asked why would the first lien holder, which could be the mortgage holder, allow that to happen to their property.

MR. ONIAS said that many are not high-end properties and if this was the situation, the banks do not move that efficiently. He said that there are 2,900 properties within South Florida that are either vacant or abandoned. He said it is not on the banks' priority list as cities such as Margate, Coconut Creek and Coral Springs would have not the number of large fines outstanding. He said the banks would be negligent as they are not maintaining the property to a good standard and is therefore negligent in many of their responsibilities.

MR. ONIAS said that if the fines are not paid, they would have to find a way for it to work for FPS as they are taking care of the City's responsibility.

VICE MAYOR SCHWARTZ said that for example, if the City lienrf a property if they cut a lawn, they could have thousands of dollars of liens on the property but at some point, either the property taxes are not being paid, the Court would get involved whether they still own monies on the liens. She did not understand why the bank would have a loss to their investors and allow the property to go to a receiver and then get nothing out it.

VICE MAYOR SCHWARTZ asked if Mr. Onias could take a model property and get for a step by step process.

CITY ATTORNEY GONZALES explained that the City's Code Department has been quite fortunate that when it comes to a situation such as this, they have been contacting the banks who have come in and taken care of the properties. He said this information also comes to light at Special Magistrate meetings and hearings but have resolved liens which have been very successful of late.

VICE MAYOR SCHWARTZ asked what the process would be if, for example, a property is abandoned and money is owed to a third party.

MR. ONIAS explained that abandoned properties or those going through a foreclosure, the President of the association would contact FPS to try and avoid this. He said FPS would be the second lien holder and it would extinguish automatically. He mentioned in order for the bank to get any money out of that property, they petition the court to place that property into receivership because while the home is abandoned, they would not receive any assessments or association fees and the property would be a burden on the community.

VICE MAYOR SCHWARTZ asked if FPS petitioned for receivership, would contact be made to the lien or mortgage holder, whichever has the greatest stake in that loss.

MR. ONIAS advised that before FPS petitioned, they would undertake a title search and everybody would be provided notice of what is happening and whether the property is going to be placed into receivership. He said FPS achieved \$1.5m as they have taken the appropriate steps to run a title search and to notify the lien holders and all interested parties with an update and then place the property into receivership. He mentioned that to date, FPS has been successful and there have not been many issues with the banks.

GREG ROSSMAN, ROSSMAN LEGAL said he does not have any financial input into FPS but is providing legal assistance. He explained that the banks would be protected. He said the banks can take up to two years to work through the foreclosure process and FPS would come in to make use of the property's receiver. He said for the City, they would pay back unpaid liens for code violations and the rent and at least 30% would be returned to the City to pay off. He said the property value would become stabilized and would increase and the bank would still foreclose but they would receive more money. He mentioned some banks embrace the idea as otherwise, they would have the obligation to keep up the property.

VICE MAYOR SCHWARTZ asked if this would be legalized squatting.

MR. ROSSMAN said that there would have to be legal reasons to do so if it is an HoA or condominium which has been negatively affected. He said the banks would still own the property and their equity interest is ineffective and in most cases, increase.

VICE MAYOR SCHWARTZ asked why the bank would not leave the property to whoever is currently there, despite their hardship.

MR. ROSSMAN said that this would be possible as a business decision and could also devise a similar set up to FPS and hire a third party company. He said that the bank would prefer to get out of a mortgage.

CITY ATTORNEY GONZALES said that although FPS has various statistics of success, they have not partnered with a city before. He said the issue that concerns him is the Condo and HoA laws are more favorable to receivership type situations than would be a similar situation where the City has code liens against a property and the City could obtain the services of the bank to take care of the code liens. He mentioned it is a very different situation and the statutes are very different as to the rights of the parties. He said that he would have some concerns about this and FPS would look at the City of Margate to be the first to form a partnership with them.

VICE MAYOR SCHWARTZ referred to point 1.5 and asked for the locations.

MR. ROSSMAN said that the locations are in South Florida, Central Florida, Tampa Bay and in the Orlando area.

INTERIM CITY MANAGER MAY asked Mr. Rossman for the city and reference.

MR. ROSSMAN said that there were a number of cities from Dade County all the way up the middle state. The exact locations can be provided at a later date but explained that they do not actually have any contracts directly with any cities. The contacts have been with HoAs and condo associations.

INTERIM CITY MANAGER MAY said that he required a city and a reference so that he could contact somebody to see how it is working out for them.

MR. ROSSMAN confirmed that they have never used a city before and that the City of Margate would be the first one. He reiterated that he can understand the City's concerns as it has never been done before but he believes that the City Attorney is also not stating is that the City has a great deal of power within the Police and welfare. He also suggested that the City would want to protect the quality of life and that working directly with the City, as they have a home rule and charter, that there are things that the City can do that the HoA cannot do. He said the program utilizes those assets but the people that FPS would work with to put in those assets are the ones which receive and benefit from it. He also said that police, teachers and veterans have rented from this program and it has been beneficial and has stabilized the neighborhood if they have persons of this stature living in their community.

MR. ROSSMAN said that the City's Attorney is on point and he does not dispute what he says. He said they are seeking is that they have permission to act on the City's behalf, go to Court and explain where there are properties that the City has financial interest in or losing money from and that the City will give authority to go to Court and identify those things and ask a judge. He said a judge would confirm whether the City would be able to receive it or not. He also explained that the property would need to be renovated by Home Depot and this would be the responsibility of FPS. He said once a qualified person starts to rent the property, 30% of the revenue would be recouped by the City. He mentioned when the property is sold, the company has a lien so when the foreclosure sale is sold, if the bank is owed \$100K and it sells for \$120K, the overage they have from the lien and the money which they paid to Home Depot, a management fee, etc, is how the money would be recouped.

MR. ROSSMAN said that the points made by the City Attorney are relevant and that it would be different from the HoA and Condo associations but it is not one without merit. He said that working with the City would be an experiment but a worthwhile one. He believes that they should start with a smaller city such as Margate and start with a small number of houses and see how it progresses.

MR. ONIAS explained that large cooperations hire CEOs due to the skillset and what they can bring to the job and this is what FPS would be able to do for the City of Margate.

VICE MAYOR SCHWARTZ asked how many homes in Fay's Cove and Coral Bay have they contracted with and the length of the program.

MR. ONIAS said that currently, they have one in Coral Bay. They had approximately six in Fay's Cove but as this has transitioned out, they no longer have any renters.

VICE MAYOR SCHWARTZ asked if they have Margate police officers in Fay's Cove.

MR. ONIAS explained that they have police officers that live throughout all the different cities.

VICE MAYOR SCHWARTZ said that she earlier heard Mr. Onias make reference to Margate Police officers and was therefore curious.

COMMISSIONER CAGGIANO asked what they would have to lose if they were to try this program as they are not paying anything upfront.

MR. ONIAS said nothing at all.

COMMISSIONER CAGGIANO queried whether the end date for receiving the monthly payment would be when the house transitions out.

MR. ONIAS said that according to the agreement, it would be 15 days from the date they would receive payment for occupied homes.

COMMISSIONER CAGGIANO asked whether the City would only have to identify the homes for FPS.

MR. ONIAS confirmed this.

COMMISSIONER CAGGIANO asked whether they would only have to provide FPS with a computerized list for passing.

MR. ONIAS confirmed this.

COMMISSIONER CAGGIANO asked whether they are asking the City to be the first Guinea pigs for a city.

MR. ONIAS agreed with this and said that there is a lot to being the first.

COMMISSIONER CAGGIANO said that his question is not negative as he does not have a problem with trying something new. He asked the City Attorney of the downside risks.

CITY ATTORNEY GONZALES said that there is more to do than provide a list. He said the City would need to accept the receivership and they have to petition to the judge or FPS would need to petition to the judge on the City's behalf and therefore, would be named in that receivership.

COMMISSIONER CAGGIANO asked what the negative side would be.

CITY ATTORNEY GONZALES does not have an answer to that question.

MR. ONIAS explained that with HoAs, FPS would file the petition and a part of that petition would be affixed as an exhibit; the agreement between FPS Homes and the City of Margate as a contract giving them the ability to represent the City. He also informed the Commission that the City Attorney does not have to attend if he chooses not to as the filed petition details everything within the legal document explaining that they are representing the City of Margate and to move the homes into receivership.

MR. ROSSMAN said that it is similar to a subrogation and they would step in place on behalf of the City.

CITY ATTORNEY GONZALES suggested that he would probably need to be at those hearings as the City's name is involved and it is not as simple as just subrogating the City's rights over.

COMMISSIONER CAGGIANO asked if there was a problem with that.

CITY ATTORNEY GONZALES indicated that there could be a time issue.

COMMISSIONER CAGGIANO asked whether he does not comprehend the concept correctly as his understanding is that the City would have no liability.

CITY ATTORNEY GONZALES said that there is no confirmation of liability.

COMMISSIONER CAGGIANO said that FPS are trying to establish whether the City would like to try it but thinks that the City Attorney is less enthusiastic as there may be too many liabilities although he is unsure what they may be.

CITY ATTORNEY GONZALES said that there is no history.

COMMISSIONER CAGGIANO said that is what the contract is for and they can tailor it to fit the City's requirements. He was unsure where the current contract is but reiterated that if no liability is written in the contract and the City is receiving money, why would City Attorney Gonzales be against the project. He suggested that they could start out with one home to see how it materializes.

CITY ATTORNEY GONZALES said that he is not against this program and that he does not have a vote.

CITY ATTORNEY GONZALES said that the City have to keep in mind the Alzheimer's Center situation and the grant situation.

COMMISSIONER CAGGIANO said that they cannot stop the City due to past employees previous actions. He is still trying to establish what the downside is if the City agreed to this program.

MR. ROSSMAN said that it would be incumbent in the contract negotiation for the City Attorney to protect the City with some sort of hold harmless or notification as that would be the correct process to take. He also believes that having seen how it works in the HoA that they provide that. He said the HoAs were never out of pocket for money if a home was sold out of the receivership in foreclosure and if there was not enough money, the previous company would lose their money. He said the company would not be able to go back against the HoA unless they contracted it that way. He agreed that there is a downside if the City of Margate is going to have terms written for some sort of liability but the City has statutory protections which he would strongly recommend.

MR. ROSSMAN said that it is the City Attorney's decision if he chose to attend a hearing but when matters have settled, there could be a time when the City Attorney was comfortable with the process and thought it was unnecessary to attend them in the future. He suggested that the City Attorney could acquire any level entry hearing that he could be noticed ahead of time to appear. He would also recommend that whoever processes the legal work, they would need to go through to the City Attorney prior to going to a judge as it will have his name on it and that the information is correct.

MR. ONIAS said that FPS do not intend to move ahead of them but wants to work with them. He said if the City give them the ability to work with them, FPS is absolutely certain that the program will be beneficial to the City of Margate.

COMMISSIONER SIMONE asked how long has FPS been in existence for.

MR. ONIAS explained that they are a new company launched in 2017 as they had just come out of litigation from FPM as FPS split from them and he said FPM was launched in 2012.

COMMISSIONER SIMONE asked that since 2012, they have never worked with any cities and if that is the case, she would see this as a problem.

MR. ONIAS confirmed that they had not worked with any cities.

COMMISSIONER SIMONE said she likes their passion and believed in what they are doing but it sounds too good to be true and with this in mind, is very weary of it as they have been in existence for the last five years but are yet to work with any city. She questioned that if it was such a good program, then they would have found a city to work with well before approaching the City of Margate.

COMMISSIONER SIMONE referred to the issue of liability. She said that if the City were present before a judge, there would be a liability issue as the City of Margate's name is on the documentation. She said with this in mind, she would not be prepared to take that liability risk. She also does not believe that it is necessary for Margate to have another housing project as the City has had a number of these schemes in the past.

COMMISSIONER SIMONE said another point of concern is that they would be involved with an organization that they do not know or any have no control over.

MR. ONIAS explained that as the City Attorney would be negotiating the terms of agreement, he believed that the City of Margate would have control in the terms of the agreement and there would be a watchful eye in the running of the program as it progresses. He said if the City believes that the program is not in its best interest, then this can be addressed at any time.

COMMISSIONER SIMONE said that FPS does not have a proven track record and they are unaware of their background history and would therefore take a chance in good faith but without any control.

MR. ONIAS stated that FPM has been around since 2012 and the reason why they have not approached cities as they were in the process of building the HoA and CoA relationship. He reiterated that there are different facets and stages when starting a business and this is a part of scaling FPS Homes. He said that the main objective is addressing the issue of vacant, foreclosed and abandoned homes are using the best method to monetize those assets to house veterans, police and firemen.

COMMISSIONER SIMONE said although she understood Mr. Onias sentiments, she was not convinced. She said As FPS has taken over from FPM, there is no track record to say that the latter were successful.

MAYOR TOMMY RUZZANO said that he recalls that when he ran back in 2012, he remembers FPM supported a couple of the Commissioners but he was excluded. He said he cannot understand why Mr. Onias said that he did not know some of the members of the City or Commission. He said that he has discussed this with other cities and has received positive feedback and that there are some that would like to work with FPS Homes. He said did not see any problem in FPS's request as at this stage, they only want to consider going into a contract. He could not understand why there was a negative tone to their request as FPS would be investing in the City which would also improve on its appearance. He said that this is not the way to do business and said that if they could negotiate a contract and select the best options for the City, it would be advantageous. He mentioned that to decline their proposal is being a little premature and if they partner with another city, the City of Margate may regret their decision in turning them down.

COMMISSIONER SIMONE advised that they should go to another city to prove their

worth and return back to the City of Margate. She said that she tried to research FPS Homes and names affiliated to that organization on the internet but was unable to find any information and therefore pleaded her case.

MR. ONIAS said that FPS Homes was incorporated in August 2017.

COMMISSIONER CAGGIANO said that he understands Commissioner Simone's concerns if there is a lawsuit, the City of Margate could be liable and would therefore not sit comfortable being in a deep pocket while FPS Homes could incorporate under another name. He said that he can see many advantages of taking up this contract and improving the City, he has concerns that FPS Homes were incorporated last month and has only been in business for a year.

MR. ONIAS said that Commissioner Caggiano is correct but reiterated that they have recently come out of litigation with FPM. He said although he can understand Commissioner Caggiano's concerns, he does not believe that they are well founded.

COMMISSIONER CAGGIANO asked whether there was a hold harmless situation concerning the City of Margate.

CITY ATTORNEY GONZALES indicated that the City could ask for indemnification which may already be in the agreement. He said that he would like to discuss and explore this project further with Mr. Rossman. He also asked if Mr. Rossman drafted the contract and if not, whether he was familiar with it.

MR. ROSSMAN said that he did not draft the contract and has not had sight of it. He handled the litigation concerning the two companies splitting and this is how he knows of the existence of the company and the financial and successful rewards it has reaped.

MR. ONIAS said that the contract is the first draft and he requested feedback from the City which he has yet to receive.

CITY ATTORNEY GONZALES said that he did not see the first draft and requested a copy in Word format so he can provide track changes.

MR. ONIAS said that he can send the first draft to the City Attorney which will address his concerns.

COMMISSIONER CAGGIANO said that he would prefer to table this when the City Attorney has reviewed the contract. He mentioned said while he had no problem of City of Margate being the first, he wants to ensure that they are covered. He previously had a bad experience with a business venture and does not want to make the same mistake.

A motion was made by Commissioner Caggiano, seconded by Commissioner Simone, that this be discussed at a future meeting. The motion carried by the following vote:

Yes: 3 - Commissioner Caggiano, Commissioner Simone and Vice Mayor Schwartz

No: 1 - Mayor Ruzzano

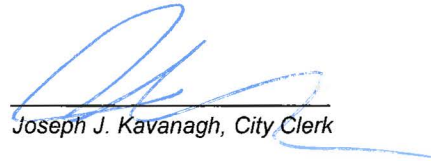
Not Present: 1 - Commissioner Peerman

ADJOURNMENT

There being no further business, the meeting adjourned at 11:17 PM.

Respectfully submitted,

Transcribed by Salene E Edwards


Joseph J. Kavanagh, City Clerk

Date: 11/16/17