



City of Margate

5790 Margate Boulevard
Margate, FL 33063
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www.margatefl.com

Meeting Minutes

Regular City Commission Meeting

Mayor Tommy Ruzzano

Vice Mayor Joyce W. Bryan

Commissioners:

Lesa Peerman, Joanne Simone, Frank B. Talerico

City Manager Douglas E. Smith

City Attorney Douglas R. Gonzales

City Clerk Joseph J. Kavanagh

Wednesday, June 1, 2016

7:00 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Joanne Simone, Commissioner Lesa Peerman, Commissioner Frank B. Talerico, Vice Mayor Joyce W. Bryan and Mayor Tommy Ruzzano

In Attendance:

City Manager Douglas E. Smith
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

- A. ID 2016-345 JOHN DEPOTTER, 1ST GRADE, MARGATE ELEMENTARY AND KATIE DEPOTTER, VPK, MARGATE ELEMENTARY

1) PRESENTATION(S)

PETER CONSTANDACHE, GSM Tennis Experience, gave a brief overview of his Tennis Program in Margate. He explained that the program was for kids, youths and adults and was held at Firefighters Park. He stated that there were currently more than 30 participants attending the Tennis classes. He said that the program was unique and was created to achieve performance and since attending tournaments, the students were on the podium. He noted that they had not yet achieved first place; however, they had won second place and third place. He said that a tennis event was recently held in Margate at Firefighters Park and Coral Gate Park, which were successful events. He commended Parks and Recreation Director Mike Jones for all of his help. He noted that next weekend, June 5th and 6th, he and his wife were invited to Orlando to attend a workshop/seminar where the United States Tennis Association (USTA) provided them the privilege of obtaining a license for organizing tournaments, which was huge for his program. Mr. Constandache made presentations to the tournament winners and the City Commission.

2) COMMISSION COMMENTS

COMMISSIONER SIMONE stated that the Forum was not being delivered to the residents in Margate; therefore, she provided contact information for the residents to call and inform Linda at 954-698-6397, that they want the newspaper delivered to their

residences. She suggested that the City consider not advertising with the Forum.

COMMISSIONER PEERMAN commended the Parks and Recreation Director Mike Jones for the great job done on the Memorial Day ceremony. She also commended the Community Emergency Response Team (CERT) for distributing water and assisting. She noted that the last Sounds at Sundown with the band Sunshine was to be held on Saturday.

COMMISSIONER SIMONE said that the Fishing lessons were terrific with 26 children in attendance. She noted that they had so much fun that they did not want to leave when the event was over. She said that she also learned how to put the filament line on a hook. She thanked Parks and Recreation for a great event that was very well received.

COMMISSIONER TALERICO referred to Item B on the Consent Agenda, and thanked Parks and Recreation Director Mike Jones for the swim lessons for ages 4 and up and urged everyone to have their children learn how to swim.

VICE MAYOR BRYAN wished Commissioner Simone a Happy Birthday. She noted that the Forum never called for an interview when she made history becoming the first African American or person of color elected. She thanked the Parks and Recreation Staff for the great job they did. She mentioned someone she knew from church, Carleishia Grant, Actress, who was now in the remake of Roots. She showed pictures of her attendance at the Mayor's Breakfast for Realtors. She added that she attended the Women in Distress Luncheon.

COMMISSIONER PEERMAN and Mayor Ruzzano wished both Commissioner Simone and Vice Mayor Bryan a Happy Birthday.

MAYOR RUZZANO said that Deputy Chief Michael Borrelli and Lieutenant Andrew Zettek, 30 year employees of the Police Department recently retired and he thanked and congratulated them. He stated that Memorial Day was awesome and thanked everyone responsible. He noted that school will be letting out next week and he asked that parents keep their children involved and get them to swim lessons. He mentioned prior discussion from a resident about hiring someone to clean up the City and said he received calls about U.S. 441 and the pavers with the weeds. He said that the area needed to be looked into. He thanked the Commission for approving the Mayor's Fitness Challenge at Margate Elementary School. He showed the shirts that each child would be given. He noted that the events were for Third Graders and there would be seven events to try to get fitness back into school. He stated that it was scheduled for tomorrow at 8:30 AM. He noted that there would be an Award Ceremony on Friday when medals would be distributed.

3) PUBLIC DISCUSSION

NICOLE COLLINS, 6125 NW 17th Street, said that she was present on behalf of the All Star Teams. She noted that her team was asking to be able to set up a booth with baked goods and water at the Sounds at Sundown, as well as at other events.

COMMISSIONER PEERMAN asked that she call Diane in the Community Redevelopment Agency (CRA) and mentioned that the Moons over Margate event would be coming soon.

MS. COLLINS asked about the Fourth of July event.

MAYOR RUZZANO questioned whether the Sounds at Sundown event were to be

handled by the CRA or needed City approval.

COMMISSIONER PEERMAN explained that the vendor that handled the Sounds at Sundown event was hired last year rather than having Parks and Recreation handling it. She noted that part of their agreement was to allow Margate businesses and/or Non-profit businesses to have booths. She stated that Ms. Collins only had to call the CRA office. She suggested speaking with Mike Jones regarding the Fourth of July.

MAYOR RUZZANO asked whether Ms. Collins' team sold beer last year.

MS. COLLINS agreed and said that it would be done exactly the same this year.

CITY ATTORNEY DOUGLAS R. GONZALES explained that because it was anticipated to be alcoholic beverage sales, it would have to go through the Commission pursuant to the Code.

MAYOR RUZZANO noted that last year they provided the proper insurance paperwork, as well as the temporary beer/sales from the Department of Business and Professional Regulations (DBPR).

MS. COLLINS stated that she had a receipt for everything purchased, as well as insurance and an alcohol license. She noted that they asked everybody for identification.

COMMISSIONER PEERMAN suggested bringing it up at the next meeting.

MAYOR RUZZANO asked whether it could be approved upon proper paperwork.

CONSENSUS was given by a 3-2 vote as follows: Commissioner Peerman, No; Commissioner Talerico, Yes; Commissioner Simone, No; Vice Mayor Bryan, Yes; Mayor Ruzzano, Yes.

MS. COLLINS explained that she understood the Commission's concerns regarding alcohol with young children around; therefore, she said that they would do what they did last year with not only alcohol, but water, Gatorade, bike raffles, cookies, popcorn and cupcakes. She added that she and her team also made sure everything in their area was cleaned up afterwards.

CITY ATTORNEY GONZALES said that he was informed that last year some of the alcohol sales were out of a cooler where children were playing, which definitely needed to change this year. He suggested that Ms. Collins get with Staff to decide how to segregate the alcohol from children.

CITY MANAGER DOUGLAS E. SMITH stated that the Police Department needed to have input with approving the setup, etc. He added that the team could look into the option of contracting with a vendor to run a truck.

MS. COLLINS stated that beer trucks will not be done anymore, and she preferred to have the team visible.

NORMAN GRAD, 7460 NW 18th Street, Palm Springs III, commended the City for the Memorial Day event. He noted that it was impressive to see the children show up. He read aloud a Memorial Day story and prayer.

ARLENE SCHWARTZ, 7800 NW 1st Street, wished Commissioner Simone and Vice

Mayor Bryan a Happy Birthday. She noted that the Library no longer received the Forum and that the parent corporation was the Sun-Sentinel. She noted that Item 7A was a Quasi-Judicial Determination, which she could not speak on; therefore, she asked the Commissioners to ask why Margate needed a second Burger King in Margate when there was so little development left in the City.

FRANK MESSANA, 7310 NW 1st Street Apt. 206, said that Item 6A and 6B both provided for automatic renewals and he questioned why. He noted that more money could possibly be made for the residents if sending out for bids rather than automatic renewals.

DAVID VALEO, 7005 NW 17th Court, said that he was not pleased with the Dog Park. He noted that the setup was beautiful; he felt that the home value was going to drop quickly. He suggested having the park on State Road 7 where the outdoor movies used to be held.

COMMISSIONER PEERMAN noted that statistics showed that when a Dog Park was built, the house values went up.

MR. VALEO stated that Tamarac had no houses and was in an industrial section, as well as Coconut Creek's Dog Park; therefore, he did not understand how home values could increase if there were no homes.

COMMISSIONER PEERMAN noted that there were homes across and down the street from the Dog Park in Tamarac there were homes on Southgate Boulevard. She said that she would be happy to have the park in her neighborhood on Rock Island Road.

COMMISSIONER TALERICO stated that it could not be moved across the street, because that was where the Downtown was going to be located.

RICH ALIANIELLO, 7631 NW 23rd Street, wished the Commissioners Happy Birthday. He noted that the dogs would not have leashes on in the Dog Park, but he noted that there were issues with Dog Parks in New Jersey. He suggested that the dogs be on leashes. He felt that it would be the responsibility of the City if someone got hurt.

COMMISSIONER PEERMAN explained that the idea of having a Dog Park was to allow the dogs to run free with the other dogs. She noted that there were sidewalks and places where people could walk their dogs; however, Dog Parks were for dogs to play and for dog owners to meet and socialize. She stated that people who went to Dog Parks were responsible. She asked that everyone give the Dog Park a chance. She mentioned that there was a Hold Harmless Agreement because it was a park. She added that the people who cared about the dogs also cared about the people.

COMMISSIONER SIMONE noted that Tamarac was considering building a second Dog Park because it was so popular. She suggested that those individuals who were concerned with dog bites should call the Parks and Recreation Department to get the statistics.

RICK RICCARDI, 4829 South Hemingway Circle, noted that he volunteered at a Dog Park in Snyder Park in Ft Lauderdale for over a year, which was phenomenal. He added that he never saw any incidences and he felt that it was a wonderful thing for the City to have.

4) CONSENT AGENDA

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 2016-336 MOTION - APPROVAL OF CITY COMMISSION MINUTES
- B. ID 2016-341 RESOLUTION - APPROVING A REVISED AGREEMENT WITH BROWARD COUNTY SWIM CENTRAL FOR PROVIDING WATER SAFETY EDUCATION INSTRUCTIONS AT CALYPSO COVE
RESOLUTION 16-220
- C. ID 2016-352 RESOLUTION - AWARDING BID NO. 2016-011 CATHEDRAL DRIVE, NW 63RD TERRACE, AND NW 14TH COURT WATER MAIN IMPROVEMENTS TO R.P. UTILITY & EXCAVATION CORPORATION IN AN AMOUNT NOT TO EXCEED \$370,100.00.
RESOLUTION 16-221
- D. ID 2016-353 RESOLUTION - AWARDING BID NO. 2016-005 WEST RIVER DRIVE AND NW 58TH TERRACE WATER MAIN IMPROVEMENTS TO R.P. UTILITY & EXCAVATION CORPORATION IN AN AMOUNT NOT TO EXCEED \$725,000.00.
RESOLUTION 16-222

Approval of the Consent Agenda

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

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH stated that the contractor was coordinating with Florida Power and Light (FPL) for installation of the electrical service for the Lift Station 22 construction work at Rock Island Road and Atlantic Boulevard intersection. He said that activity would be seen related to water main improvement projects, with contractors currently working on 65th Avenue and 65th Terrace north of Margate Boulevard. He reminded everyone that the City was accepting applications for the 5th Annual Margate Academic Scholarship Program provided by the City in partnership with Waste Management. He noted that the application deadline was June 9th, 2016, and the applications were available on the website, at City Hall and at Parks and Recreation Administration. He stated that the Sounds of Sundown was planned for June 4th, and Merchant Monday was planned for June 6th. He stated that Merchant Monday would be held at the Community Center with the topic of Cross Promotional Campaigns. He added that he and Andrew Pinney, Economic Development, Kim Vasquez, Community Redevelopment Agency (CRA), attended along with Chamber of Commerce representation an event. He explained that Margate's Small Business of the Year, His

and Her Hair Salon, was recognized with the award. He stated that many good words were said about Margate from all over the County.

MAYOR RUZZANO noted that the Budget Workshops were coming up and he asked the Department Heads to provide a list of their departments wants and needs.

6) RESOLUTION(S)

CITY ATTORNEY DOUGLAS R. GONZALES explained that Item 6A and 6B both had end terms and were not automatic renewals.

- A. ID 2016-350 APPROVING AGREEMENT BETWEEN THE CITY OF MARGATE AND CPZ ARCHITECTS, INC. FOR RFQ 2016-012 ARCHITECTURAL SERVICES; PROVIDING FOR AUTOMATIC RENEWALS
- RESOLUTION 16-223
- A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, that this Resolution be approved. The motion carried by the following vote:
- Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano
- B. ID 2016-329 APPROVING AWARD OF RFP 2016-006 - CITY-WIDE LAWN MAINTENANCE SERVICES AND AGREEMENTS BETWEEN THE CITY OF MARGATE AND LANDSCAPE SERVICE PROFESSIONALS, INC. FOR AREAS "A" AND "B", WITH AN AWARD AS ALTERNATE FOR AREA "D"; AND AGREEMENT BETWEEN THE CITY OF MARGATE AND THE LANDSCAPE COMPANY, INC. FOR AREAS "C" AND "D"; PROVIDING FOR AUTOMATIC RENEWALS; PROVIDING FOR A JULY 1, 2016 EFFECTIVE DATE.
- RESOLUTION 16-224
- A motion was made by Commissioner Peerman, seconded by Vice Mayor Bryan, that this Resolution be approved. The motion carried by the following vote:
- Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano
- C. ID 2016-351 APPROVING PURCHASE AND INSTALLATION OF A PORTERCORP PORTER/POLIGON SHELTER FROM REP SERVICES, INC. FOR THE PARKS & RECREATION FITNESS PARK UTILIZING THE NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE PURCHASING CONTRACT NO. 022113; PROVIDING FOR CONTINGENCY FUNDING AND A TOTAL PROJECT COST NOT TO EXCEED \$91,700.00.
- RESOLUTION 16-225
- A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that this Resolution be approved. The motion carried by the following vote:
- Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano
- D. ID 2016-346 WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF CCI-SPEER

AND FEDERAL CARTRIDGE AMMUNITION FROM FLORIDA BULLET, INC. TO BE ORDERED AS NEEDED THROUGH THE REMAINDER OF FY 2016, IN AN AMOUNT NOT TO EXCEED \$12,000.00.

RESOLUTION 16-226

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

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- E.** ID 2016-349 ACCEPTING AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$10,130.00 FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT TO FUND THE SPECIAL ENFORCEMENT TEAM (SET) OVERTIME PROJECT FOR THE MARGATE POLICE DEPARTMENT.

RESOLUTION 16-227

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

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- F.** ID 2016-331 RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MARGATE, FLORIDA; PROVIDING AUTHORITY, PURPOSE AND DEFINITIONS, AND CERTAIN LEGISLATIVE FINDINGS; ESTABLISHING THE COST APPORTIONMENT AND PARCEL APPORTIONMENT; ESTABLISHING THE ESTIMATED RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 16-228

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

An amendment was made by Commissioner Simone to remove all exceptions from the Fire Assessment Fee and charge everyone in the City their fair share. The amendment carried by the following vote:

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

No: 1 - Vice Mayor Bryan

The original motion as amended was carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

- G. ID 2016-356 DESCRIBING PROPOSED CITY INFRASTRUCTURE PROJECTS FOR A ONE CENT PER DOLLAR LOCAL GOVERNMENT INFRASTRUCTURE SURTAX ON ALL AUTHORIZED TAXABLE TRANSACTIONS OCCURRING WITHIN BROWARD COUNTY, FLORIDA.

(Was previously assigned Resolution 16-229, but Resolution was not drafted)

A motion was made by Commissioner Peerman, seconded by Vice Mayor Bryan, to vote on the resolution as described by the City Attorney: To pass a resolution directed to and sent to the County Commission supporting the City's infrastructure tax based upon the absolute necessity for those funds throughout Broward County to serve its residents and those using the roadways and services within Broward County; Urging the County to put aside its petty differences and cooperate with the Cities, allowing the Cities to put the ballot question on as the Cities propose it, so that it has its best possible chance of passing and achieving the goals that the Cities were looking for. The motion carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. ID 2016-343 CONSIDERATION OF A SPECIAL EXCEPTION USE TO PERMIT NEW CONSTRUCTION OF A BURGER KING RESTAURANT WITH DRIVE-THROUGH FACILITIES AT 2990 N STATE ROAD 7.

RESOLUTION 16-230

CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.

MAYOR RUZZANO asked that any Commissioner that engaged in Ex-Parte communications regarding this Quasi-Judicial Agenda item disclose that information including City Commission discussions with interested parties including the petitioner and City Staff, and any visitations to the being discussed should be disclosed at this moment.

MAYOR RUZZANO stated that he spoke with Staff and asked questions.

CITY ATTORNEY DOUGLAS R. GONZALES stated that Florida courts have determined that there are certain types of matters, including the following applications, which are to be treated differently than other issues considered by the Commission. Most decisions of the Commission are legislative in nature, which means that the City Commission is acting as policy making body. In contrast, in Quasi-Judicial matters, the Commission is

applying existing rules and policies to a factual situation, and is therefore, acting like a Judge or Jury in a courtroom. In such cases, the courts have decided that due process and fundamental fairness requires that more formal procedures be followed. The City of Margate's procedures for Quasi-Judicial Hearings are as follows: All who wish to speak shall be collectively sworn in by the City Clerk. The hearing shall be conducted in an informal manner. He stated that he would read the title of the item to be considered and City Staff shall present a brief synopsis of the application and make a recommendation. He said that next there would be a presentation by the applicant. He stated that the Commission would then hear from participants in favor of and in opposition to the application. He noted that all witnesses were subject to cross examination by the City Staff, City Commission and the applicant, and a participant may request that the Commission ask questions of a witness. He said that the applicant and Staff will make concluding remarks and no further presentations or testimonies shall be permitted, and then the public hearing will then be closed. He stated that all decisions of the Commission must be based on competent substantial evidence presented to it at the hearing. He said that all backup materials provided to the City Commission as part of the Agenda, will automatically be made a part of the record of the hearing, and all approvals will be subject to Staff recommended conditions, unless otherwise stated in the motion for approval.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL provided a brief synopsis of the property, as well as the 11 criteria to consider granting approval of the petition. He explained that the subject property of tonight's hearing was the northeast corner of State Road 7 and NW 29th Street, also known as Coral Gate Boulevard. He showed the property, as well as the existing buildings on the adjacent properties. He said that the property was 1.06 acres within the Margate Transit Oriented Corridor (TOC), specifically having a TOC Zoning designation. He stated that the property was currently vacant and the proposal consisted of two separate buildings; a 2,573 square foot restaurant and a 3,000 square foot commercial building adjacent. He explained that the property was at the northern end of a Corridor District, just south of the Gateway District at the northern entrance to the City. He noted that within the TOC Corridor District, this was the most liberal of the three Zoning Districts in the Corridor, allowing the most uses. He said that specifically related to this particular project, any merchant retail stores, business or professional offices and any restaurant uses would be a permanent use, which would require site plan approval complying with all City and Building Codes and the permitting and construction process. He stated that the subject of tonight's hearing was not the fact that a restaurant was located on the property or the commercial or retail space; however, it was simply the drive-through component of this project. He added that more so it was the drive-through component of any restaurant. He said that the plans said Burger King and Burger King made it clear that they were the applicant. He noted that they chose to do that, though businesses often times did not disclose the name. He asked that the Commission keep in mind that they were not evaluating the use of the land based on a particular company name, but based on the fact that a drive-through of any kind was asking to go on the property. He noted that the restaurant could change names or sell. He showed a current photograph of the property indicating the vacant piece of land with medical offices in the background and a Walgreens to the immediate north. He stated that the property was adjacent to a right turn lane that turned into the existing entrance way to the drive-through facility for the existing Walgreens. He added that to the south was Coral Gate Boulevard or NW 29th Street. Director Ziskal said that the site plan contained two separate buildings with the first building, the Burger King drive-through building was at the northern portion of the property that could be seen slightly pushed back from U.S. 441. He stated that the second building was the 3,000 square foot commercial or retail building located at the southwest corner of the property and pushed to the extreme front along U.S. 441, which was compliant with the Zoning Code and

setback requirements of the TOC. He showed Burger King's proposed elevations and indicated that the front elevation was proposed to be facing U.S. 441, the rear of the elevation would face the east, the south elevation would face the main parking lot and oncoming traffic traveling northbound on the near side lanes. He showed the northern elevation with the drive-through facility. He showed the second building with the long rectangular shape facing U.S. 441 and the narrow portion of the building facing north and south. He showed the west elevation, which was along the sidewalk and landscaping area along U.S. 441, and the east elevation facing the parking lot. He added that the northern and southern elevations had proposed canopies, overhangs, walkways, exterior lighting fixtures, glass features and columns, as well as signage on all four sides of the building. Director Ziskal explained that the approval process for this particular development started with the Development Review Committee (DRC) review of the site plan on March 22nd. He noted that at that hearing there were design elements or criteria that needed modification. He added that there were also two variances that were needed to comply with the Code. He said that the final site plan was also left to be obtained. He noted that on May 3rd, the Board of Adjustment (BOA) heard petitions for the two variances, which were both approved. He stated that the first variance was a setback for the Burger King component of the project. He noted that Code required all new construction to be placed on a build to line. He showed that the retail or commercial building was located right on the build to line, but do to the existing ingress and to the property from State Road 7, as well as the drive-through facility circling the building, the restaurant facility asked for a variance to be pushed back. He said that the building would be brought back from the road, and that the variance was granted. He noted that the second component was the build out frontage of the proposal. He stated that Code required any property to build out at least 70 percent of the frontage. He noted that 70 percent of the area would be occupied by buildings, which he showed as the green area. He said that only the area of the commercial building and the retail building were indicated in red with 40 percent of the build out; therefore, a variance was granted for that. He stated that if the restaurant was pushed closer to State Road 7 it would be right at the 70 percent. He noted that both variances went hand-in-hand and were both granted. Director Ziskal stated that the Code had 11 criteria that the Commission shall consider to determine whether or not the proposal would adversely affect the health, safety and welfare of the City; whether the proposal would adversely affect the existing or resulting utilization of legally permitted uses on neighboring properties; and whether the proposal would be in harmony with the general purpose and interest of the ordinance of the City. He provided the following 11 criteria that the Commission needed to consider:

- (a) Compatibility of the use and site plan elements with the indigenous environment and with properties in the neighborhood, as outlined in the Margate Comprehensive Plan.
- (b) Substantial detrimental effects of the proposal on property values in the neighborhood.
- (c) Substantial detrimental effects of the use on living or working conditions in the neighborhood.
- (d) Ingress and egress to the development and proposed structures, with particular reference to automotive and pedestrian safety, control of automotive traffic, provision of services and servicing of utilities and refuse collection, and access in the case of fire, catastrophe or emergency.
- (e) Off-street parking location, and relationship to buildings and internal traffic patterns with particular reference to automotive and pedestrian traffic safety, traffic flow and control, access in case of fire or emergencies, and screening and buffering.
- (f) Orientation, location, size and feature of city buildings and the appearance and harmony of the buildings with nearby development and land uses.
- (g) Sufficiency of setbacks, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed

development and to control adverse effects of site-generated noise, lights, fumes and other nuisances.

- (h) Adequacy of stormwater management with attention to the necessity for onsite retention to alleviate flooding and groundwater pollution without compromising the aesthetics and maintainability of landscaping.
- (i) Adequacy of landscaping with an emphasis on the preservation of existing trees, the use of native species, and the use of required landscaping along street perimeters.
- (j) Compliance with the applicable goals, objectives and policies of the Margate Comprehensive Plan.
- (k) Compliance with the goals, objectives and policies of the Margate Community Redevelopment Plan.

DIRECTOR ZISKAL reiterated that the subject property was at the northern end of the Corridor District and the adjacent property to the south was a vacant parcel that was flanked by a frontage road along State Road 7 and the medical offices similar to the subject property. He noted that the property was approved for the Rising Tide Car Wash and the site plan brought the car wash up to the frontage road with traffic circulation in the rear of the property, very similar to tonight's proposal. He added that it also had a drive-through or auto-oriented component, though it was disguised in the rear of the property. He stated that in the immediate north was the existing Walgreens with a drive-through pharmacy facility on the right side of the building. He noted that vehicular activity came in off the shared access and the drive-through component was at the southern portion of the building. Director Ziskal said that the site plan showed the ingress and egress off of State Road 7, which also was the shared access into the Walgreens property. He noted that there was plenty of access in and out, as well as fire access. He showed the entrance off of NW 29th Street, which was also an in/out providing cross access for the existing medical facility. He added that there was another cross access to the Walgreens property, as well as a single drive-through lane circling around the back of the Burger King. Director Ziskal further explained that the blue lines indicated sidewalks on the property, and that both buildings were substantially surrounded by sidewalks, and that the State Road 7 and NW 29th Street sidewalks were proposed to be widened to comply with Code requirements. He added that access was provided from the interior of the property to State Road 7 south of the commercial building in the event of any emergencies. Director Ziskal stated that there were two dumpster provisions; one servicing each of the two buildings. He noted that there was proper circulation to allow pickup for Waste Management to service the two facilities. He explained that there was a location in relationship to the buildings, and that the traffic patterns were specifically with reference to automotive and pedestrian safety. He noted that there were two distinct parking areas, both adjacent to their respective buildings and each having their own handicapped accessibility. He added that each minimized the crossing of pedestrians over any additional traffic, specifically with regards to ingress and egress. He said that none of the parking had to cross the ingress/egress on either State Road 7 or NW 29th Street. He added that there was no pedestrian connectivity through the drive-through aisle. Director Ziskal explained that the commercial building had the frontage on the build to line as required by Code. He stated that Burger King received its variance for the front setback. He showed the two façades that would face U.S. 441. He added that while the commercial building was brought as close to the road as possible, the Burger King building maximized its exposure by creating its entry sign and highlighting the signage on the commercial building as well. Director Ziskal explained that the plan was a little hard to decipher; however, he suggested that the meandering paths on the perimeter be paid attention to, as well as all of the trees. He noted that there was a substantial amount of perimeter landscaping, as well as the interior of the parking spaces completely surrounding both dumpsters. He added that the landscaping almost circled both buildings 360 degrees. He stated that the plan was required to meet final compliance at

the time of the final site plan. Director Ziskal explained the progression of how the design was derived. He showed the earliest photo from the first plan, which was consistent with drive-through restaurants, and was a building in the middle of the parking lot with 360 degrees surrounding it. He noted that it was a very suburban development, and that at that time of the proposal, Staff told the developer that was not feasible and would not fit in with the Code, because a free-standing drive-through facility was not in compliance with the CRA Plan or the Margate Comprehensive Plan. He said that in order to receive approval, the building must substantially build out the frontage, increase the amount of developable space and usable space on the property and must minimize the automobile effects maximizing the pedestrian effects. He noted that the second plan was to come with two buildings. He said that square footage was added, but again it was a suburban model with the buildings pushed to the extreme back of the property and traffic circulation completely around both buildings. He added that about 1-1/2 years later, a revised concept was provided with two buildings, but instead of being in the middle of the property, they were on the north and south end. He stated that the traffic circulation was in the center, which was a predominant feature, and that there was no build out along U.S. 441. He explained that following much discussion and meetings with Staff, this revised final plan was provided that had a building on U.S. 441. He said that although it did not meet all of the setbacks and requirements, Staff found that it was about as close as it could get with the intent of the CRA Plan and the Comprehensive Plan.

In conclusion, Director Ziskal stated that in conclusion and upon review of those 11 criteria and the negotiations and discussions with the petitioner, Staff found that the proposed view satisfied the review criteria. He added that Staff found that the development would not create a nuisance, nor would it create adverse effects on the adjacent properties, the neighborhood or the City as a whole. He noted that Staff further found that the project would not adversely affect the health, safety and welfare of the City. He stated that Staff met with the applicant numerous times and found that the proposal before the Commission had been revised extensively in order to meet the intent of the Comprehensive Plan and the CRA Plan, while still maintaining an essential component to the operation of the business. He said that based on these findings, Staff recommended approval.

COMMISSIONER TALERICO asked what the hours of the drive-through were.

STEVE WHERRY, Greenspoon Marder, 200 East Broward Boulevard, Fort Lauderdale, being duly sworn, said that he was present on behalf of the applicant and was waiving Quasi-Judicial procedures and was present to answer any questions. He commended Director Ziskal on his presentation of the plan that was worked on with Staff, which he felt was a superior design and overall plan. He stated that the restaurant was to be open from 6:00 AM to Midnight, and he believed the drive-through hours were the same.

MAYOR RUZZANO asked whether the property was zoned for a drive-through or it was only particular to this case.

DIRECTOR ZISKAL replied that the zoning allowed drive-through facilities as a special exception. He explained that there were three different types of uses with regard to zoning and what was allowed or not allowed on the property. He said that the first type was a permitted use, which meant that the Building Code and Zoning Code requirements were met and all regulations were followed. He stated that offices, retail stores, restaurants without a drive-through and accounting offices would be allowed. He said that the second type was a prohibited use, which could not go on the location no matter how it was designed. He stated that the third type was a special exception use, which was permitted based on a determination that the property, when reviewed by the 11 criteria, did not

create an adverse effect. He clarified that any other drive-through would go through the same process, and the proposal would be reviewed based on the 11 criteria.

MAYOR RUZZANO mentioned that the IVF building next door to the property had a sign on the frontage of U.S. 441, and wanted another sign on the north side, which had to be approved. He noted that this project showed signs all around the building, and he questioned whether they would have to come back for the signage approval.

DIRECTOR ZISKAL said that the signage would be looked at when permitting; however, the Code had changed since the time the IVF building came. He noted that at that time, the Sign Code only allowed a sign on the front facing the major thoroughfare; therefore, the second sign was approved by the CRA as a sign waiver. He stated that specifically, the sign IVF got would not have to go through a waiver at this time, but he could not speak to the exact size and placement of what was being proposed tonight. He stated that there were additional signage opportunities beyond just the sign on U.S. 441.

MAYOR RUZZANO questioned whether the petitioner would be eligible for façade grant money.

DIRECTOR ZISKAL said that the Façade Grant Program was only for existing buildings making improvements. He noted that the CRA was working on additional incentives that could include some of the public infrastructure, such as any kind of lighting or sidewalk improvements.

MAYOR RUZZANO asked what the 3,000 square foot building was going to be used for.

MR. WHERRY said that there were no tenants who signed up or where in the process right now; however, the petitioner had received inquiries from a salon, a dental office and an urgent care center, which was consistent with the medical offices in the area. He felt that it would be successful.

MAYOR RUZZANO asked whether there was a child's playground.

MR. WHERRY said, "No".

VICE MAYOR BRYAN asked whether there was outdoor seating.

MR. WHERRY said that there were plans for outdoor seating.

VICE MAYOR BRYAN noted that the City wanted colorful landscaping to enhance the property, as well as the City.

MR. WHERRY stated that there would be trees and shrubs, which would look gorgeous when completed. He noted that there would be Silver Buttonwoods lining the roadway with Live Oaks generously planted in the interior of the site. He said that all of the trees were required by Code, and half of those had to be native species. He noted that there would be 56 percent native species, which exceeded the requirement. He stated that there would be a lot of color in the shrubs, which greatly exceeded the required shrub count. He believed there was a requirement for 196 shrubs and the petitioner was actually providing 1,485 shrubs.

VICE MAYOR BRYAN mentioned having some public art.

COMMISSIONER SIMONE said that this project was being worked on since 2013, which

meant that the business wanted to come to Margate; therefore, she asked what the petitioner could do for the City. She asked whether the petitioner could put some money towards the public arts, provide a, "Welcome to Margate" sign or improve the playground at Coral Park.

MR. WHERRY said that he did not know who the tenant would be in the 3,000 square foot building fronting on State Road 7; however, he did know that Burger King was coming in. He noted that he spoke with his client and determined that Burger King would provide two scholarships per year to students in Margate, for up to \$5,000 each. He said that it was a significant scholarship, which would be a great help to students in the City. He stated that it would be a long standing commitment that Burger King was excited about. He added that Burger King would also employ 25 people. He explained that he could not state that everyone working there was making a great wage; however, he could state that the people who worked there tended to get promoted within the company, which created for a range of salaries. He said that those who worked there had done so for a long time and most employees came from within a one mile radius of the store.

MAYOR RUZZANO asked whether it would look the same as the existing Burger King in Margate.

MR. WHERRY showed a picture of the current look, which would be a modern design.

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

Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

8) ORDINANCE(S) - FIRST READING

- A. ID 2016-337 APPROVAL OF AN ORDINANCE TO AMEND THE REQUIREMENTS OF CHAPTER 35-STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 35-14, TO REQUIRE ADDRESSES ON ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS BE DISPLAYED IN A CONTRASTING COLOR TO THE SURFACE TO WHICH IT IS AFFIXED.

A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, that this Ordinance - 1st Reading be approved on first reading. The motion carried by the following vote:

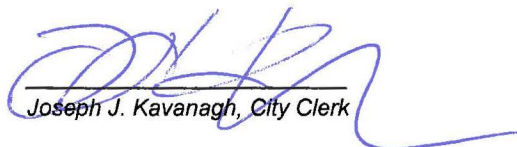
Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

ADJOURNMENT

There being no further business, the meeting adjourned at 9:50 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 7/12/16

COMMISSIONER JOANNE SIMONE: Okay. Please bear with me because I'm going to give you some facts and figures here.

COMMISSIONER LESA PEERMAN: That's usually in the beginning, but she's gonna hit us during the meeting.

COMMISSIONER SIMONE: In 2015, 2,144 residential properties paid zero to the City of Margate in property taxes. Total for all properties paying \$300 or less in city taxes is 11,082 properties. That is over 50 percent of residential properties that pay \$300 or less in city ad-valorem taxes each year. Commissioner Holness has proposed to the County Commissioners two property tax bills. The first exemption would take \$50,000 off of a property valuation for tax purposes for those 65 and older, whose household income is under a set threshold, which is \$28,428 this year. Currently, right now, we have a \$25,000 exemption, so that would, if that goes through, that would definitely hurt the City of Margate, that extra \$25,000 exemption that he is proposing. The second exemption um, is really a full break from the county portion and doesn't really have anything to do with the city. What I would like to do is make a motion to move, to remove all exceptions from the Fire Assessment Fee. This is buy downs for the nursing homes, non-profit and government. We all say that together we make it great. These institutions are a part of Margate and they are a part of the services that we offer. I believe in everybody paying their fair share. I know that these institutions provide a public service. I know it is a feel good to exempt institutions from paying something but I don't think the city can afford approximately \$1.19 million dollars by exempting these institutions, so I am not in favor of this fire assessment unless we tax, unless we assessed everybody. So, I would like to make a motion to remove all the exceptions and charge everybody in the city their fair share.

MAYOR TOMMY RUZZANO: Commissioner Peerman.

COMMISSIONER PEERMAN: She made a motion. I'm sorry, she made a motion. I'll second it for discussion so we can talk about it, but can we do that? I mean, are we allowed to do that with the school boards, because I know that at one time when we were going up to Tallahassee, a city was trying to do, pretty much the same thing, which was, was, you know make the school board and government, other government entities responsible. We can do that City Attorney or Joanne or somebody?

CITY ATTORNEY DOUGLAS R. GONALES: What, there are certain exemptions that are permitted by law, so what we would do is we would bring back to you um, any exemptions that are presently permitted or required, which would remain, and I think what we would do is the motion would then be not amended, but the motion would be for any exceptions that can be removed to be removed.

MAYOR RUZZANO: So we don't know what can be removed? Is that what we're saying?

CITY ATTORNEY GONZALES: At this point I'd really like to research that a little bit, yeah.

MAYOR RUZZANO: Okay.

COMMISSIONER PEERMAN: Do we have to, we have to set this, this fee by a certain date, time?

CITY MANAGER DOUGLAS E. SMITH: Yes.

CITY ATTORNEY GONZALES: Yes you do. Go ahead Doug.

CITY MANAGER SMITH: I think this sets the Public Hearing for July 6th, um, so uh, right, what you would want to be doing this evening is setting it at the maximum that you would

want it to be and then if there's changes made that lower that, then you could make those, make those changes.

COMMISSIONER PEERMAN: But, but her motion really isn't about the amount, it's about the exemptions.

CITY MANAGER SMITH: But it's removing exemptions that would create a higher level of revenue for the city, so I'll have the staff correct me if I'm wrong, but they could still change it back at the Public Hearing. That's correct.

MAYOR RUZZANO: But I think what she's saying is if you take away the exemptions, it's gonna be a surplus of money. Am I right?

CITY MANAGER SMITH: Yes, if I could have our representative from GSG come forward, um and she can help provide some additional information and backing.

SANDI MELGAREJO, GOVERNMENT SERVICES GROUP (GSG): Sandy Melgarejo with Government Services Group. Um, you'd have to, you'd have to remove, if you want to possibly charge them, you'd have to remove them now and then add them back in later. Um, it's, it's it would be the maximum now with all the exemptions and everything, so you would have to include them in now, send first class notices out, and then you could come back later on July 6th and say, alright we changed our mind um, these are the exceptions we want, but you'd have to go with the maximum.

COMMISSIONER PEERMAN: Okay. So what we're doing now is right by adding this amendment on here to ...

MAYOR RUZZANO: ...to find out...

COMMISSIONER PEERMAN: ...to include or to include all the exemptions to have to pay, which is what you're ...

MS. MELGAREJO: And, and ...

COMMISSIONER PEERMAN: ...and then we find out which ones we can't...

MS. MELGAREJO: And it's my understanding there's um, we work with a lot of storm water assessment programs and more storm water do charge government an institutional tax exempt, and while you can send them the bill, you have no um, there's, there's a collection problem, um, you have no enforcement. You don't, they don't go on the tax bill. They don't get a tax bill. Not institutional tax exempts, now that you sure can and you can collect them on the tax bill, you can lien their property, do a tax deed sale and everything like that, but as far as government, you can't lien their property. Um, you can send them a bill, ask them to pay. You can sue them. Um, you might get a judgment against them. They may or may not pay you. Um, that's the problem with government. Sometimes it's better to work out some in kind services and, and um, and show them how much it's costing you to provide them services and see if they can't work out some kind of in kind service in lieu of sending that bill. That's what we've seen programs successfully do in the past, but our storm water programs, typically the state, the federal, and um the school boards do not pay their storm water, even though they get a bill every year.

COMMISSIONER PEERMAN: No. I like the idea that, of adding those on to, to this ...

MAYOR RUZZANO: Yeah keep ...

COMMISSIONER PEERMAN: ...keeping it at the same rate that we have now, which is \$225.

MAYOR RUZZANO: Yeah, cause anything that is added is going to be an increase correct?

CITY MANAGER SMITH: Correct.

MAYOR RUZZANO: Right.

COMMISSIONER PEERMAN: Right and then we'll find out in July which ones we absolutely, positively ...

MAYOR RUZZANO: Sure.

COMMISSIONER PEERMAN: ...cannot exempt right? Is that what I'm understanding?

CITY ATTORNEY GONZALES: Right, this, this is what we'll be doing. We will have our right now it's \$225 for residential property if, and what we'll do is if you pass this resolution, it will add, it will remove the exemptions and thus add those funds on top of the \$225.

MAYOR RUZZANO: Yeah.

CITY ATTORNEY GONZALES: We don't know what that number is at this time, but that will be our cap that we work from on July 6th.

MAYOR RUZZANO: Okay. Um, I know it's in the backup but Doug, you know real quick what's exempt right now?

CITY MANAGER SMITH: Yeah. If I could maybe give a rundown of some of the dollar values that are involved here that the um, uh, what was put together for us? So the several categories we're talking, and I'll have Sandy add any additional information after I talk, uh, that may be needed, so first category, governmental exempt properties. This would even include City of Margate and CRA properties, school board, so the total for that is \$376,000, if I've got the right number there, \$264,000 of that being the school board, \$97,000 being City of Margate and CRA. Um, institutional tax exempt non-profits, the total value of the exemptions there \$257,000, with \$214,000 of that being churches and temples, \$36,000 private schools, and then while not necessarily a full exemption, the um, historically here, the city has done a buy down as termed for the nursing home rate, so that rather than it being at the higher rate that it could be based on the uh, call volume, it has been reduced to the same value as the commercial rate, so if they were put back to the same, the dollar value here would be \$560,000. Um, for some of the individual facilities it's a pretty large impact with that taken away, um over \$150,000 for one of them, so um, we can give you a little bit more detail with that, but um, just some additional information

that you, that you may um, um, find valuable and is there anything else relevant, Sandy, that I may have missed or correct?

MS. MELGAREJO: And something to consider when you come back. If you decide that, well, okay, we don't want to charge them the 100 percent, we don't want to exempt them 100 percent and charge them 100 percent, you could do the exemption at a different level. You could do the exemption at a different level. You can say, okay, well we agree you may provide some kind of service that we would maybe have to provide, so we'll only charge you at 50 percent of what we should be charging you, and you can do that same thing with the buy down. You don't necessarily have to go down to the \$.23 commercial rate, you could go to the \$.52 institutional rate, or you could go to something else between the \$1.63 a square foot and the \$.23 a square foot. That is your policy decision, um, but I would suggest that if you are anticipating at all considering that we send everybody notices at the maximum, and then, but that's something you can consider coming back into it, so you're aware of this coming back to the July 6th meeting.

MAYOR RUZZANO: When would we send out these notifications if we don't really know who can be and can't be taxed?

MS. MELGAREJO: Well, we're gonna, we're gonna send everybody a notice on June, anybody that, whatever you decide on today, we're gonna send it June 15th. Um, everybody will be noticed. We err on the side of over noticing than under noticing them, and then they can call in and they can say, oops, we changed our mind, we're not gonna, don't worry about it. But, we err on the side of over noticing. We'll send everybody a notice.

MAYOR RUZZANO: Okay.

CITY MANAGER SMITH: So it's, it's probably good just for the group to be aware, if that notice goes out with all those exemptions and all the buy downs removed, some people would be showing some fairly significant increases.

MS. MELGAREJO: You, you may hear from the churches um, and the nursing homes um, and, and then you'd hear what they have to say and then you could make your decision on July 6th, the final ruling decision.

COMMISSIONER PEERMAN: Thank you.

MAYOR RUZZANO: Thank you. Frank.

COMMISSIONER FRANK B. TALERICO: Yeah. I know uh Joanne was talking about all these residents, the ones that you mentioned that don't pay taxes, they do pay their fire assessment, correct?

COMMISSIONER PEERMAN: Yeah. They do pay that.

MS. MELGAREJO: Yes.

COMMISSIONER TALERICO: Um, a couple of things. There are some religious institutions in our city who have very, very small congregations. They're hurting pretty much. They can barely get by, I mean, you know um, don't, I don't want to stick it to them, so to speak, and uh, you know they've been getting this, this break from us and uh, anything above and beyond may hurt them financially. The other thing is um, I don't know what other, how this works in other cities, I mean, is it something that's uh, goes on pretty much the same all over the county or are there, you know how, how do other cities deal with it? You know?

CITY MANAGER SMITH: That's probably something Sandy could share with us.

COMMISSIONER TALERICO: Wait, wait, wait not yet.

CITY MANAGER SMITH: Okay. Still going. Okay.

COMMISSIONER TALERICO: Let me finish. Uh, my train of thought is ...uh, daycare centers are exempt also, am I correct, did we talk, did we say that today?

MS. MELGAREJO: No.

COMMISSIONER TALERICO: Did you say daycare centers are not or are?

CITY MANAGER SMITH: No.

MS. MELGAREJO: Commercial daycare pay.

COMMISSIONER TALERICO: They do ...

MS. MELGAREJO: Now preschools may be if they're, if they're non-profit.

CITY MANAGER SMITH: Would you mind coming up to the microphone.

COMMISSIONER TALERICO: Yeah. Okay.

MS. MELGAREJO: Commercial daycares pay. They are under the commercial right they're considered commercial.

COMMISSIONER TALERICO: Okay.

MS. MELGAREJO: Sometimes there's a VPK kind of clause into it ...

COMMISSIONER TALERICO: Right.

MS. MELGAREJO: ...that like you walk, you drive by and you say, oh there's a daycare, but they have a VPK status and so they are actually under an exemption and if they are under an exemption then they are classified as a school based on that VPK status. They would, they would be charged at the institutional rate and if they are tax exempt they wouldn't pay.

COMMISSIONER TALERICO: How about people who do daycare in their home?

MS. MELGAREJO: You know, um, we try to catch those um, it depends on how they're classified. We, you know, we go based on what the Property Appraiser has them classified as, so we try to catch them, but if you guys find any that were misclassified, if you let us know, we'll change it.

COMMISSIONER TALERICO: Alright. Thank you.

MS. MELGAREJO: Oh, and do you want the answer to the others?

COMMISSIONER TALERICO: Oh yeah.

MS. MELGAREJO: Um, most of our uh, fire assessment programs um, charge, um, exempt government and um, institutional tax exempt. Some of them have gone to um, most of them, oh, all of them pretty much have exempt government, except for storm water. Um, as far as the churches and not for profits, um, most of them exempt them but we are seeing a shift towards um, saying, well maybe we'll split the baby with you, 50/50. You know, we'll give you a little bit of a break or they may warn them a little bit in advance, like if you notice them all this year and you heard um, some pushback, you may say, okay, we're gonna give you another year to get your finances in order but get ready next year, you're gonna be responsible for this. Um, so they work with them and kind of give them you know fore warning, this is what we have to do and this is what we're gonna do in the, in the future, and that's helped to work through things um, and helped to transition it to them starting to pay.

COMMISSIONER TALERICO: Thank you.

MAYOR RUZZANO: One more question. Uh, government property, is exempt ...

MS. MELGAREJO: Right now ...

MAYOR RUZZANO: ...you're saying it can be non-exempt?

MS. MELGAREJO: Ahem.

MAYOR RUZZANO: What's the, isn't that robbing from Peter to pay Paul?

MS. MELGAREJO: Exactly. You may pay your own fire assessment but you're gonna pay it anyways through the General Fund.

MAYOR RUZZANO: Yeah.

CITY ATTORNEY GONZALES: Yeah, but Peter won't pay. (Laughter)

MS. MELGAREJO: Yeah. (Laughter) But you'd pay your own city one.

MAYOR RUZZANO: Okay. Okay, uh, discussion on the motion. Public discussion on the amendment to the motion?

COMMISSIONER PEERMAN: Yeah.

MAYOR RUZZANO: Amendment.

RICK RICCARDI: Rick Riccardi, 4829 South Hemingway Circle, also CEO founder of Fellowship Living , tax exempt 501-3C corporation, um, my feeling is very strong that Joanne's proposal makes a lot of sense and that we as non-profits, have to pay for insurance, we have to pay our rent, we have to pay and just because we cannot have to pay for fire assessment, I don't see any reason why we shouldn't pay our fair share. I mean, we're involved in the city, we take up space, the city helps us a hundred ways, you know. Not to pay our fair share for fire doesn't make any sense to me, so I appreciate that.

COMMISSIONER PEERMAN: You're gonna be our poster boy going out to talk to the churches, cause I got to, we are gonna get some push back on that honey.

MAYOR RUZZANO: Anybody else from the public?

COMMISSIONER TALERICO: Yes. I have a question, another question, I'm sorry.

COMMISSIONER PEERMAN: Another question.

COMMISSIONER TALERICO: In some neighborhoods now, you know there's these group homes for assisted living...

MS. MELGAREJO: Those are nursing homes.

COMMISSIONER TALERICO: They're considered nursing homes not residential, they pay a different rate than ...

MS. MELGAREJO: Okay. It depends. I think there's a, there's a statute out there, I don't know the statute that says if, I think it's under eight beds or something like that, it's still considered as a residential, uh, but then if there's more than so many beds, then it's considered um, a nursing home, so it depends on how it's classified and, and um, we look at that.

COMMISSIONER TALERICO: So put eight beds in your facility.

MS. MELGAREJO: Yeah. I think it might be 10, but there's a certain number of beds that it's still considered residents, and so it would be residential and there's a statute that you have to treat it that way.

COMMISSIONER TALERICO: Thank you.

MAYOR RUZZANO: Anyone else from the public? Call the roll on the amendment.

CITY CLERK JOSEPH J. KAVANAGH: Commissioner Simone.

COMMISSIONER SIMONE: Yes.

CITY CLERK KAVANAGH: Commissioner Peerman.

COMMISSIONER PEERMAN: Yes.

CITY CLERK KAVANAGH: Commissioner Talerico.

COMMISSIONER TALERICO: Aye.

CITY CLERK KAVANAGH: Vice Mayor Bryan.

VICE MAYOR JOYCE W. BRYAN: No.

CITY CLERK KAVANAGH: Mayor Ruzzano.

MAYOR RUZZANO: Yes. Okay, now the motion as amended.

CITY MANAGER SMITH: Could I uh, mention something? Um, I know this is trending away from what we just talked about but it was something I talked about with you all individually that we had received some feedback from a particular resident regarding a disabled veteran exemption, um, the uh, classification of the exemption um, in this case would be 87 parcels in the city and a \$20,000 revenue reduction to the city. If we wanted to move forward with that, there are various um, several, some variations of the veterans type exemption. If it's something you'd like us to get you more information on to possibly consider, we could give you that prior to the next hearing and you can consider

whether you wanted to add that. If you just continue with it as is, you can always make that adjustment at the second reading, so just bringing that to your attention.

MAYOR RUZZANO: Doug, did you speak to each one, each Commissioner about it?

CITY MANAGER SMITH: Yes.

MAYOR RUZZANO: Okay. I'm definitely in favor of it.

COMMISSIONER TALERICO: Bring back the information he said.

MAYOR RUZZANO: Yeah so we ...

COMMISSIONER PEERMAN: Absolutely.

COMMISSIONER SIMONE: No. I'm opposed.

MAYOR RUZZANO: You're opposed?

COMMISSIONER SIMONE: Yes.

MAYOR RUZZANO: Okay.

COMMISSIONER SIMONE: I thanked the veterans for everything that they do and I know that they sacrifice their life for this country, but it's time that we stop giving things away. I don't think that the city is in the business, or should be in the business of giving everything away and I think that they get a lot in other benefits. I know they get uh, packs, their property tax benefits. I'm not sure if even they pay for property tax, so the fire assessment fee, I think that they should pay that.

MAYOR RUZZANO: Okay. I just want to say this. This is a 100 percent disabled veteran. These are guys that were probably 5 or 10 seconds away from dying for our country. If you're talking about 87 homes in Margate at a cost of \$19,000 Doug?

CITY MANAGER SMITH: \$20,000.

MAYOR RUZZANO: \$20,000? That's the least we can do for these people who gave up their lives so we can make decisions like this, so I'm definitely for it.

VICE MAYOR BRYAN: Absolutely. Um, we, we ask for a lot from our citizens and they give back and here we are, we just came through Memorial Day and we're gonna go through Veteran's Day and this is the least that we can do, when we talked about, okay we're gonna show our appreciation, we use something concrete that we can say as the City of Margate, this is what we're thanking you for and this is, we're putting our pedal to the metal or whatever, we're putting some teeth behind what we say publicly we feel about them and we're putting some teeth behind it, so I'm absolutely for giving them that exemption.

MAYOR RUZZANO: Frank?

COMMISSIONER TALERICO: Yeah. Just echoing what you said. You know these are people, these aren't people who have a 10 percent disability who are still able to work full time jobs. These are 100 percent disabled veterans who really can't do much of anything. They're really, they're disabled 100 percent, so uh, you know I think we need to look, at least look at it cause you're gonna bring us back information and we'll check it out.

MAYOR RUZZANO: So Doug, you can ...

CITY MANAGER SMITH: Sure, we'll give you a summary with further information.

MAYOR RUZZANO: Lee did you have anything?

COMMISSIONER PEERMAN: Yeah. Kind of sort of, and it follows in my, where do we stop now. Um, you know what about our Police Officers that are disabled and our Fire Department that are disabled, doing their job for our city or whatever? Um, you know, I mean you can go crazy with exemptions, but I'm all, I'm all good for cheering in July or June or whenever we're gonna hear about these particular cases, but um, you know I'm, not a huge one on giving a lot of exemptions on property taxes and things like that because that's how we get into this, this mess that we're in as is. We have this fire assessment fee so that everybody pays a fair share okay. Everybody pays a fair share. Okay?

Everybody pays a fair share, and uh you know, I'm all for everybody paying a fair share so that we can lower our millage rates so those of us that pay twice, those of us that pay twice because we pay our millage rate, so we're paying for our police and our fire and everything else in our millage rate, and then we're paying again, so, and I've said this for five years and I'm gonna continue saying it until this, our millage rate is low enough that we can do the equal thing out, I'm gonna keep you know, we're not raising this at all and bring back the exemptions, or what can be exempt and what can't.

MAYOR RUZZANO: Frank did you want to say anything?

COMMISSIONER TALERICO: Yeah. I don't know if there's, there's a way to look at this from an income verification standpoint because you could have, be 100 percent disabled and be collecting an \$80,000 pension from, from somebody, somewhere, government or what have you, so I don't know if there's any way we can look at it through an income verification. I know we look at the property tax when everyone pays their fair share like you said, but they're not paying taxes to the city because their homes aren't valued a certain way and ...

COMMISSIONER PEERMAN: No, because they've got ...

COMMISSIONER TALERICO: ... and, and, let me finish, yeah, well no, no hold on, I'm just saying, but other people have that exemption where because of their incomes they don't have to pay as much either.

COMMISSIONER PEERMAN: Are they 65 and older or 85 and blind, etcetera, etcetera, etcetera.

COMMISSIONER TALERICO: So I mean, is there a way we can, is that still getting a little too complicated or not ...

MAYOR RUZZANO: Frank, Frank, the way I look at it is, if you have a disabled veteran, 100 percent disabled, maybe he lost both his limbs, he can still go out and try his best to run a company and succeed at that, but we shouldn't punish him because he's ...

COMMISSIONER TALERICO: I'm not saying punish him, I'm just saying income.

MAYOR RUZZANO: No, no, no, but I'm saying if he makes \$100,000 a year he's a 100 percent disabled veteran who gave his life, wasn't his, it was his choice to join, it wasn't his choice to be sent where he was and be in that situation, so 100 percent disabled veteran, we're not talking about people that just got hurt, I mean, this is ...

COMMISSIONER TALERICO: But you know, we get these calls every day, or not every day but every once in a while, from these poor people who are on minimum social security, they can barely make ends meet, they're gonna have to pay that fire assessment fee and they're really hurting financially.

MAYOR RUZZANO: I agree with you.

COMMISSIONER TALERICO: Some of them can't take their medications.

MAYOR RUZZANO: I agree with you, but that's our system.

COMMISSIONER TALERICO: I know so I'm just saying, I don't want to, you know we're, we're, I don't want to say we're penalizing them, but they're paying their fair share and you're saying yes, someone that's making \$100,000 a year shouldn't pay anything.

MAYOR RUZZANO: Well, if they're 100 percent disabled.

COMMISSIONER TALERICO: I'm just trying to figure this to be fair.

CITY ATTORNEY GONZALES: Can we have Sandi ...

MS. MELGAREJO: Well, I don't know all the details about the VA but there are a lot of, you've got pages of the VA exemptions and there are different ones you want to include. The spouses or only the actual veteran or whatever, so, but there is some of our programs do offer a hardship exemption based on income. It wouldn't be just isolated to the VA, but it would be based on income and it would be a two, it's a two tier hardship exemption that they have to own the property. The property has

to be homesteaded um, and then they have to show that they are at such a poverty level that they can't afford to, and you guys would set that level if you have some other kind of program that you could piggy-back off of or you could use the HUD poverty level. Um, and then, but, the thing is a lot of people think that um, there would be a lot of people that would qualify and in a lot of our programs there's not. There's usually less than a handful that will qualify, because of the two prong, because they have to actually own their house and there's not a whole lot of people that are in that poverty level that actually own their house. So if that's something that you'd want to consider, then that would be something I think you could tell staff to bring back and we could help design that program.

COMMISSIONER TALERICO: Get as much as we can, the more information the better.

MS. MELGAREJO: We could not tell you how that would impact you because we don't know what the, the uh, how many of them that are homesteaded actually would qualify for it. We would not be able to tell you that, so it would be kind of the first year, you'd figure it out. It would be an annual application process that everybody would have to do and they'd have to come in and reapply every year to prove that they're still at that same income level, but yeah, that, that can be done, but I don't know if it piggy-backs with the VA part.

MAYOR RUZZANO: Okay. Frank you got it? Lee? Anything else?

COMMISSIONER PEERMAN: Yeah, when you were talking about the uh, exempting because of, they own their house but they're at poverty level. Does it take into consideration what they have? Like, the problem we have with like our grants is it's based on your income. It's not based on the fact that you've got \$4 million dollars in the bank.

MS. MELGAREJO: That would be something that you would have to set those parameters. You would have to say, and then less than this much and you know whatever. Those would be the parameters that you guys could set. You could establish your own parameters as far as that

goes, um, but if you have another program in place that you can piggy-back off that makes it very simple, but if you don't have any you'd have to you know establish that. I mean, you know, um.

VICE MAYOR BRYAN: You mean another program that has guidelines and procedures and parameters that ...

MS. MELGAREJO: We have some cities that have water departments that they help out with people's water bill or something like that, and they'll have like a hardship exemption, if you can show that you can't afford to pay it, and they have guidelines, and if you had those, you could piggy-back off of that similar type of guideline.

MAYOR RUZZANO: So let me ask you a question. This isn't really about 100 percent disability?

MS. MELGAREJO: No, no, no, no, this had nothing to do with VA.

MAYOR RUZZANO: Okay, if a guy's 100 percent disabled and can't pay his bills, finds a dollar and wins the lottery \$1 million dollars, now we're gonna say, now you have to pay your water bill. Even though you're 100 percent disabled, now you got the money, start paying buddy. That's ridiculous. That's absolutely ridiculous.

MS. MELGAREJO: This has nothing to do with VA. This has nothing to do with VA. I was just telling you the options.

MAYOR RUZZANO: Okay, I'm just saying. 100 percent disabled to me means 100 percent disabled and if we can help him in the City of Margate, that's what, I think we should.

MS. MELGAREJO: And we can definitely put that in there.

CITY MANAGER SMITH: So at this point, I think that's a bring back some more information on a couple of different topics and then it can be decided.

COMMISSIONER PEERMAN: Yeah. As amended.

CITY ATTORNEY GONZALES: Right now. In an abundance of caution, we've already voted on the request to amend to now remove all exemptions, which we are legally entitled to remove.

COMMISSIONER PEERMAN: Right.

CITY ATTORNEY GONZALES: I think we should go ahead and also have a vote on the underlying item as amended that would establish our ceiling.

COMMISSIONER PEERMAN: That's where we're at.

CITY ATTORNEY GONZALES: That's where we're at?

MAYOR RUZZANO: Yeah. That's where we're at right now. We're on 6F right now.

COMMISSIONER PEERMAN: That's where we're at where you've got to call the roll.

COMMISSIONER TALERICO: The motion as amended.

COMMISSIONER PEERMAN: Okay. Yeah.

MAYOR RUZZANO: Motion as amended. Call the roll Joseph.

CITY CLERK KAVANAGH: Commissioner Simone.

COMMISSIONER SIMONE: Let me ask you a question. So we can come back and change these rates that are on here, or we cannot, or we cannot change them, we cannot go ...

CITY MANAGER SMITH: You can go lower.

COMMISSIONER PEERMAN: You can go lower.

CITY MANAGER SMITH: So you could also modify those exemptions if there were categories that decided to do a partial or not, you know, restore the full exemption. You could still make that change.

MAYOR RUZZANO: This may sound kind of stupid, then what exactly are we voting on?

CITY MANAGER SMITH: You're voting on, you have to be setting the ceiling.

MAYOR RUZZANO: The ceiling.

COMMISSIONER PEERMAN: The 25 ...

CITY MANAGER SMITH: In this case if there, yes, answer your question, if they're considering all the exemptions and the nursing home buy down, then this would actually reflect that full nursing home rate in the resolution, which I think is maybe \$1.36 ...

MS. MELGAREJO: \$1.63.

CITY MANAGER SMITH: \$1.63 per square foot instead of the \$.23 per square foot.

COMMISSIONER SIMONE: So this would be the \$1.63.

CITY MANAGER SMITH: It would be changed to reflect that assuming the Commission is continuing with that at this time.

MAYOR RUZZANO: Frank? Commissioner Talerico?

COMMISSIONER TALERICO: Yeah, just for information, we're going to bring this back at our next meeting on June what ...

CITY MANAGER SMITH: This is July 6th, would be the hearing.

COMMISSIONER TALERICO: July 6th would be the hearing, but that's when you're gonna bring all this back right?

CITY MANAGER SMITH: Well we can give you the information in the meantime ...

COMMISSIONER TALERICO: Yeah.

CITY MANAGER SMITH: ... and even if we decide to do an interim discussion amongst you at the next meeting that's a possibility.

COMMISSIONER TALERICO: Now July 6th, once we vote for this whichever way it comes out, that's pretty much set, but we can always go back and lower it. Is that true or false?

CITY MANAGER SMITH: You can lower it at the approval on the July 6th, but then you're set.

COMMISSIONER TALERICO: After that we're set for a year?

CITY MANAGER SMITH: Yes.

COMMISSIONER TALERICO: Can't lower it, can't do anything to it correct?

MAYOR RUZZANO: So Doug would ...

CITY MANAGER SMITH: I know sometimes with these things you have to do like some additional kind of notification or something if you'd want to even change it at that point.

COMMISSIONER TALERICO: Final, no matter what, okay.

MAYOR RUZZANO: So getting back to what Commissioner Simone was asking, we're setting that rate as of tonight?

COMMISSIONER PEERMAN: We're setting the top cap, which is \$225.

MAYOR RUZZANO: But she's talking, she's singled out one particular item.

MS. MELGAREJO: So basically what your, I think what your asking is, the rates that you're approving are \$225 for single family; \$.23 per dwelling unit; \$.23 per square foot for commercial; industrial warehouse would be \$.02 per square foot; institutional would be \$.52 a square foot; and nursing homes would be \$1.63 a square foot. Is that, that's kind of what you're asking?

COMMISSIONER SIMONE: Yes, and we won't be able to go any higher than those if we approve this.

MS. MELGAREJO: Correct. If you want to consider something higher, now would be the time to do it. Um, these, the residential rate, the \$225 residential rate is the exact same rate that you've been charging for the last couple of years.

COMMISSIONER SIMONE: Right I know that.

MS. MELGAREJO: So the residential property owners, since their rates would not be changing, they would not get a notice this year. Um, if you decided to go up maybe to \$2.50 or something like that, then every property owner would get a notice this year, and then the non-residential rates would flush out accordingly. You can't just say oh \$2.50 for them and we'll keep the others the same. But, yes, I'm sorry, I didn't mean to confuse you.

MAYOR RUZZANO: Commissioner Talerico.

COMMISSIONER TALERICO: Yeah, right now, what's the nursing home rate right now?

MS. MELGAREJO: Right now? Before you bought it down to \$.23 but ...

COMMISSIONER TALERICO: No, what is it right now.

MS. MELGAREJO: Oh.

MAYOR RUZZANO: Right now.

CITY MANAGER SMITH: \$.20 a square foot.

COMMISSIONER TALERICO: \$.20 a square foot and we're gonna raise it to \$1.23.

MS. MELGAREJO: \$1.63.

COMMISSIONER TALERICO: \$1.63.

MAYOR RUZZANO: Possibly.

COMMISSIONER TALERICO: Okay, so in other words, if somebody has one of these residences in there, 10 beds, it's a small facility and it's 2,000 feet, they're gonna be paying \$2,000 a year more in fire fees.

MS. MELGAREJO: They're paying a lot.

COMMISSIONER TALERICO: But we can lower it.

MS. MELGAREJO: But you can come back at the July 6th and say we'll notice them at the \$1.63, and then you could come back at the July 6th and say we've reconsidered it um, we're only going to charge you \$.52 or we're gonna charge you \$1.00 or whatever. You can change it at that time.

COMMISSIONER TALERICO: Thank you, right.

CITY MANAGER SMITH: It's just worth noting with that notice going out you may get a lot of attention and a lot attendance at that meeting, just so everybody's forewarned.

MS. MELGAREJO: You might get the calls.

COMMISSIONER PEERMAN: Just out of curiosity, can we set it like, like say, for all of them, like a set fee, and then come back in June or in July when you give us the exemptions and fix these numbers.

MS. MELGAREJO: We could ...

COMMISSIONER PEERMAN: In other words, what if we made the motion that commercial, industrial, institutional, nursing home, etc., is going to be \$75.

MS. MELGAREJO: Well, you have to be legally defensible so we have to give you those rates.

COMMISSIONER PEERMAN: Oh.

MS. MELGAREJO: Um, I could give you the rates that would coincide with the \$250 residential rate. They have to stay in that proportion um, of how the demand is, the call demand,

so right now these are set in proper proportions to keep you legally defensible. You can't just pick and choose willy nilly out of the air, and that's the study that we did, it's to decide what's the fair proportion. If there's a residential rate in which that you are thinking about, um, I could tell you what the non-residential rates flush out to be, um, for example, a \$250 residential rate, commercial would pay \$.25 a square foot um, industrial warehouse \$.03, institutional \$.57, and nursing homes \$1.81, and that would um, get you about \$8,622,000.

COMMISSIONER PEERMAN: I'm not, I'm not raising the ...

MS. MELGAREJO: I'm just saying. I'm just giving you a comparison ...

COMMISSIONER PEERMAN: Yeah.

MS. MELGAREJO: ... as to we would have to ...

COMMISSIONER PEERMAN: ... I was just trying to ...

MS. MELGAREJO: ... rerun those rates.

COMMISSIONER PEERMAN: I was just trying to move this along a little bit understanding that we can lower whatever the rate is but we cannot raise it, so I was trying to throw a number out there so we could vote on this and be done with it till July 6th, but, you're up for vote.

COMMISSIONER SIMONE: Oh.

MAYOR RUZZANO: And as residential fees it can't exceed \$225?

MS. MELGAREJO: Right now what I think, yeah, that's way I kind of mentioned those rates on the record so that I got them clear when I go back and tell them how to change it.

MAYOR RUZZANO: Okay.

MS. MELGAREJO: So it's the \$225 and those and the \$1.63 for nursing homes right now is I think what the motion is.

COMMISSIONER SIMONE: Yes.

MAYOR RUZZANO: Lee?

COMMISSIONER PEERMAN: Let me check my watch. I got a couple of minutes I can stall maybe, Yes.,

CITY CLERK KAVANAGH: Commissioner Talerico.

COMMISSIONER TALERICO: Aye.

CITY CLERK KAVANAGH: Vice Mayor Bryan.

VICE MAYOR BRYAN: Yes.

CITY CLERK KAVANAGH: Mayor Ruzzano.

MAYOR RUZZANO: Yes.

