



City of Margate

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Meeting Minutes City Commission Workshop

Wednesday, December 10, 2014

6:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

1) PRESENTATION

ID 14-780 2015 STATE LEGISLATIVE PRIORITIES

DAVID SIGERSON, Legislative Lobbyist, reported that the Governor was re-elected, the Senate was virtually unchanged and the Committee Chairs mostly stayed the same. He noted that the Committee Chair of the Senate General Government Appropriations Sub Committee was the same. He explained that the difference in the House of Representatives was 20 new members and the Republicans now had a super majority. He stated that the majority affected the Cities with regard to leverage on issues regarding taxation. He said that they wanted to squeeze the City's ability to raise and levy taxes. He mentioned Committee appointments and explained that previously, if there were 12 members on a Committee there would have been 8 Republicans with 4 Democrats; however, now there were 9 Republicans and 3 Democrats, which made it tougher to get support. He mentioned the Local Government Committee Vice Chairman George Morias would be helping the Cities. He noted that currently less than 200 Bills had been filed. He mentioned what the Legislature did back in 2007, which caused the Cities to reduce property tax revenue; however, he did not anticipate that happening this session. He noted that there was Legislation filed on the Communication Services Tax, which would be a reduction of 2 percent of the amount of sales tax that the State collected on the cell phone bill. He stated that this would affect Cities indirectly, because the State pool revenue collected went into the General Revenue pot from which revenue sharing was done with the Cities. He noted that if the pot was smaller, there would be less money for Cities. He explained that the Florida League of Cities was not yet certain how much the cost would be, but they thought anywhere from \$30 to \$50 million dollars statewide.

COMMISSIONER TALERICO mentioned the Homestead Exemption and questioned what type of reward was being considered.

MR. SIGERSON said that it would be a monetary reward; however, there was no proposal yet.

COMMISSIONER PEERMAN stated that Margate was one of the first Cities to go through the water bill to see if a house was rented. She explained that if the house was rented and took the Homestead Exemption the money, the money could not be

collected from the renters.

MR. SIGERSON clarified that it was considered the Whistleblower Bill. He stated that the Communication Services Tax (CST) was not a formal working group anymore; however, there was an informal working group that the Florida League of Cities, the Florida Association of Counties and all the communication services people, such as cable, cellphones and phone people. He noted that the CST was a declining source of revenue because of factors that were environmental to the industry, such as the amount of cell phones sold at Kiosks without jurisdiction. He said that City was working with the CST people and others who would like to find a replacement for this revenue, which was the goal for all Cities. He noted that one source of replacement was the Internet Sales Tax, which enforced Internet sales and out of State sales. Mr. Sigerson stated that there was a serious run on Business Tax Receipts a couple of years ago. He noted that Margate was the lead in defeating that Bill, which was killed in a Committee and never came to a vote. He stated that if something ever did pass regarding this issue, it would probably be trying to create a uniformity State wide for all of the taxes with the Cities being held harmless. Mr. Sigerson mentioned Law Enforcement Assessment Services was going to be filed again as a General Bill.

COMMISSIONER PEERMAN said that Jack Brady had an appointment regarding the hold harmless issue. She noted that one person on the Committee last year killed the Bill. She explained that if the Police Assessment raised dollars the millage rate would have to go down.

VICE MAYOR RUZZANO felt that it was a great tool.

COMMISSIONER PEERMAN agreed and explained that it was voluntary. She said that the Cities did not have to use it. She noted that Margate had 6,400 homes that do not pay any taxes; however, they do pay the special assessment. She noted that last year it came close, but the Realtor Lobbies came out against it.

MR. SIGERSON did feel that it would be filed as a General Bill this year. He said that Margate's position was even handed with regard to the Florida Retirement System (FRS). He explained that the FRS Reform was unclear as to how it would work if the Bill passed. He said that new employees would have 6 months to decide whether or not to be in the Investment Plan or be in the Defined Benefit Plan. He said that if the election was not made the employee would be automatically be placed into the Defined Contribution Plan. He noted that this was last year's Bill that passed the House of Representatives.

COMMISSIONER PEERMAN noted that this year the plan was to remove the Defined Benefit and split the Police and Fire.

MR. SIGERSON agreed and stated that the Bill failed last year because the 175/185 Police and Fire was put together with the FRS Bill and rolled into one Omnibus Retirement Reform Bill. He noted that this year the two issues would be separated. He understood that the House of Representatives was going to offer the portion of the Bill that passed the House of Representatives last year as their FRS reform, which said that new hired people would be put into the Defined Contribution Plan unless they opted out of it.

COMMISSIONER PEERMAN asked Mr. Sigerson to check into what she heard, which was that it was not the 157 FRS, but that it was the Special Risk category of the FRS. She said that included the Police, Fire and elected officials. She heard they would be separated, which was not in the interest of 1.67 people.

MR. SIGERSON agreed to look into the matter for clarification. He mentioned unfunded mandates, which was a general category. He said that Legislature constantly did things to shift the burden to local government.

COMMISSIONER PEERMAN mentioned the reclaimed water, and Mr. Sigerson said that was a perfect example, which he would be discussing.

MR. SIGERSON said that the City would oppose any unfunded mandate, which gave him the direction to oppose Bills when the Bill was going to cause the City to spend money and not receive any revenue. He said that the Water Quality Bill would have been a huge one.

COMMISSIONER TALERICO asked why the Chamber of Commerce was not trying to get these Bills passed.

MR. SIGERSON said that the Chamber of Commerce and the Retail Federation were trying to get the Bills passed. He explained that some were hard to enforce and there were some legal questions about enforcement. He mentioned burdens on Interstate Commerce because if a person purchased something in California and activated it online, was the agreement made in Florida or California. He said that burdening Interstate Commerce in any way would cause a loss. He added that there were large companies, such as Google, that sell items online and have opposed the Bill and lobbied against it. He did understand that recently one of the large retailers, such as Google or Amazon will start collecting sales taxes for States that want them to. He said that he would look into it. He mentioned the Urban Infield Assistance Grant Program was a program that never got funded. He said that Legislature previously got rid of the program; however, many Cities wanted to use this program as a tool for redevelopment and development. He said that the first step was to get the program reinstated and then money could be put into it. He spoke about the Small Business Development, which was traditionally an initiative of the City of Margate to support to try to provide more resources to small businesses. He stated that small businesses were responsible for producing 60 to 75 percent of all new hires. He said a Small Business Tax Credit Bill was filed, which might be good for new businesses. He stated that there had been attempts to do away with the Enterprise Zone Program, but Cities collectively resisted it, though not all Cities had one. Mr. Sigerson mentioned the Developmental of Regional Impact and explained that there would be an attempt to repeal or amend some of the Developmental Regional Impact reviews. He said that when looking at Margate's Community Redevelopment Agency (CRA) area he felt it might be on the cusp of being qualified under the Developmental Regional Impact. He felt that it needed to be watched because it was calculated by percentages and after speaking with the City Manager, it was determined that Margate's CRA would not qualify under the current rules. He stated that Public Private Partnerships was not used by Margate yet because it was a relatively new Law that allowed for a private company to come unsolicited to the City. He mentioned that the Glitch Bill was going to fix those items and was already filed in the House of Representatives. He said that House Bill 63 was going to be an attempt to fix some of the problems, which was very confusing. He noted that it would have three components; Best Practices, Clarifications and Substitutes.

CITY ATTORNEY EUGENE STEINFELD mentioned what was passed just after the City was involved in the project for the ball fields. He stated that one of the main issues was that the wording at the end of the Statute undid everything from before. He hoped that the Bill would clarify the issue.

MR. SIGERSON mentioned concealed weapons and public safety and said that the City wanted the ability to be able to ban guns and ammunition from certain public events and places, which was wanted by almost all Cities. He noted that a couple of years ago

there was an attempt to change the way that Law Enforcement Trust Fund money was dispersed. He said that currently the pots of money set aside for local Sheriffs and Police Chiefs could be requested in the form of a grant. He stated that there was currently no Bill. He spoke about local control of Transportation Planning and that Cities complained that too much of Transportation Planning flowed to the Florida Department of Transportation (FDOT) and to Tallahassee. He said that the Minor Traffic Safety Act related to the use of cell phone. He noted that Margate was in support of Bills that would prohibit use of wireless devices by under age or young drivers, especially regarding texting and driving. He noted that one Bill would enhance penalties for texting and driving in a school zone. He said that another Bill would provide for criminal penalties for use of cell phones resulting in an accident, resulting in death. He said that currently it was a secondary offense; however, it would become a primary offense.

COMMISSIONER PEERMAN asked whether it was for under the age of 18 or if it was in general. Mr. Sigerson said he would look into that.

MR. SIGERSON mentioned the Clean Indoor Air Act, and Commissioner Peerman said that it was an unfunded mandate that allowed control of parks to smoke in, but the City had to build a smoking section with policing. Mr. Sigerson said that the Legislation would allow Cities to take action to ban smoking in certain public outdoor areas.

VICE MAYOR RUZZANO questioned whether alcohol could be banned at a park with an ordinance, and Mr. Sigerson agreed. Vice Mayor Ruzzano questioned whether the City could do an ordinance for smoking. Mr. Sigerson said that could not be done because the Clean Indoor Air Act pre-empted to the States and Federal Government.

COMMISSIONER PEERMAN explained that the reason for wanting to pass this Bill was because it would provide Home Rule power so the State could not direct what could or could not be done. She said that many parks install the "No Smoking" signs, but they were not enforceable. She noted that previously, it was determined that a smoking section was needed, but that no one under the age of 18 was allowed in that section, which was absurd.

MR. SIGERSON stated that the City had opposed municipally owned utilities under the Public Service Commission (PSC), which would cost a lot of money for the City and would take away the City's power to run its own utilities. He stated that the storm water fee collection was another fee issue, and that the local governments wanted the School Board to pay their fair share of the big infrastructure projects and the high cost of operating them. He explained that the State wanted to implement water quality standards, but were not forthcoming with funds to pay for it; therefore, expecting local governments to do so. Mr. Sigerson mentioned the Sadowski Funding for Affordable Housing Trust Fund was rated in the past and put into General Revenue, but City wanted it funded as a good source of revenue for all types of good projects at the local government level. He said that Legislation needed to be convinced to leave the fund alone. Mr. Sigerson said that Gambling Expansion was a watch issue and Community Redevelopment also needed to be watched. He explained that Northwest Focal Point Senior Center (NWFPSC) money was previously raided and needed to be reinstated and would have to be continuously watched. He added that the local City Water Projects priorities were discussed with Senator Jeremy Ring and the House of Representative members would be contacted for sponsoring.

MAYOR SIMONE asked whether Genetically Modified Organisms (GMO's) and food labeling could be looked into.

MR. SIGERSON said that the Commission could direct him to look into that issue. He noted that this would not be a restriction or a ban. He said that there was a prior Bill that

would require food products to be labeled as GMO. He noted that the Bill would be re-filed.

MAYOR SIMONE asked that Mr. Sigerson add on to support Legislation to make the Bills on puppy mills stronger.

COMMISSIONER PEERMAN said that she would support Bills on puppy mills; however, she did not want to get into the other animal activist items such as dog racing.

MR. SIGERSON clarified that what would be filed would be a Bill to require registration with the Department of Agriculture and Consumer Services for breeders, retailers and sellers. He stated that he would watch the Bills and keep the Commission informed.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Transcribed by Carol DiLorenzo

Joseph J. Kavanagh, City Clerk

Date