



# City of Margate

5790 Margate Boulevard  
Margate, FL 33063  
954-972-6454  
www.margatefl.com

## Meeting Minutes Regular City Commission Meeting

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Wednesday, December 17, 2014

7:00 PM

Commission Chambers

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### CALL TO ORDER

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

Commissioner Joyce W. Bryan attended the meeting by telephone.

#### In Attendance:

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

### PLEDGE OF ALLEGIANCE

**ID 14-745** SELENA SOPHIA MAUNEY, PRE-K, KENPO KARATE

### 1) PRESENTATION(S)

- A. ID 14-753** RECOGNITION OF MARGATE-COCONUT CREEK FIRE RESCUE ALS TEAM FOR WINNING THE FLORIDA CUP
- B. ID 14-766** RECOGNITION OF DR. WAYNE LEE FOR HIS SERVICE AS MEDICAL DIRECTOR FOR MARGATE-COCONUT CREEK FIRE RESCUE.
- C. ID 14-792** ALTERNATE CIVILIAN POLICE UNIFORMS

### ATHLETES OF THE MONTH

- D. ID 14-784** BASEBALL: ANGEL ROLDAN, 12 YEARS OLD  
(Margate Pony Elite Baseball and Softball, Margate Yankees)  
  
CHEER: ALINA RUZZANO, 12 YEARS OLD  
(Cheer Florida, Sphinx)

### 2) COMMISSION COMMENTS

*COMMISSIONER PEERMAN wished everyone happy holidays and reminded everybody about Margate's Winterfest on Friday night, December 19, 2014, from 6:00 p.m. to 10:00 p.m. in Downtown Margate. She noted that the Margate Intergenerational Volunteer Band would be performing as well as Christmas Carolers.*

*COMMISSIONER TALERICO wished everyone happy holidays and asked that everyone come to the Winterfest.*

COMMISSIONER BRYAN congratulated the Margate Coconut Creek Fire Rescue. She said she had a good time in Pasadena celebrating her Aunt's 90th Birthday. She reminded everyone about Winterfest and wished everyone a happy holiday.

VICE MAYOR RUZZANO wished everyone happy holidays. He said that he went to Shop with a Cop yesterday and had a great time with everyone in the community working together. He commended all those involved and mentioned the Palm Lakes Lunch that followed.

MAYOR SIMONE said that she also went to the Palm Lakes Toy Party, which was a great event that allowed the children to receive the toys. She thanked Tim Martinez, Walgreens Manager, for the deal he gave, which consisted of buying one toy and getting one free, plus more discounts. She wished everyone happy holidays and noted that she would not be attending the Winterfest or the Fire Benevolent Gift Delivery this year due to some additionally needed surgery.

CITY ATTORNEY EUGENE STEINFELD wished everyone happy holidays.

CITY CLERK JOSEPH J. KAVANAGH mentioned feedback received from Broward County yesterday. He said that Mr. Charles Webster, Coordinator for Governmental Affairs of Broward County, communicated to him that Margate had the best recognition program of Broward County pertaining to the Student, Teacher and Athlete of the Month Program. He said that Mr. Webster felt that Margate set the standard for other Cities.

COMMISSIONER TALERICO stated that the Shop with a Cop raised \$11,000 this year, which was the most money ever raised since the event started.

### 3) PUBLIC DISCUSSION

SYDNEY KING, President of Lion's Club, agreed with having discussion cards. He stated that the Lion's Club was nearly out of Crutches and Walkers and asked for these items to be donated. He thanked the Police Officers who provided crutches. He also thanked Millie Dwyer. He announced that he was the first person from Margate to be voted Vice President for the State of Florida for High Twelve Masonics. He stated that the Lions, along with the Chamber of Commerce, were going to hold a multi-cultural event in the New Year. He wished everybody happy holidays.

THERESA DECRISTOFARO, 6600 Brandywine Drive South, said that she was present on behalf of the Relay for Life. She said that in 2014, there were 1,665,540 new cases of Cancer diagnosed in the United States. She noted that Cancer was the second highest cause of death, and that one out of four deaths was from Cancer. She noted that the Relay for Life was the world's largest movement to end Cancer. She noted that in South Florida alone, \$1.8 million dollars had been raised in 2014. She explained that at the Winterfest, there would be a Relay for Life table selling purple ornaments for a donation to be placed on a Christmas tree. She said that there would be literature available and wreaths for sale. She invited everyone to the Winterfest and to join a team by visiting the website [www.relayforlife.org](http://www.relayforlife.org) for Coconut Creek/Margate.

LEILA PETROKONISH, 5850 Margate Boulevard, said that she lived at a facility for people who needed assistance because she was blind. She mentioned that she went to the Lighthouse organization that was extremely helpful regarding her blindness. She said that the Lighthouse introduced her to the Presto machine that magnified letters to the degree needed for reading. She stated that because of that machine, she can now read. She noted that the machine cost \$2,000, and she felt that the machines should be installed in the Library. She suggested installing a minimum of two machines so people could read in the Library. She said that Margate cared for the handicapped and that 28 computers were installed in the Library. She wished everyone happy holidays.

COMMISSIONER TALERICO asked whether the Library could make the machines available.

CITY MANAGER DOUGLAS E. SMITH said that he would get in touch with the Library contact and follow up additionally with the Broward County Commissioners.

RICH POPOVIC, 6066 Winfield Boulevard, spoke about the Mayor and asked her for three good ideas she had for moving Margate forward with regard to redevelopment. He said that there were no practical solutions. He mentioned the Waste Management Contract and that no bids were obtained; therefore, the City was locked into a contract. He wished everyone a happy holiday.

TODD ANGIER, 1913 NW 79th Terrace, congratulated the Mayor and Vice Mayor on their positions. He mentioned that hate being directed to Police Departments around the Nation and he thanked the Margate Police Department for doing an excellent job of serving and protecting the City. He added that the Fire Department and paramedics also did a great job. He felt that the New Year should provide a fresh start to be able to write down what accomplishments he would like to see in the upcoming year. He challenged the Department Heads to do the same. He wished everyone a happy holiday.

COMMISSIONER PEERMAN noted that the Waste Management contract was going out to bid in 2015.

CITY MANAGER SMITH said that the contract expired in 2015, and that there would be discussions regarding bidding options with the Commission at the beginning of the year.

COMMISSIONER PEERMAN said that there would be a bid for the garbage contract and that Waste Management was still the City's garbage collector, and CITY MANAGER SMITH agreed.

#### **4) CONSENT AGENDA**

No items on Consent Agenda.

#### **5) CITY MANAGER'S REPORT**

CITY MANAGER DOUGLAS E. SMITH noted that at the last Commission meeting road damage due to a car fire at NW 77th Avenue was discussed. He stated that the City had a contractor that would be repairing the damaged roadway after the holidays. He said that the Winterfest was an upcoming event, and he reminded everyone of the January 10th Sounds at Sundown at 5:30 p.m. He noted that the City had a vendor proposal for video streaming, which was reviewed by the Staff. He said that it was a low cost system and could be moved forward administratively. He asked for confirmation from the Commission to move forward. He noted that the system would work with a live stream on the web, but not an archived video. He added that an archived video could be addressed in the future. He stated that with consensus of the Commission the live stream would be ready prior to the first January meeting.

VICE MAYOR RUZZANO asked whether the live stream on the web had anything to do with Channel 78.

CITY MANAGER SMITH said that the television channel was a separate item and that a technology upgrade would be needed for the television channel. He said that this would just be moving the City forward with an online system either directly on or linked to the

website.

VICE MAYOR RUZZANO said that it was a good start, and that he would ultimately like to see it televised on Channel 78.

COMMISSIONER TALERICO believed that the advantage of live streaming on the website was that more people had computers than subscribe to Channel 78. He clarified that not everybody had Comcast.

COMMISSIONER PEERMAN questioned how long the live stream would stay on if not able to archive.

CITY MANAGER SMITH said that it would not stay on the website. He noted that the Granicus system would have the ability to archive; however, it would probably cost more. He suggested starting with this live stream plan, tracking the viewership and level of interest, and then to determine whether the City wanted to move forward by expanding to Granicus or another type of solution with additional capabilities.

The Consensus was taken and approved by all Commissioners to move forward.

CITY MANAGER SMITH mentioned the prior request from the Chamber of Commerce for sponsoring a membership breakfast. He noted that if the Commission wanted to move forward with the sponsorship, it would come from the City Commission's General Contribution Account, which had \$2,000 available. He stated that the amount the Chamber of Commerce requested was \$500. He noted that part of the request also had to do with having the Commission participate in the meeting as well, which would be at the guidance of the City Attorney.

MAYOR SIMONE stated that until there was a policy in place she would not agree with the sponsorship.

The Consensus results were as follows:

COMMISSIONER PEERMAN, Yes; COMMISSIONER TALERICO, Yes;  
COMMISSIONER BRYAN, Yes; VICE MAYOR RUZZANO, Yes; MAYOR SIMONE, No.  
The consensus passed 4-1.

## 6) RESOLUTION(S)

- A. ID 14-731** APPROVING AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE TO PROVIDE COST SHARE SUPPORT OF A NATURESCAPE IRRIGATION SERVICE.

*Resolution 12-578*

**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 Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

- B. ID 14-733** APPROVING AWARD OF RFP 2014-019 - DESIGN/BUILD WWTP PRECAST CONCRETE WALL & ALUMINUM FENCE PROJECT TO ANZCO, INC., IN AN AMOUNT NOT TO EXCEED \$214,687.00 FOR THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES.

*Resolution 12-579*

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

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

- C. ID 14-735** ESTABLISHING AN INVESTMENT POLICY FOR MANAGEMENT OF PUBLIC FUNDS OF THE CITY OF MARGATE AND PROVIDING FOR EXECUTION OF AGREEMENTS AND OTHER DOCUMENTS TO IMPLEMENT THE POLICY.

*Resolution 12-580*

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

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

- D. ID 14-736** APPROVING AN AGREEMENT WITH AUTOMATED MERCHANT SYSTEMS INCORPORATED, FOR AN INITIAL TERM OF THREE (3) YEARS, TO PROVIDE CREDIT CARD PROCESSING TO RESIDENTS AND BUSINESSES FOR ALL PAYMENTS MADE TO THE CITY; PROVIDING FOR AUTOMATIC RENEWAL FOR ADDITIONAL ONE YEAR TERMS; PROVIDING FOR NINETY DAY (90) NOTICE OF TERMINATION; AUTHORIZING THE ADMINISTRATION TO RENEW THIS AGREEMENT UNDER THE SAME TERMS WITHOUT FURTHER COMMISSION ACTION.

*Resolution 12-581*

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

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

- E. ID 14-752** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, APPROVING ADDENDUM TO THE STATE EMERGENCY MEDICAL SERVICES (EMS) COUNTY GRANT FUNDING AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE ESTABLISHING THE CITY OF MARGATE AS A PARTICIPATING AGENCY IN ORDER TO RECEIVE MASS CASUALTY INCIDENT (MCI) EQUIPMENT.

*Resolution 12-582*

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

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

- F. ID 14-760** WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF SPACESAVER PROPERTY AND EVIDENCE LOCKERS AND SHELVING, AND REFRIGERATED UNITS, FROM PATTERSON POPE THE SOLE SOURCE DISTRIBUTOR AND INSTALLER FOR SPACESAVER IN THE STATE OF FLORIDA, IN AN AMOUNT NOT TO EXCEED \$22,399.19, FOR THE POLICE DEPARTMENT.

*Resolution 12-583*

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

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

- G. ID 14-770** APPROVING AN AGREEMENT, PROMISSORY NOTE, AND SALES ORDER WITH ADP TO PROVIDE AN AUTOMATED TIME AND ATTENDANCE SYSTEM; PROVIDING FOR AUTOMATIC RENEWAL ON A MONTH TO MONTH BASIS; AUTHORIZING THE ADMINISTRATION TO RENEW THIS AGREEMENT UNDER THE SAME TERMS WITHOUT FURTHER COMMISSION ACTION.

*Resolution 12-584*

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

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

- H. ID 14-772** A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING MEDICAL DIRECTOR SERVICE CONTRACT WITH DR. ANTONIO GANDIA FOR THE CITY'S EMERGENCY MEDICAL SERVICES PROGRAM; PROVIDING FOR ANNUAL AUTOMATIC RENEWAL.

*Resolution 12-585*

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

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

- I. ID 14-778** DECLARING PROPERTY AS SURPLUS TO THE NEEDS OF THE CITY.

*Resolution 12-586*

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

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

- J. ID 14-782** APPROVING WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF VARIOUS MYERS PUMPS FROM CUSTOM PUMP & CONTROL, INC. IN AN AMOUNT NOT TO EXCEED \$74,560.00 FOR THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES.

*Resolution 12-587*

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

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

## **7) RESOLUTION(S) - QUASI-JUDICIAL HEARING**

*ITEM 7B WAS HEARD PRIOR TO ITEM 7A.*

*ALL THOSE WISHING TO SPEAK ON THE FOLLOWING TWO QUASI-JUDICIAL HEARINGS WERE SWORN IN.*

*COMMISSIONER TALERICO LEFT THE ROOM FROM 8:16 TO 8:17 PM.*

- B. ID 14-795** AMENDING THE APPROVAL OF THE APPEAL OF BOARD OF ADJUSTMENT HEARING NO. BA-15-2014. PERMISSION TO UTILIZE A SINGLE PARKING SPACE AS AN OUTDOOR STORAGE AREA WITHOUT PROVIDING A CONTINUOUS DENSE HEDGE ALONG THE REAR PROPERTY LINE. CODE REQUIRES OFF-STREET PARKING FACILITIES TO BE MAINTAINED AND CONTINUED AS AN ACCESSORY USE AS LONG AS THE MAIN USE OF THE PROPERTY IS CONTINUED; AND CODE REQUIRES OUTDOOR STORAGE AREAS IN THE M-1 LIGHT INDUSTRIAL ZONING DISTRICT TO BE FENCED AND SCREENED BY A CONTINUOUS DENSE HEDGE WHERE ABUTTING A REAR OR SIDE PROPERTY LINE.

*DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that this item was a reconsideration of a Quasi-Judicial item that appeared before the City Commission on September 17, 2014. He said that during that hearing the City Commission granted approval of an appeal to a Board of Adjustment (BOA) application of a variance, providing that the property owner install plastic slats making the existing chain link fence opaque, within a two week time period. He stated that the deadline on the application, per the resolution, was October 1, 2014. He noted that on October 14, 2014, after the application expired, Staff contacted the property owner to advise him in writing that the conditions of the approval had not been met and that the resolution was null and void. He explained that on Monday, November 24, 2014, he and the City Attorney met with the tenant of the property. He noted that both the property owner and the tenant were present tonight. He said that during the meeting, the tenant advised Staff that the plastic slats were a significant cost burden to him and that he wanted to seek alternative options to bring back to the Commission. He said that the discussion involved included a black mesh or silt covering to go behind the fence, which would make the fence opaque, though it was not the plastic slats that were directed by the Commission. He further explained that on December 11, 2014, the petitioner contacted Staff to advise that the mesh had been installed and pictures of the property yesterday indicated that the mesh had been installed. He stated that this item was a reconsideration to amend the previous resolution and to allow the petitioner to maintain that mesh fence and leave the container on the property with this alternative screening.*

*He noted that Staff reviewed the mesh fence and after conducting site visits recommended approval, as it met the intent of providing the opaque screening.*

*SEAN ROURKE, Market Manager for Jacob's Telecommunications Inc., 1700 Banks Road, stated that he had no comments, but did thank the Staff, the City Manager and Mr. Ziskal for assisting.*

*Resolution 12-588*

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

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

**A. ID 14-794**

**APPROVING EXTENSION OF A SPECIAL EXCEPTION USE, TO PERMIT AN OFFICE CENTER WITHIN THE M-1 LIGHT INDUSTRIAL DISTRICT, LOCATED AT 1700 BANKS ROAD.**

*DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL stated that this item was a reconsideration of an item due to an expiration set forth in the Code. He explained that on May 21, 2014, the City Commission granted approval of the property for an office use. He said that City Code provided that all special exceptions shall expire and become null and void unless an active business goes into the facility within 180 days. He noted that the original approval was set to expire November 17, 2014. He stated that in an attempt to work with the property owner, Staff granted an administrative approval of 30 days which would expire tonight. He said that with the reconsideration Staff found that there were no changes to the City Code or to the site that would warrant a denial of this. He said that Staff continued to recommend approval of this item with the condition that a Local Business Tax Receipt (LBTR) be obtained within 30 days.*

*CITY ATTORNEY EUGENE STEINFELD noted that the public did not have to speak at the Quasi-Judicial hearing. He clarified that only stakeholders or interested parties were able to speak.*

*COMMISSIONER PEERMAN questioned what would happen on January 31, 2015, if the LBTR was not issued.*

*MR. ZISKAL explained that if the Commission wished to approve the item with a date certain, the resolution would become null and void at the expiration of that date certain.*

*STEVEN CRESS, 1700 Banks Road, said that he did not control when people went to get their LBTR, and that he only rented the space. He stated that he had a LBTR for the space he occupied. He said that he was unaware that it would be date specific, and that as he rented spaces people would obtain their LBTR. He questioned how he could be in control of that.*

*MR. ZISKAL stated that there was a Code provision that allowed six months, which had expired. He noted that Staff worked extensively to try to accommodate the property. He said that Staff felt that the first 30 day administrative approval was sufficient time to remediate the conditions on the property. He noted that Staff was again asking for an additional time period that was unprecedented. He said that Staff was trying to accommodate the property owner to allow for more time than was provided by Code. He reiterated that Staff's recommendation was the January 31, 2015, deadline; however, as the elected body and the policy makers of the City, it was up to the Commission to set that timeline and adopt whatever approval was deemed necessary.*



MR. CRESS asked what was expected of him as the owner. He stated that he had no idea which tenants had LBTRs and did not remember that it was his responsibility as a Landlord.

CITY ATTORNEY STEINFELD explained that dealing with Mr. Chess was a frustrating situation with the administration. He stated that Mr. Chess made representations to the Development Review Committee (DRC), to members of Staff, to the BOA and to the City Commission, but had not followed through with the conditions put on the property. He explained that Mr. Chess generally took the position that the development of his property was in the best interest of the City; therefore, he did not have to have knowledge of what his tenants did, why they did not fit within the zoning of the City, or why he did not have to be responsible for the uses that he was going to provide through his tenants on that property. He reiterated that a special exception was granted to Mr. Chess and his property six months ago. He explained that every property owner who got a special exception had 180 days to provide for a use on the property that met the special exception. He noted that if the use was not taken or begun in 180 days the special exception was over and no longer viable. He said that generally, the process would have to start over from step one. He noted that this was the first time in 36 years that the City of Margate provided that a special exception be granted an extension. He noted that it had not previously happened because the conditions for the use of the property were not followed through. He stated that it was the responsibility of whoever owns the special exception, in this instance that would be the property owner, to ensure that whatever use of the property happened within the time of the special exception, whether it was his own, tenants or contractor's use of the property. He explained that the City was now, unprecedentedly, granting a second extension without a new start to provide for the use that met the special exception. He reiterated that it was Mr. Chess' responsibility to make sure that the use happened within the additional time allotted.

MR. CRESS said that he was not clear on the second extension. He stated that everything was done that was supposed to be done under oath. He said that the garbage enclosures were done, the property was now wrapped around and the hedges and light tests were all done. He noted that 90 percent of everything was done.

CITY ATTORNEY STEINFELD stated that the City Commission granted a variance in September giving Mr. Chess two weeks to come into compliance. He said that had compliance been met within the two weeks granted by the variance, there would be no need for the amendment to the variance. He added that the two weeks would have been within the 180 days. He stated that neither Mr. Chess nor his tenant were able to come into compliance; therefore, Staff had to come up with an unprecedented amendment to the variance and an unprecedented extension to the special exception because the variance was not fulfilled. He said that because the variance was not fulfilled, the use of the tenant could not be done within the 180 days. He said that Mr. Chess' representations stating it would be done in two weeks, and it not being done in two weeks was very frustrating for administration.

COMMISSIONER PEERMAN asked whether Mr. Chess' tenants had to have a LBTR by January 31, 2015.

MR. ZISKAL explained that in order to make the special exception active and official, one office use would have to get a LBTR by January 31, 2015; however, any tenant currently in there needed a LBTR at all times.

COMMISSIONER PEERMAN clarified that Mr. Chess, who owned the property, needed to go to his businesses and tell them to get their LBTR or he could not be an office in this district.

MR. ZISKAL reiterated that if asking to turn the property into an office use, one LBTR was needed by January 31, 2015.

MR. CHESS clarified that when he got one LBTR he would be done with this process.

COMMISSIONER PEERMAN agreed; however, the other businesses needed LBTRs as well or he would have another problem.

MR. CHESS questioned whether he was supposed to police whether his tenants had a LBTR, because he never heard that before. He mentioned that he received an annual letter from Ms. Grossman informing him to renew his license. He said that the Landlord was never notified that this was occurring. He did not want to make Staff or the Commission frustrated and wanted to be compliant. He explained that he did not complete the work in the first amount of allotted time was because products ordered from the welding company took time to manufacture.

COMMISSIONER PEERMAN reiterated that Mr. Chess needed one LBTR by January 31, 2015. She stated that it was his building and she felt that he would want to have his tenants in compliance with the City.

COMMISSIONER TALERICO questioned whether someone applying for the LBTR tomorrow would have enough time for it to be issued by January 31, 2015.

CITY ATTORNEY STEINFELD said that there would be enough time providing the office met the Code.

VICE MAYOR RUZZANO asked for clarification that only one LBTR was needed for use of the special exception.

CITY ATTORNEY STEINFELD clarified that one LBTR was required by January 31, 2015, for the use that the special exception was granted. He reiterated that if the special exception took other things under the City's laws on the site approval, such as not having a waste disposal in the middle of the parking lot or not completing the requirements within 30 days.

VICE MAYOR RUZZANO questioned what was hindering Mr. Chess.

CITY ATTORNEY STEINFELD said that to the City's understanding, nothing was currently hindering him.

MR. CHESS agreed that he just needed his tenant to get a LBTR.

CITY ATTORNEY STEINFELD stated that if the tenant came into the property Mr. Chess did not feel it was his job to determine whether that tenant met the zoning of the City; therefore, the tenant was told to go to the City and apply. He said that with this tenant there might be no problem; however, there might be a problem with the next tenant.

Resolution 12-589

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

**Yes:** 3 - Commissioner Peerman, Commissioner Bryan and Vice Mayor Ruzzano

**No:** 1 - Mayor Simone

**Abstain:** 1 - Commissioner Talerico

## **8) ORDINANCE(S) - FIRST READING**

- A. ID 14-785** CONSIDERATION OF AN ORDINANCE TO REVISE THE DEFINITIONS, SETBACKS AND SIZE REQUIREMENTS FOR SHEDS, STORAGE BUILDINGS, AND TEMPORARY STORAGE STRUCTURES IN RESIDENTIAL AREAS.

**A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved on first reading.**

**An amendment was made by Mayor Simone, seconded by Commissioner Talerico, that the ordinance be approved allowing one shed.**

**An amendment was made by Mayor Joanne Simone that the one shed be only 10 feet by 10 feet. The amendment died for lack of a second.**

**A motion was made that this ordinance be approved as amended. The motion carried by the following vote:**

**Yes:** 3 - Commissioner Bryan, Commissioner Talerico and Mayor Simone

**No:** 2 - Commissioner Peerman and Vice Mayor Ruzzano

## **9) ORDINANCE(S) - SECOND READING**

- A. ID 14-787** AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, PROVIDING FOR AUTHORIZATION OF PURCHASES AND BID AWARDS BY THE CITY MANAGER; PROVIDING FOR APPROVAL OF CONTRACTS BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

*Ordinance 2014-9*

**A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Bryan, that this Ordinance - 2nd Reading be approved. The motion carried by the following vote:**

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

## **ADJOURNMENT**

*There being no further business, the meeting adjourned at 9:10 p.m.*

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

Joseph J. Kavanagh, City Clerk

Date

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME TALERICO, FRANK B.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE MARGATE CITY COMMISSION	
MAILING ADDRESS 5790 MARGATE BOULEVARD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY MARGATE	COUNTY BROWARD	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED DECEMBER 17, 2014		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

### IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, FRANK B. TALERICO, hereby disclose that on DECEMBER 17, 20 14:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

7A - Quasi-Judicial - Resolution

APPROVING EXTENSION OF A SPECIAL EXCEPTION USE, TO PERMIT AN OFFICE CENTER WITHIN THE M-1 LIGHT INDUSTRIAL DISTRICT, LOCATED AT 1700 BANKS ROAD.

I signed a lease to have an office with this landlord for my business.

12-19-14  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.