



# City of Margate

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

## Meeting Minutes

### Regular City Commission Meeting

*Mayor Tommy Ruzzano*  
*Vice Mayor Arlene R. Schwartz*  
*Commissioners:*  
*Anthony N. Caggiano, Lesa Peerman, Joanne Simone*

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

---

Wednesday, December 7, 2016

7:00 PM

Commission Chambers

---

#### CALL TO ORDER

**Present:** 5 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone, Commissioner Lesa Peerman, Vice Mayor Arlene R. Schwartz and Mayor Tommy Ruzzano

In Attendance:

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

#### PLEDGE OF ALLEGIANCE

[ID 2016-713](#) SELENA SOPHIA MAUNEY, 1ST GRADE, MARGATE ELEMENTARY

#### 1) PRESENTATION(S)

##### STUDENTS AND TEACHERS OF THE MONTH

A. [ID 2016-734](#) ABUNDANT LIFE CHRISTIAN ACADEMY: TEACHER, BENJAMIN BORDY  
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, ETHAN ROSE;  
TEACHER, LAURA HENNEBERY  
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, TIM SAINT FLEUR; TEACHER,  
KRYSTAL JENKINS  
(Mrs. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)

HEBREW ACADEMY: STUDENT, LEVI GOLDSMITH; TEACHER, ESTHER  
CROITORU  
(Mrs. Rivka Denberg, Head of School)

LIBERTY ELEMENTARY: STUDENT, JADEN DOVERSPIKE; TEACHER, RONITE ISAACS

(Mr. David J. Levine, Principal and/or Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, BROOK'LYNN BARRIOS; TEACHER, DIANA BERESOVY

(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: STUDENT, LUISA SORROZA; TEACHER, JADA HOLSEY

(Mrs. Lezondra Harris, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, MANALI PATEL-KINLOCK; TEACHER, LOIS BACON

(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra)

*THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.*

## 2) COMMISSION COMMENTS

*COMMISSIONER CAGGIANO thanked his wife and everyone for the opportunity to be Commissioner.*

*COMMISSIONER SIMONE noted that today was the anniversary of the attack on Pearl Harbor and she asked that those involved be kept in everyone's hearts and thoughts. She mentioned the Movies in the Park and Margate under the Moon, which were both scheduled for December 10th. She noted that the movie was Pete's Dragon beginning at 6:00 PM. She said that the Winterfest was scheduled for December 16th from 6:00 PM to 10:00 PM. She noted that a new 3D Holiday Light Show was planned. She stated that the 11th Annual Holiday Decorating Contest was taking place and homes and businesses could be pre-registered by December 20th for participation in the contest. She stated that she would not be at next week's Commission meeting or CRA meeting; therefore, she wished everyone the joy of a wonderful holiday season.*

*COMMISSIONER PEERMAN asked for a consensus to give \$1,000 to the Federation of Police (FOP) Cops and Kids event, which was formerly known as Shop with a Cop. She noted that the FOP had to spend some of the money they raised to purchase the Turkeys for Thanksgiving, because the Casino backed out. She asked that the \$1,000 be taken from the Resident Project Fund as soon as possible, as the event was to be held this weekend. She clarified that the event was Saturday at 8:00 PM.*

*CONSENSUS was given and all agreed 5-0.*

*COMMISSIONER PEERMAN asked whether the Commission wanted to get a table at the Aging and Disability Resource Center's upcoming installation dinner. She noted that the cost was \$90 each, with a table of 10 being \$900.*

*CONSENSUS was given and all agreed 5-0 to use funds from the Resident Project Fund to get a \$900 table.*

*VICE MAYOR SCHWARTZ thanked the residents who voted for her, spoke about the residents wanting change, as well as Commissioners being able to have disagreements without being personal. She stated that she lived and raised her family for 34 years in*

Margate and was hurt by the negative statements made about Margate being the armpit of Broward County. She said that she wanted to change that perception and mentioned the new slogan "Together We Make It Great" noting that there was no "I" in together. She quoted Abraham Lincoln and stated, "A house divided against itself cannot stand."

MAYOR RUZZANO mentioned the prior Workshop held regarding the Mayor's Fitness Challenge, which was held last year at one school, Margate Elementary School. He noted that it was successful and that this year the City was attempting to do it at the other public schools in the City. He said that the funding was \$2,500 for one school; therefore, the estimate was \$7,500 for the additional schools. He asked whether the Commissioners wanted to have the event at all three schools this year and possibly having it at one specific location.

COMMISSIONER CAGGIANO felt that it was a great idea.

COMMISSIONER SIMONE said that prior to voting she would like to know the cost and what exactly would be done with the money.

MAYOR RUZZANO explained that last year there were approximately 255 students, as well as teachers who helped. He noted that they each received a T-Shirt with the City's Logo on it, as well as the wording, "The Mayor's Challenge." He stated that the cost of the shirts along with the medals for each event's First, Second and Third Place winners was \$2,300. He felt that the total would not exceed \$2,500 per school.

COMMISSIONER SIMONE mentioned that the Presidential Physical Fitness Award was removed to avoid it being a competition; therefore, she suggested that instead of awarding medals, participation certificates be presented to each child. She also did not want to have the event be a competition, but wanted the students to see that getting involved in physical activities was for fun and not for competition.

MAYOR RUZZANO said that the shirt was provided for participation, and that students were competing to give their best to try to win the medal. He noted that the medals were presented during the school day and went very well. He said that he was competitive and felt that it was great to have the competition.

COMMISSIONER SIMONE questioned whether the competition was more like a Field Day, because if it were she did not agree with giving awards.

MAYOR RUZZANO explained that this was a fitness challenge with 7 events ranging from physical events to mental events. He said that he was not aware of exactly what Field Day was.

COMMISSIONER SIMONE noted that last year most of the activities were more of a Field Day type event and were not testing endurance and strength.

MAYOR RUZZANO stated that every challenge was independent with no team involvement. He noted that Field Days were more class against class.

COMMISSIONER SIMONE felt that the activities were a Field Day type activities rather than sit ups or agility type activities.

MAYOR RUZZANO stated that there were agility and physical challenges, such as the Ball and Cone, Obstacle Course and a Cup Challenge. He said that it was not the old fashioned, sit-ups, push-ups, climb the rope and 50 yard dash.

COMMISSIONER CAGGIANO noted that his daughter's school had Field Days, which were team against team. He added that the winning team did receive recognition, because some needed to be recognized for shining.

VICE MAYOR SCHWARTZ felt that it was a great idea and it gave students something to look forward to for the next year. She said that the price of the T-Shirts would go down if buying for 3 schools.

**A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to approve up to \$7,500 for the Mayor's Fitness Challenge to be taken from the General Fund.**

RICH POPOVIC, 6066 Winfield Boulevard, said that he did the challenges as a kid and nobody gave him a T-Shirt, because it was expected of the students. He stated that he was against the purchase of the T-Shirts and the Commission spending money.

GAIL SANCHEZ, 6930 NW 16th Street, congratulated the City on the Mayor's Program.

KEITH RAVELLO, a resident of 7458 NW 21st Street, asked about the Fire Department having the Fire Truck come around the neighborhood for the holidays.

CITY MANAGER DOUGLAS E. SMITH said that he would check with the Fire Benevolent Association to provide more specifics.

COMMISSIONER PEERMAN said that it was changed about 3 years ago. She said that now the parents registered the children and there was a specific route and presents would be given to the children of those registered houses.

EDWARD DECRISTOFARO, 6600 Brandywine Drive South, explained that on December 17th, Santa would be at the Fire Station at 600 Rock Island Road and residents could bring their children there.

MAYOR RUZZANO said that next year the City would make sure Keith was notified. He added that he was having a Christmas Party at his home at 116 E. Palm Drive. He stated that everyone was invited and that there would be a Fire Truck there with Santa.

COMMISSIONER PEERMAN said that the past City Attorney made the City Commission stop going together on the Fire Truck to judge the House Decorating Contest because of the Sunshine Law. She said that Parks and Recreation would provide a list with the house numbers and the Commission would mark between 1 and 4 then handed the papers to Parks and Recreation. She said that it was a lot of fun and asked whether it could be done again.

CITY ATTORNEY DOUGLAS R. GONZALES noted that there were no other elected bodies that did that because it was in violation of the Sunshine Law. He explained that the Commission would be together voting on something. He said that one alternative was to have Staff do it.

MAYOR RUZZANO questioned whether the Commission being on a plane together flying to Las Vegas to solicit businesses was considered a violation.

CITY ATTORNEY GONZALES said that at some point it had to be assumed that the

*Commission knew the Sunshine Law and would not violate it by discussing things that reasonably, foreseeably might come before the Commission for a vote.*

*VICE MAYOR SCHWARTZ said that the Commission would not be discussing who to vote for.*

*CITY ATTORNEY GONZALES told the Commission to proceed if they were not going to discuss City business, but only vote the homes.*

**An amendment was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, to take no more than \$7,500 from the Contingency Account and transfer to the City Clerk's Budget, and add a line item for the Budget next year.**

*JOYCE BRYAN, 7005 NW 17th Street, said that she attended the Mayor's Challenge last year and the students were competitive. She added that she previously rode the Fire Truck with Santa, which was fun.*

*COMMISSIONER SIMONE clarified that she was not against the Mayor's Challenge, but was just questioning how the resident's money was being spent.*

**The motion carried, as amended, by the following vote:**

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

*MAYOR RUZZANO mentioned the awards given for Student of the Month, Teacher of the Month and Athlete of the Month and he proposed a program for Margate's Home of the Month. He said that it would be promoted on Facebook with the Margate emblem, as well as giving a \$50 Home Depot Card. He stated that he would even fund the program himself if necessary.*

*COMMISSIONER PEERMAN said that she liked the idea, but the City needed to determine how to handle the sign. She suggested that the winner could keep the sign for the whole year.*

*MAYOR RUZZANO felt that some people put a lot of time and money into their homes and should be rewarded with the \$50 Gift Card.*

*VICE MAYOR SCHWARTZ said that the City had a \$30 million fund balance; therefore, the \$50 Gift Card money should be found without having Mayor Ruzzano personally fund this program.*

*CITY MANAGER SMITH said that it would come from the Contingency Account, which was the Non-Departmental Fund.*

*COMMISSIONER SIMONE said that she was not against the program, but did not like when ideas were brought up without criteria. She asked for more information about the program details.*

*VICE MAYOR SCHWARTZ said that it was currently being discussed and additional information could be presented later.*

COMMISSIONER PEERMAN clarified that Mayor Ruzzano was asking for a consensus to find out about the program.

COMMISSIONER CAGGIANO agreed with needing additional criteria prior to deciding whether to proceed or not.

COMMISSIONER PEERMAN suggested having more discussion in Workshops.

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS TO ADDRESS THE MICROPHONE ISSUE.

### 3) PUBLIC DISCUSSION

SIDNEY KING, 211 NW 76th Avenue, stated that the Lion's Club fed those with nothing for Thanksgiving. He noted that the Police Chief worked with the Lion's Club with regard to toys and giving a party for Christmas. He explained that last Sunday morning, the Lion's Club was set on fire by vandals. He showed a video of Channel 7 News regarding the fire. Mr. King noted that glasses for the blind children were in the fire, as well as Christmas gifts and toys. He stated that donations were being received and additional support was needed. He commended Police Chief Dana Watson and the Police Department.

COMMISSIONER PEERMAN noted that she received an anonymous \$1,000 donation for the Lion's Club. She suggested that Mr. King fill out the donation form so the Commission could give a \$1,000 donation as well.

ANNIE DEMPS, Aztec RV Resort, 1A Sundial Circle, said that the President and developer of Aztec would like Mr. King to pick up a check tomorrow for \$10,000.

VICE MAYOR SCHWARTZ suggesting having the City put the information on the Facebook page.

COMMISSIONER PEERMAN stated that the Lion's Club had a Go Fund Me page.

EDDIE DECRISOTFARO, 6600 Brandywine Drive South, thanked Commissioner Peerman and her wife for their generous donation to the Go Fund Me account. He noted that the Margate Lion's Club Facebook page already had a Go Fund Me account set up. He thanked all who already donated to the page.

RICH POPOVIC, 6066 Winfield Boulevard, asked how much money was being spent on Christmas lights.

MAYOR RUZZANO noted that it was less than last year.

MR. POPOVIC complained that the lighting said Happy Holidays and not Merry Christmas.

COMMISSIONER PEERMAN explained that there was more than one holiday in the month of December and the City decorated for all of the holidays. She noted that the City had at least 7 holidays that were celebrated with the residents.

VICE MAYOR SCHWARTZ noted that the first night of Hanukah was Christmas Eve, which made happy holidays appropriate.

RENATA CASTRO, 1534 NW 61st Avenue, felt that the Mayor's idea of a House of the

Month was a nice idea; however, she expressed concern with regard to those who could not afford to take better care of their homes. She was concerned that awarding those who fixed their homes would marginalize the people who could not fix their homes. She asked that the City consider having a Loved House of the Month; whereby, the City would assist with painting the house, cutting the grass, etc. She said that it could also be done through a Volunteer Program. She stated that she was an Immigration Attorney and had seen a lot of hate crimes happen. She noted some Cities had taken a stance; however, she had not heard anything from Margate. She wanted those who live in Margate to know that the City would not tolerate any hate crimes. She asked that the City consider creating an Education or Parent Board, because sometimes diversity in the City was neglected. She noted that diversity was more than race and religion, and was attending to all of the groups in the community. She stated that the working families did not have a voice in the City; however, their needs must be tended to. She felt that the Board could be composed of parents from different local schools could be the City's voice with the School Board and could provide the City insight as to how to better tend to the youth.

COMMISSIONER PEERMAN stated that Cape Coral had a great program run by volunteers that cut the grass, planted, etc. with foreclosed homes. She noted that she tried to have such a program; however, the prior City Attorney was concerned about the City being sued. She said that the School Board tried to get the City to have a Parent Teacher Board, but previously, there was not a lot of response.

VICE MAYOR SCHWARTZ clarified that in 1997, the City had a School Advisory Committee with teachers and parents. She explained that the City collected money from those who built in the City and provided the money to the schools. She mentioned charging Celebration Pointe and Toscana Villas prior to election. She said that the Committee was disbanded because the City did not foresee any more building after 2004. She stated that she was going to ask for that Committee to come back for additional money to support the schools. She said that when disbanded, each school received \$3,500, because there was money in the fund.

MS. DEMPS, speaking on behalf of the Aztec Developer, provided a handout and wanted to discuss issues encountered during the past year with regard to obtaining Building permits. She said that the developer committed millions of dollars into developing what was a destitute property into a 5 star land condominium RV Resort. She stated that important revenue was generated for the City and surrounding businesses. She added that hundreds of people were hired during difficult economic times. She stated that the delays in processing permits had an immediate and direct impact on the viability of the project and had caused delays in sales, closing of the project and triggered a chain of events that directly caused Aztec and its principals to incur extensive monetary losses. Ms. Demps explained that other projects outside of Broward County, such as in West Palm Beach and Port St. Lucie West, benefited from the delays by attracting purchasers that were committed to buying at Aztec. She noted that she met earlier in the week with the Commission regarding the long delays obtaining the permits. She added that she met with the Building Official, the City Attorney and the City Manager and was promised that the situation would be corrected in the next few days. She stated that the problem with issuing the permits in a timely manner was due to a shortage of Staff. She hoped that this would not be another empty promise and that the City would be more reactive to demands. She thanked everyone for their time and efforts and hoped the matter would be resolved.

VICE MAYOR SCHWARTZ asked whether the 2 permits that were close to being cleared had been cleared.

CITY MANAGER DOUGLAS E. SMITH stated that one of the permits would be ready tomorrow and another was issued on November 21st. He noted that of the 3 remaining permits, 2 had information to be submitted back to the City by tomorrow and 1 was to be reviewed by the electrical division tomorrow. He said that he would inform the Commission when they were closed out. He thanked the Aztec Representatives for meeting with the City to work to resolve these issues and prevent issues moving forward.

VICE MAYOR SCHWARTZ asked how long the electrical division review might take.

BUILDING OFFICIAL MARY LANGLEY said that she was confident the information needed to sign off on 2 of the permits tomorrow. She added that the electrical review should be done tomorrow as well.

VICE MAYOR SCHWARTZ commented on what an amazing development Aztec was.

MS. DEMPS asked whether lot 64 that was waiting for modifications had any issues.

MS. LANGLEY said no and replied that the designer was providing her information.

MAYOR RUZZANO showed the residents pictures of the Aztec RV Resort and said that they were an asset to the City.

JOHN E. MARJON, Aztec resident, said that he was new to Margate as of April 2016, and he organized a tour with 6 investors from Quebec for January. He said that he had to cancel the visit because the permit was not yet delivered. He stated that there were many people that wanted to purchase in Aztec; however, he wanted to understand the reason for the delay in the process. He noted that he told the developer he would return his land if the construction was not started by the end of next week. He added that he informed the contractor that he would also file a lawsuit for his expenses. He hoped that this issue would be resolved as it was now 130 days.

COMMISSIONER PEERMAN suggested that Mr. Marjon have the investors drive through Aztec.

MR. MARJON explained that what made the Aztec Park different was the concrete building.

JOHN HALL, 6421 French Angel Terrace, congratulated the newly elected Commissioners, the Mayor and the Vice Mayor. He said that as a 21 year resident and business man in Margate, he had an optimistic outlook on the City. He felt that the City was going forward rather than regressing. He spoke about not being able to attend the swearing in of the Mayor and Vice Mayor, but he agreed with Commissioner Simone about retail businesses not wanting to come to Margate. He felt that was fixable, but the solution was not to fill the business district with residential property. He said that the City needed to find out why businesses were not coming to Margate and rectify that. He mentioned a Facebook post by a Commissioner and felt that Commissioner should be censored and the issue addressed.

COMMISSIONER PEERMAN stated that she put up the post on Facebook for 7 minutes. She noted that a blogger took a snapshot of the post and wrote an article about it. She said that she was upset that a friend of hers tagged her in a post congratulating the Mayor and Vice Mayor, knowing that she and Commissioner Simone were bypassed. She said that she took down the post and apologized.



MR. HALL felt that it was an Ethics violation to put the post on social media, though it was not against the law. He said that he expected more of the elected officials. He noted that 8 Ethics violations throughout the County were related to Margate on the website of the Office of the Inspector General, which he resented.

MAYOR RUZZANO showed a picture of the post. He mentioned the prior incident when the Commission wanted to censure him.

**A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, to censure Commissioner Peerman for her comments on Facebook.**

VICE MAYOR SCHWARTZ asked whether someone could be censured for a comment.

CITY ATTORNEY DOUGLAS R. GONZALES explained that the Commission was a self-policing entity. He said that if it was determined that a censure was appropriate, it could be done; however, he suggested that the entity being censured be allowed to state her case fully, including the fact that she believed it was a First Amendment Right to post on her personal Facebook page.

VICE MAYOR SCHWARTZ asked whether that would have to come back another time to allow for preparation.

CITY ATTORNEY GONZALES said that there was no rule on that.

COMMISSIONER PEERMAN asked whether she needed a lawyer.

CITY ATTORNEY GONZALES said that she could have a lawyer.

COMMISSIONER PEERMAN stated that it was her First Amendment right and the First Amendment did not say who gets a First Amendment right. She said that everyone was human and she would discuss the matter with a lawyer if being censured for a First Amendment right.

MAYOR RUZZANO explained that he was informed of a censure on Monday evening for a Wednesday meeting. He said that the prior City Attorney informed him that for any misbehavior, a Commissioner could be called for a censure. He stated that besides the Facebook post, he felt there were other ways in which Commissioner Peerman did not represent the City well. He felt that the way Commissioner Peerman acted as a City Commission was out of line.

CITY ATTORNEY GONZALES felt that if considering this type of action, the record must be clear with regard to each issue or potential violation.

COMMISSIONER PEERMAN stated that she was not the reason why Broward County looked at Margate.

AMANDA RUZZANO, 116 East Palm Drive, said that Commissioner Peerman said that the post was for 7 minutes, and that Commissioner Peerman was caught in a lie because the post was for longer than 36 minutes.

COMMISSIONER PEERMAN said that she removed it and apologized.

COMMISSIONER CAGGIANO wanted to discuss this post only.

*CHARLIE ARTNER, 6631 NW 22nd Court, commented on Commissioner Peerman's post and apology and asked Commissioner Peerman to resign, because of violating Ethic Rules and not Freedom of Speech.*

*COMMISSIONER PEERMAN said that the post was not to Mr. Artner and explained that she was elected because she did not play games.*

*MR. ARTNER explained that the post could be seen by children all over.*

*COMMISSIONER PEERMAN said that it could be read on the blog and on Facebook because Commissioner Caggiano paid to have it displayed on Facebook as a sponsored ad. She stated that she was not going to resign, and that he could do a recall petition to have her recalled.*

*MR. ARTNER said that he already filed a complaint with the Ethics Board in Broward County, which would be the third complaint.*

*COMMISSIONER PEERMAN noted that complaints could be filed against her daily because it could be done anonymously. She clarified and explained the prior complaints filed against her with regard to her wedding presents.*

*MR. ARTNER felt that Commissioner Peerman would not have a violation if she had posted the comment on her own personal Facebook page to be viewed only by her friends. He felt that it was an Ethics violation because she posted it on a public page stating that she was a City Commissioner and representative of the City. He mentioned Mr. Popovic being censored due to his vulgar language.*

*RICH POPOVIC, 6066 Winfield Boulevard, mentioned problems he had with his Facebook page and Commissioner Peerman in the past with the Police and the Federal Bureau of Investigation (FBI) and his son. He said that he had been cursed at by the Commission in the past and the behavior was bad.*

*COMMISSIONER PEERMAN clarified the actual statement posted from Mr. Popovic's son, which referred to a sniper's rifle and taking care of her. She explained that she called the City Manager, after which the issue was out of her hands.*

*JULIE JONES, a resident, congratulated the newly elected Commission and Vice Mayor. She spoke about the first Commission meeting she attended where Commissioner Caggiano bashed Commissioner Peerman, which she was against. She noted that she supported Commissioner Caggiano and Vice Mayor Schwartz at the polls. She said that she was very disappointed in Commissioner Peerman for her comments. She apologized to Commissioner Caggiano, his wife and family for being upset with him when he bashed Commissioner Peerman. She also apologized to the Mayor and his family for what was posted. She said that Commissioner Peerman was not working for the residents and the remarks were a disgrace.*

*VICE MAYOR SCHWARTZ asked for the definition of a censure and the consequences involved.*

*CITY ATTORNEY GONZALES stated that censure was not defined anywhere in the City Code, nor was it in the procedures. He noted that there was a procedure in the Charter for removal or forfeiture of office, which was not applicable, which was not applicable as it was deemed to be inappropriate and improper. He said that there was a procedure for*

removal of office. He noted that a censure was generally when a public body says to one of its own that they find what that individual did was not in the best interest of the City and did not serve the City. He stated that there was no enforcement mechanism but it went beyond a public reprimand in that the Commission was the Judge and Jury finding the individual guilty and stating, "Do not do it again." He clarified that a public reprimand was what had already happened.

VICE MAYOR SCHWARTZ questioned whether the Commission had the right to tell somebody it was the wrong thing to do at the wrong place without there being repercussions, based on the First Amendment rights.

CITY ATTORNEY GONZALES said that in the ineffective section of the Charter regarding forfeiture of office, there was wording that would apply despite the fact that there was no such thing as a forfeiture of office through a City Charter. He noted that it did state, which would remain valid, that in all circumstances arising under the article, the Commission shall be the Judge of its own membership. He stated that it did not mean the Commission could judge a member's qualifications to sit or to continue sitting as an elected official, but it did mean the Commission had the right to police their own. He added that Section 3.08 of the City Charter stated that all powers of the City shall be vested in the Commission except as otherwise provided for by law or this Charter. He read that the Commission shall provide for the exercise thereof, and for the performance of all duties and obligations imposed on the City by law.

VICE MAYOR SCHWARTZ asked whether that would be actionable in a Court of Law for the person who was censured.

CITY ATTORNEY GONZALES said that would be up to any legal counsel that would be sought by the Commissioner.

VICE MAYOR SCHWARTZ said that she tried to address the fact by stating that social media was not the place for these types of things.

COMMISSIONER SIMONE asked what would happen if this went to a Court of Law.

COMMISSIONER PEERMAN said that she would not take it to a Court of Law. She apologized and asked the Commission to proceed with the censure.

COMMISSIONER SIMONE asked how to get past this situation after tonight because it was not good for the City and it was time to move on. She said that was not made Vice Mayor, but she was not upset and was still who she was representing the people of Margate. She stated that she was blessed to be a Commissioner. She felt that all grudges and vendettas must be put behind so the Commission could serve the residents with professionalism and integrity.

MAYOR RUZZANO agreed that the behavior needed to stop. He stated that this was just a public notice that a Commissioner did something wrong and was being asked to stop and move on.

CITY ATTORNEY GONZALES agreed that was what a censure was saying if done.

COMMISSIONER PEERMAN mentioned her Freedom of Speech issue with regard to what the Commission wanted her to stop doing.

VICE MAYOR SCHWARTZ replied that everyone would like for the Commission to

*conduct themselves in a professional manner because the Supreme Court has held that a private posting on Facebook or any social media was not private. She noted that people had lost jobs over posting; therefore, she suggested that before writing anything, it should be read several times so as not to write in anger.*

COMMISSIONER PEERMAN said that she appreciated what Vice Mayor Schwartz said and understood it.

**The motion carried by the following vote:**

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

*BARBARA FOSS, 6955 NW 14th Court, said that this was her first meeting and she was appalled due to the fighting, etc. She noted that she was pleased about the Dog Park.*

*GORDON RAY, 6546 NW 1st Court, stated that he was also appalled and embarrassed at his first meeting, which he said would be his last meeting. He said that he did not feel the dais would get any better. He noted that he commented on Margatenews.net about the bickering being a diversionary tactic because nobody wanted to do their job. He complained about the crime in Margate and mentioned speaking with the Chief of Police and the Mayor, but nothing was being done.*

#### 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.

NO ITEMS ON CONSENT AGENDA

#### 5) CITY MANAGER'S REPORT

*CITY MANAGER DOUGLAS E. SMITH stated that the Arbor View project on the Northeast corner of NW 34th Street and U.S. 441 had an engineering permit approved. He noted that the Calypso Cove WiFi project was installed and completed. He noted that the Sports Complex WiFi project had the Internet connection in place and WiFi was expected to be installed by the end of December. He mentioned upcoming events, such as the Dr. Martin Luther King Jr. Day. He said that information could be obtained on the website. He noted that there would be a special keynote speaker this year who was the former Harlem Globetrotter Bobby Hunter.*

#### 6) RESOLUTION(S)

**A.** [ID 2016-745](#) APPROVING REGULAR CITY COMMISSION MEETING DATES FOR CALENDAR YEAR 2017.

RESOLUTION 16-314

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

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

**B.** [ID 2016-746](#) VACATING RESOLUTION NO. 15-122.

*RESOLUTION 16-315*

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

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

**C.** [ID 2016-768](#) APPROVING APPOINTMENT OF \_\_\_\_\_ AS  
CHAIRPERSON OF THE COMMUNITY REDEVELOPMENT AGENCY  
BOARD.

*RESOLUTION 16-316*

**A motion was made by Vice Mayor Schwartz, seconded by Mayor Ruzzano, to insert the name of Tommy Ruzzano. The motion carried by the following vote:**

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

**D.** [ID 2016-769](#) APPROVING APPOINTMENT OF \_\_\_\_\_ AS VICE  
CHAIRPERSON OF THE COMMUNITY REDEVELOPMENT AGENCY  
BOARD.

*RESOLUTION 16-317*

**A motion was made by Vice Mayor Schwartz, seconded by Mayor Ruzzano, to insert the name of Anthony Caggiano. The motion carried by the following vote:**

**7) ORDINANCE(S) - FIRST READING**

**A.** [ID 2016-736](#) AN ORDINANCE AMENDING ARTICLE II, FINANCES, SECTION 2-39,  
PURCHASING PROCEDURES; PROVIDING FOR PURCHASING  
PROCEDURES FOR GRANTS.

**A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Ordinance - 1st Reading be approved on first reading. The motion carried by the following vote:**

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

**8) ORDINANCE(S) - SECOND READING**

**A.** [ID 2016-743](#) AN ORDINANCE TO AMEND ARTICLE VIII IN CHAPTER 39 OF THE CITY  
OF MARGATE CODE OF ORDINANCES FOR CROSS CONNECTION  
CONTROL / BACKFLOW PREVENTION.

*ORDINANCE 2016-16*

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

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

**ADJOURNMENT**

*There being no further business, the meeting adjourned at 11:22 PM.*

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

\_\_\_\_\_  
*Joseph J. Kavanagh, City Clerk*

*Date:* \_\_\_\_\_

DRAFT