



City of Margate

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Meeting Minutes Regular City Commission Meeting

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

City Manager Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

Wednesday, October 4, 2017

6:30 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 2017-629](#) EVA SMITH, 3rd GRADE, ABUNDANT LIFE CHRISTIAN ACADEMY

1) PRESENTATION(S)

A. [ID 2017-661](#) HOME OF THE MONTH - SEPTEMBER 2017

STUDENTS AND TEACHERS OF THE MONTH

B. [ID 2017-648](#) ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, CALEB SMITH;
TEACHER, GABRIELA CITELLI
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, SANAAZ BROWN; TEACHER,
CHERYL CHARLES
(Ms. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)

LIBERTY ELEMENTARY: STUDENT, ALICIA TRACEY; TEACHER, RICH
SAUER
(Mr. David J. Levine, Principal and/or Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, SOPHONIE METAYER; TEACHER,
JENNIFER BRADY
(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flourney, Assistant Principal)

MARGATE MIDDLE: STUDENT, ADRIANA LIVERMAN; TEACHER, VITRA BOODOOSINGH

(Mrs. Kari Murray, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, THAISHA CALIXTE; TEACHER, ADRIANA GUERRA

(Dr. Carmella Morton, Principal)

PROCLAMATION(S)

MAYOR RUZZANO said that their Annual Fall Festival was on Saturday October 28th from 6:00pm – 11:00pm at the Sports Complex on Banks Road. He also thanked Congressman Ted Deutch for the \$200,000 grant received for Fire Fighters Park.

- C. [ID 2017-618](#) NATIONAL SCHOOL LUNCH WEEK - OCTOBER 9 - 13, 2017 (presented to Carrie Wilson, Food and Nutrition Services Manager, Liberty Elementary)
- D. [ID 2017-634](#) FIRE PREVENTION WEEK - OCTOBER 8 - 14, 2017 (presented to Dan Booker, Fire Chief)

2) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO said that they recently gave a contract to a Charter Officer and he wanted to ask for a Workshop to revisit and update the contracts for the other two Charters Officers.

There was a general discussion on whether they wanted to discuss contracts or whether they wanted to also evaluate the Charter Officers.

VICE MAYOR ARLENE R. SCHWARTZ said that the City Clerk should call some of the surrounding cities to see if they used a specific form for evaluating Charter Officers. She advised that it should be consistent evaluation across the board to measure staff performances.

CITY CLERK JOSEPH K. KAVANAGH advised that it was critical to time allow to gather evaluation forms and present them to the Commission as they would need to agree on the same format.

There was general consensus that the meeting should take place in November.

COMMISSIONER JOANNE SIMONE said that on Saturday, October 7th at 7:00pm, they were showing "BFG" at Movies in the Park and on October 19th, the Senior Center was celebrating their 40th Anniversary. She said that she wanted to give recognition to the Assistant to the City Manager, Adam Reichbach, Paralegal, Nancy Popick and Communications & Marketing Coordinator, Alison Saffold.

MAYOR RUZZANO said that he wanted to recognize Mr. Christopher L. Smith from the Florida Senate representing District 31 who was sitting in the audience.

VICE MAYOR SCHWARTZ said she wanted to congratulate the City Clerk in obtaining the designation as Master Municipal Clerk (MMC) with the International Institute for Municipal Clerks and that there were only another 129 other City Clerks in the State of

Florida that had that designation. She also advised that there was a quick link on the City's website for the Utility Department for general inquiries such as advice if your water had been switched off or for missed payments.

MAYOR RUZZANO said that he recently watched the Board of Adjustment (BoA) and Planning and Zoning (P&Z) Board Meetings. He indicated that at one of those meetings, a discussion took place regarding the JM Lexus building and asked why they did not add the word Margate.

VICE MAYOR SCHWARTZ said that for many years, JM Lexus was the only organization that went out of its way to say Margate but in recent years, the leadership in the dealership had made a decision to change it. She said that they could remind them to use the word Margate.

CITY MANAGER SAMUEL A. MAY advised that he and the Assistant to the City Manager would be meeting the Marketing and General Manager of JM Lexus in the near future.

MAYOR RUZZANO said that the P&Z meeting asked for flexibility to have meetings pertaining to matters which the Commission had previously discussed such as putting elevators in apartment rentals of two stories or more and the problem they had with the two allocated spots for parking. He advised that those items should have been included on an Agenda.

CITY ATTORNEY DOUGLAS R. GONZALES said that P&Z has old by-laws whereas the BoA has never had by-laws and suggested that something should be devised for them to look at which they could adopt which could resolve some of their issues on procedures. He said that the Chair on both Boards are on a one year term and said that one of those Boards in the Code had a two year term for appointment. He indicated that they would be bringing changes to them effective March 2019. He advised that to change the by-laws, they would have to be approved by the Commission. He advised that the Public Art fee was taken from another city and that the Underground Utilities was taken from Coconut Creek as it was no longer called an Impact Fee but a Development fee.

MAYOR RUZZANO said that he had concerns about the Underground fee being passed on to residents to pay which was never discussed amongst the Commission. He said that he thought that at a previous meeting, they agreed to take out the Residential fee.

CITY ATTORNEY GONZALES advised that they keep the Coconut Creek Ordinance, tailor make it specifically for Margate and then bring it to the Commission on First Reading. He explained that the Commission could direct them to remove Residential Rehabilitation or both Residential and Commercial Rehabilitation and bring it back for a Second Reading. He also confirmed that they did not vote on Public Art but voted no for any Redevelopment Fee being charged for the Underground Fee.

COMMISSIONER LESA PEERMAN advised that they will need to be more specific and give better direction on what they want rather than say they want an Art Fee or Underground Lines and then they could look at other cities and come back to the Commission with their findings.

3) PUBLIC DISCUSSION

NORMAN GRAD, 7460 NW 18TH STREET said that he wanted to commend the City for their work during Hurricane Irma and indicated that in comparison to other neighboring cities, they cleared the streets and never lost water. He read a thank you letter from

Palm Springs III Condominium Association which was directed to the Mayor and DEES Director. He advised that if the City had a School Liaison Committee, there was a program called Teaching Tolerance by the Southern Poverty Law Centre and that they provide free curriculums. He said that he brought that particular program to the attention of the Vice Principal of Margate Middle.

CARLOS GERHARDT, 7441 SW 1ST STREET said that he recently spoke about seeking a variance to build a pool on an Florida Power and Light (FPL) Easement. He apologized for not showing the facts clearly enough on and highlighted some of the main issues that were discussed at a previous meeting. He said that he thought the City was influencing FPL's decision on granting permission for variance, in particular, Mr. Pinney's email to FPL. He said that FPL's response from Mr. Silva's said that the City of Margate highly recommended an objection. He said that he felt offended and sought a variance in good faith.

CITY MANAGER MAY confirmed that the City of Margate had no objection of him building a pool. He said that the DEES Director had made contact with Mr. Silva and that he was trying to get hold of the City's FPL representative, Miss Josh Wright, to explain that the City had no objection for him being in there. He said that they had repeated to Mr. Silva that the City had no objection but it was not their decision as it was not the City's Easement. He advised that it was against the City's Code to build anything on that Easement.

MAYOR RUZZANO asked how it got messed up if Mr. Gernhardt received an Easement agreement signed by FPL.

CITY MANAGER MAY said that he was unsure how it got messed up but confirmed that the Easement agreement was not signed by FPL but signed by the Pompano Beach Service Center. He said that signed Easements usually contain a representative's name and that was the reason why it led to the confusion. He advised that Mr. Gernhardt could contact FPL representative, Miss Wright, to ask her to sign the agreement.

COMMISSIONER PEERMAN said that there was a name of Siobhan Archer on the agreed Easement and asked why no one tried to contact her.

DEPARTMENT OF ENVIRONMENT AND ENGINEERING (DEES) DIRECTOR REDDY CHITEPU advised that this particular Easement was used for non-permanent structures such as installing a shed or a fence. He said that if you read the agreement, the City could issue the permit but FPL had the right to ask Mr. Gernhardt to remove the pool. He advised that this area would be under FPL's transmission lines and when Mr. Pinney contacted the Engineer, Mr. Frank Silva, he explained to him what it was and what they had in their Code but he did not influence his decision. He stated that they were protecting the homeowner and the City. He said that he had not received a response from Ms. Wright but previously informed her and that they needed something in writing before instructing the BoA and the permit.

CITY MANAGER MAY said that they did not object to Mr. Gernhardt's request but merely pointed out to FPL the City's Code. He forewarned that any agreement they make, FPL can overrule their decision if they were not in receipt of a written Easement agreement.

COMMISSIONER PEERMAN explained that Mr. Gernhardt was seeking permission to deviate from the Code. She advised that they should ask FPL if they were going to honor the original Easement agreement that was issued in July 2017 and the document did not say that it was for a temporary building.

RICH POPOVIC, 6066 WINFIELD BOULEVARD said that easements were given to people and he knew a lot of people who had used them. He said that there was a big back yard and that the powerlines were further over it.

VICE MAYOR SCHWARTZ said that she lives on NW 1st Street and that she had a permit for a sprinkler system from the South Florida Water Management District (SFWMD) and a permit for trees on their Easement and was not allowed to put anything what she wanted. She said from her own experience, she had a permit for a fence and that the City informed her where she could build a shed which was not on her property. She explained that it caused her grief when SFWMD advised her to remove it. She said that she understood why the City was looking for FPL to physically sign with a name.

MR. GERHARDT said that he paid taxes for that Easement and that five years ago, the City was issuing warnings for people who did not maintain that area. He said he was a proud homeowner who took care of his property. He repeated his belief that the City had some influence on that Easement. He said that although there could be a possibility that he could put his pool in a different way, it would be difficult as his house was the furthest back on his block and he would need 10 feet.

COMMISSIONER PEERMAN advised that DEES Director should speak to the City's FPL representative as Mr. Gernhardt had a faxed agreement.

There was general consensus from the Commission that they had no problem with Mr. Gernhardt building the pool subject to a written Easement agreement from FPL.

CITY MANAGER MAY advised that he should fax a copy of that agreement over to the same place it was issued and ask them to sign and return it to him. He said once it was signed, then the next step would be to go to the BoA.

DEES DIRECTOR CHITEPU said that based on that agreement, Mr. Gernhardt would be responsible if FPL went in and removed the pool as liability was placed on the homeowner.

MR. POPOVIC asked about roundabouts on Winfield Blvd.

MAYOR RUZZANO said that the circles or roundabouts were approved by the CRA.

JOHN YOKLAVICH, 603 S. STATE ROAD 7, APPLGREEN CONDOS explained his previous conversation at a past Commission meeting concerning Officer Williams and asked about unfair treatment of City employees. He said that the Police Department issued fines if the Officers were dressed inappropriately and asked if there were any other departments that had a fine process.

CITY MANAGER MAY said that the Assistant to the City Manager spoke to Mr. Yoklavich about a Police Officer who received a progressive disciplinary action due to many instances which were documented but said that he was unaware of him receiving days off for improper dress. He indicated that Public Works employees were asked to put on a City uniform if they arrive to work in their own attire.

CHIEF OF POLICE DANA WATSON explained that the Officer in question had a long history of disciplinary issues. He explained that he was involved in two separate incidents and thought that they were very just and fair with the disciplinary that he received.

MR. YOKLAVICH said that the City Commission should have more day to day power.

COMMISSIONER PEERMAN advised that while the Department Heads could discipline their employees, the City Manager had the ability to override any disciplinary action if he deemed it unnecessary. She said that every department had consequences for their respective employees.

ELSA SANCHEZ, 6930 NW 15TH STREET said that she wanted to congratulate and thank the City Manager for the work that they did in the City after the hurricane. She said that the City was taken care of and that they did not have any problems with water or flooding and everything was taken care of properly and very quickly. She said that the only problem was that people were putting all there debris on the street but it was not being picked up and asked how long it would take for them to pick up from the side streets.

CITY MANAGER MAY said that he would speak to the debris contractor.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE EAST referred to the recent P&Z meeting and said that the meeting was not a reach for power but for service and that Margate residents rarely had an opportunity to investigate and research Code. He explained that the Board was requesting the authority to add Agenda items to the existing Agenda and as they were an advisory board, he disagreed with the City Attorney who did not allow them to do so. He also said that the P&Z Board Chair was appointed by consensus of the Board and if the Chair was found to be lacking in showing respect to its Board members, he said that he believed that as a Board, they had consensus to change their position. He also said that the Secretary to the Board's position was yet to be appointed. He said that he had less power as a Board member as he was handcuffed by the Sunshine Law.

COMMISSIONER PEERMAN explained that at the recent P&Z meeting, they did not have the votes when they attempted to remove the Chair but they could have made a Motion for a Secretary.

VICE MAYOR SCHWARTZ advised that they could discuss by-laws and suggested that a poll could be taken to allow them to have questions such as adding Agenda items. She also indicated that if they had questions or issues concerning the Code that specifically related to items that were coming before them, she would find it hard to believe that the City Attorney would advise them that that they could not do that and that staff could not come back and give them that information.

CITY ATTORNEY GONZALES said that it was true and that staff would always be willing to assist on items that came before the Board. He also advised that the DEES Director was available to answer any items that were not on the Agenda.

COMMISSIONER SIMONE said that there were examples at the recent P&Z meeting that the Board members did talk to staff.

BOARD OF ADJUSTMENT VICE CHAIR, CHARLIE ARTNER said that he supported Mr. Zucchini's views. He explained that four months ago, he sent an email asking for a legal opinion on a specific Code but had not received an acknowledgement. He asked whether the Board of P&Z had picked it up but as it was not on the Agenda, they were not allowed to discuss it. He said that the matter pertained to the distance measured between an elementary school and the requirement of a liquor license and a strip club within 1,000 feet. He said that there were Codes that did not make sense and that they

were wasting tax payer money.

COMMISSIONER PEERMAN explained that they previously had a Code Review Board but it was sunsetted about two years ago and indicated that the P&Z Board was not set up for that purpose. She explained that from the Code Review Board, the Commission took none of the recommendations from the residents who sat on that Board.

MAYOR RUZZANO said that he would talk to the City Attorney and find out the information.

JULIE JONES, 7871 NW 1ST STREET explained that at a recent meeting, she spoke about the City operating a five day work week. She said that she wanted to correct what she had previously said and explained that staff could still work a four day week but the City should be open five days per week. She also asked whether they could have a suggestion box in City Hall.

CITY MANAGER MAY said that they were currently working on a five day program which would consist of five 10 hour days and confirmed that they would be the only City within Broward County implementing those hours. He said that they were looking at alternative ways on how they would continue to provide the best service.

COMMISSIONER PEERMAN said that there was a comment form on the website.

MS. JONES indicated that some people did not go online or were aware that there was a website. She said that she ran a Crimewatch on her street. She explained that she read about a gentleman in Tennessee who was arrested for holding a number of weapons which were not registered or contained serial numbers. She said that the Police Department did a fabulous job but needed their help and advised that residents should watch and pay attention to what was going on around them and that they should report any unusual behavior.

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 UNDER CONSENT AGENDA

10) DISCUSSION AND POSSIBLE ACTION

Items B. and C. were moved up

- B.** [ID 2017-659](#) SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM - JUNIOR ACHIEVEMENT OF SOUTH FLORIDA.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz to approve the donation. The motion carried by the following vote.

Yes: 3 - Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

No: 1 - Commissioner Simone

Absent: 1 - Commissioner Caggiano

- C. [ID 2017-660](#) SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM - WOMEN IN DISTRESS OF BROWARD COUNTY, INC.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Peerman, to approve the donation.

ASSOCIATE DIRECTOR OF DEVELOPMENT FOR WOMEN IN DISTRESS (WID)
KARLENE M. CHUNG said that she wanted to thank the Commission for supporting their organization and that they continued to work well with all of the cities in Broward County. She said that they helped over 200 survivors in the City of Margate. She said in the next fiscal year, they have:

- Legal program which allowed survivors to access free legal advice if they were going through any type of therapy treatment at WID.
- Economic and Justice program which assists with job placements, training and childcare advancement.
- New Pet Shelter for women who were fleeing their homes.

The motion approved carried by the following vote:

- Yes:** 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano
- No:** 1 - Commissioner Simone

5) CITY MANAGER'S REPORT

CITY MANAGER MAY reminded everyone about:

- Movies in the Park
- The Fall Festival
- Margate Under Moon on October 14th
- Prescription Drug Takeback event between 10:00am – 2:00pm on October 28th at CVS and Palm Lakes Plaza
- Debris Hotline was available on 954-821-7425 and advised that they had already picked up 55,000 cubic yards of debris.

CITY MANAGER MAY gave a Capital Projects Updates and said that a Purchase Order was issued for the Marine and Western Project and a Purchase Order was issued for the Wrap Around Shade Canopies at the Sports Complex. He said that he wanted to thank the Police Department for solving a case which involved the location of a 9mm firearm. He explained that a homeowner moved into a new house in Margate and found the weapon buried in the backyard. He explained that upon investigation, the firearm was traced to a Broward Sheriff's Office (BSO) homicide case that took place at Days Inn in Oakland Park on July 25th, 2016. He indicated that there were two suspects that were already in custody but previously, the murder weapon had not been recovered.

CITY CLERK KAVANAGH said that an invitation was sent to the Commission to attend

the 2017 Mayor's Gala at United Way of Broward County 2017. He advised that the event would take place between 6:00pm – 10:00pm on October 21st, 2017 and that the cost of an individual ticket was \$200 or for a table for 10 guests, \$2,000. He also indicated that the cost would cover an advertisement which was due by Friday. He asked for their consideration if they wanted to attend and explained that they had done it last year.

A motion was made by Commissioner Caggiano, seconded by Mayor Ruzzano, for the purchase of a table and full page advertisement for \$2,000 for the United Way Mayor's Gala on October 21st, 2017, with the funding source to be determined by the City Manager.

MAYOR RUZZANO said that he attended the event last year and it was a good way to network as there were a lot of helpful and influential people. He said that he would prefer to have a table and if it was themed base, they could invite those who fill that theme similar to the previous year where they invited veterans and Commissioners who wanted to attend.

COMMISSIONER PEERMAN asked whether there was an option if they wanted a table without the full page advertisement.

CITY CLERK KAVANAGH explained that the advertisement feature was not an option they could refuse and that if there were 10 attendees from Margate, it may work out that the advertisement was done for free.

COMMISSIONER SIMONE explained that as there was not a theme for the 2017 Gala event, she was against buying a table. She said that the taxpayers should not pay for that event and if the Commissioners or staff wanted to attend, they should pay for their own tickets.

The motion approved by the following vote:

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

No: 2 - Commissioner Simone and Commissioner Peerman

CITY MANAGER MAY asked which account was the money to be taken from for the purchase of the Gala table.

CITY CLERK KAVANAGH advised that in the past, it came out of the City Commission General Contributions account.

CITY MANAGER MAY asked for consensus from the Commission to pull the money out of the City Commission General Contributions account or whether he needed to work with the City Clerk to pull the funds from an alternative account.

The general consensus from the Commission was that the money could be taken from

the City Commission General Contributions account.

6) RESOLUTION(S)

NO ITEMS UNDER RESOLUTION(S)

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. [ID 2017-657](#) CONSIDERATION OF NEW SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY 2017/2018 FOR:

- TQLA STATION, 5190 COCONUT CREEK PARKWAY

RESOLUTION 17-129

MAYOR RUZZANO said that there was a check made by the Police Department which was okay.

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

Yes: 3 - Commissioner Caggiano, Commissioner Peerman and Mayor Ruzzano

No: 2 - Commissioner Simone and Vice Mayor Schwartz

8) ORDINANCE(S) - FIRST READING

- A. [ID 2017-665](#) AN ORDINANCE AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE IV. - BOARDS, COMMITTEES, ETC., DIVISION 2. BOARD OF ADJUSTMENT, SECTION 2-77. - WHEN MEETINGS TO BE HELD AND DIVISION 3. PLANNING AND ZONING BOARD, SECTION 2-82. - MEETINGS OF THE PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT; PROVIDING FOR MEETINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

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

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

9) ORDINANCE(S) - SECOND READING

- A. [ID 2017-581](#) AMENDING ARTICLE IV - BOARDS, COMMITTEES, ETC., DIVISION 2 - BOARD OF ADJUSTMENT, SECTION 2-76 AND DIVISION 3- PLANNING AND ZONING BOARD, SECTION 2-86; PROVIDING FOR APPOINTMENTS

FOR A ONE YEAR PERIOD CONSISTENT WITH SECTION 2-73; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-17

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Ordinance - 2nd Reading, be approved. The motion carried by the following vote:

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

- B. [ID 2017-662](#)** AMENDING CHAPTER 19 - SOLID WASTE AND RECYCLABLES COLLECTION, PROCESSING AND DISPOSAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-18

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Ordinance - 2nd Reading, 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 2017-663](#)** AMENDING ARTICLE V - GREEN BUILDING POLICY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-19

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Ordinance - 2nd Reading, be approved. The motion carried by the following vote:

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

10) DISCUSSION AND POSSIBLE ACTION

- A. [ID 2017-658](#)** LETTERS OF INTEREST (L.O.I. 2017-023) RECEIVED FOR PROFESSIONAL LOBBYING SERVICES.

PURCHASING MANAGER SPENCER SHAMBRAY explained that the Letter of Interest (LOI) was for Professional Lobbying Services which was issued on August 31st, 2017 and 16 packages were distributed to interested parties. He advised that they received three responses and the staff reviewed those submissions for compliance which were Ronald A. Book P.A., Capital Hills Consultants and Colodny Fass. He said that that the ranked firms would be invited to make a presentation before the City Commission. He asked if the Commission could review the submissions, hear the presentations and possibly rank the firms of 3-2-1. He further explained the procedures of how the presentations would be made and confirmed that the three respective companies had

agreed that as a matter of courtesy, they would not be present whilst they gave their presentations. He explained that currently, they did not have a lobbyist on contract as it expired on September 30th, 2017.

MAYOR RUZZANO explained that there could be a conflict as the organization that scored the highest points may not have the overall consensus of the Commission and asked if they could change the voting pattern from a point system to inserting a name like they would for a Board person.

CITY MANAGER MAY advised that to avoid any conflict of one company scoring the highest points and achieving a majority, they could rank the respective companies 5-3-1.

COLODNY FASS JODIE DAVIDSON said that they were located in Sunrise, Florida and also had an office in Tallahassee. She said that Mike Colodny who was the Managing and Founding Partner and Trevor Mass who was a Partner from Tallahassee Office were both present. She said that they had a terrific clientele which included Broward Teacher's Union, Broward League of Cities, a number of CRAs and Disney but they did not have a municipal clients. She said that she understood the City's issues and that there were no conflicts.

COLODNY FASS PARTNER TREVOR FASS explained that as well as their local presence, they had a strong presence in Tallahassee and that their office was opposite the Capital. He said that they had five additional full time professional lobbyists. He indicated that they spent a lot of their time cultivating their relationships through travelling the state and visiting with house members and senators within their districts. He said that there were two areas he wanted to highlight which was the legislative process such as a Bill filing deadline, an amendment deadline and how committee structures work. He said that he had been lobbying with the firm for 10 years. He explained that the second highlight was that they spent their time developing relationships and had access to the highest levels of government such as the Speaker of House and the President of the Senate. He also said that they represented a couple of Community Redevelopment Agencies (CRAs) in Miami.

COLODNY FASS, FOUNDING PARTNER MIKE COLODNY said that they were honored to be representatives of Disney, Geico Insurance and Wellcare Insurance and that they were good lobbyists and knew what to do, how to deliver for a client and would appreciate the opportunity to serve the City's needs in Tallahassee. He said that as they did not represent a municipality, he would consider it a benefit as they would not have another master to serve in that arena.

VICE MAYOR SCHWARTZ said that there was no department within the Florida government that they had not represented which she found impressive.

COMMISSIONER PEERMAN said that the big issue was Home Rule and said that legislatively, they seem to pick and take away as much from them as they possibly could and asked if there was a way around it.

FOUNDING PARTNER MIKE COLODNY explained that the overriding issue was the cutting of the revenue sources which went to the municipality. He also indicated that through the Florida and Broward Leagues, a more grass roots understanding of those who were affected and what would happen to those services that they may or may not provide.

RONALD A. BOOK P.A. PRINCIPAL RON BOOK introduced his two other lobbyists, Kelly Mollette and Rona Brown and indicated that they had over 90 years experience. He

said that it was the third time they had competed for Margate's business. He said that they had an office in Aventura and their office in Tallahassee was approximately 50 yards from the Capital's door. He stated that his organization had been defined as the hardest working firm in the state Capital and that they were the most effective and respected firm in the appropriations process. He advised that as the City did not have the luxury of time, they should make a decision sooner rather than later as the second set of Committee Meetings were due to start on Monday. He indicated that November 14th was the deadline for house appropriations request to be submitted. He said that they had over 75 projects in the budget and lost nine and indicated that similar firms in that building did not have the same track record they had in for putting items in the budget or in the veto process. He said that on behalf of the City of Margate, it was their job to know all 40 members of the Senate and 120 members of the house.

COMMISSIONER PEERMAN said that she was a fan and that their appropriations were massively impressive. She said that they needed someone who was going to fight for Margate and asked him why he chose their City.

PRINCIPAL BOOK explained that they were in a critical place within the County and he said that Margate was a gateway City. He said that his lobbyists were highly recommended and people players in his firm and that an article would be written about them in one of the Tallahassee magazines. He said that they have an impressive client list and they had represented people for a long time as they provided a good service and professional guidance.

COMMISSIONER SIMONE said that she was very impressed by some of their appropriations and said that she did not know it was possible to get money for some of projects listed such as pedestrian safety improvements, hurricane hardening and elderly meal programs in Dade County which they could use for their Senior Center. She said that Ronald A. Book P.A. was the most expensive of the three firms and asked whether their price was inclusive for lobbying in Washington, DC. She also asked Principal Ron Brook's opinion on inviting Commissioners to Tallahassee to fight for projects that they feel strongly about and let them see the Legislators.

PRINCIPAL BOOK said that he did not believe that DC was a part of the proposal. He stated that Washington DC was not where they considered to be the most effective. He referred to the Ted Deutch grant of \$200,000 and said that earmarks were still not there but there were opportunities in the agency budgets to do things. He said that he spent a solid year getting the Pedestrian Safety Bridges and tunnels. He said that you could not expect them to spend a lot of time in Washington DC as their process was Tallahassee. He said that they needed the Commission to come to the Capital but his goal was not to have them meet with staff but to meet with lawmakers. He confirmed that their fee was all-inclusive and their fees were available all online.

VICE MAYOR SCHWARTZ said that she noticed that they also represented Tamarac and asked if they were both looking for an appropriation for the same thing, how would they weigh that up.

PRINCIPAL BROOK said that they do not play one off against the other as they operate as a law firm.

MAYOR RUZZANO said that he loved his presentation and passion and asked whether more money was accessible for the hurricane.

PRINCIPAL BOOK said that the Speaker had already publically stated that he did not

believe that the Legislature should be appropriating money for anything that was not storm related. He explained that the Senate had already rejected that as there were other needs other than storm related matters. However, he said that he believed the bulk of that money would be appropriated in that arena. He said that many of Florida's cities and counties did not have hardened buildings that could operate as an Emergency Operations Center (EOC).

MAYOR RUZZANO said that the City of Margate did not have an EOC and it would be difficult telling the residents to go to another City if there was a catastrophe.

PRINCIPAL BOOK explained that they got Marco Island funds for a Fire Station last year and had advised them to come in with a second phase that focused specifically on EOC working out of that Fire Station. He said that he would not encourage the City to seek shelter funding. He said that schools were intended for shelters as they were built to a higher building standard than the Florida Building Code. He said that they would prefer to encourage them to focus on two to four projects rather than take on several projects.

CAPITAL HILL CONSULTANTS DAVID SIGERSON advised that he was proposing a joint venture with Candice Ericks and TSE Consulting. He explained that the Commission was familiar with his work especially when he had fought to protect the City's sources of revenue such as the Local Business Tax, Impact Fees and Property Taxes. He said that he had worked for Margate since 2011 and said that he knew the City very well having attended many of the Commission meetings. He said that the Commission was aware of his hard work ethic and how much emphasis he placed on giving Margate his personal attention and treating all of his clients equally. He said between both himself and Candice, they had over 50 years of experience and explained that Tallahassee had become a lot more competitive and partisan and that he thought it was advisable to put together a team..

MS. ERICKS explained that they had combined efforts and put together a team that were Broward based although they had offices in Tallahassee which allowed them to utilize a larger team and they were the governmental arm of TSE Consulting. She explained in detail about how the team members were made up including Jim Scott and she partnered with David Sigerson. She said that she had over 20 years of experience and that they were heavily involved in the Florida League of Cities.

VICE MAYOR SCHWARTZ asked when would they would propose that the Commission should go up and lobby. She also asked where the money would be.

MS. ERICKS explained that it would depend on the situation but they would like to utilize the Commission's time the best that they could. She also advised that it was their job to do the lobbying for them and they would be the face if they need to get in front of somebody if there was an appropriation and policy specific.

CAPITAL HILL CONSULTANTS SIGERSON said that the recent storms, healthcare, education and influx of refugees from Puerto Rico would have an impact on the budget although there would be a pot of money that local governments could access. He indicated that there were hundreds of Trust Funds in the State of Florida.

MS. ERICKS confirmed that it was going to be a joint venture as they worked as a team and that she would be involved 100%. She also confirmed that she and David would be equal partners although they would have their own levels of responsibilities.

COMMISSIONER PEERMAN said that she appreciated their legislative reports and how

they always provided updates and communicated well regardless of whether they were not their clients. She also asked them why they chose Margate.

MS. ERICKS explained that she was born and raised in Broward and indicated that she chose Margate as they were located the same County. She expressed that she cared very much about the cities within the community and that she was excited to be part of a team that would help Broward County.

MAYOR RUZZANO asked how they would handle a situation if they had two clients with different interests.

MS. ERICKS indicated that they had not had that issue and said that in Tallahassee, people were joining forces and were more together and that they were trying to join coalitions. She said that if that did occur, she would act as a mediator and fix the problem locally before it got to Tallahassee. She said that she would also delegate to a team member.

CAPITAL HILL CONSULTANTS SIGERSON said that as he represented multiple cities, they would advocate for both.

PURCHASING MANAGER SHAMBRAY advised that the Commission could make their decision at the meeting or they could make an announcement on when they want to make a decision. He said that the Commission would need to complete forms or alternatively, they could make their decision out loud for the City Clerk to record them.

The meeting reconvened after a short recess.

PURCHASING MANAGER SHAMBRAY thanked the representatives from all three firms and explained that the Commission would make their decision and asked if those teams to vacate the Chambers while they discussed the same. He said that the meeting would then reconvene and they would be able to representatives would be able to see the full record of vote in the result.

MAYOR RUZZANO said that each one of them were incredible and advised that they would go to the 3-2-1 vote.

COMMISSIONER PEERMAN said that she was extremely impressed with Ron Book and believed that he had done some miraculous things. She said that she was also impressed with Candice and David of Capital Hill as they knew them and the area very well and that they had represented them very well when they were in Tallahassee. She said that she would rank Capital Hill first, Ron Book second and Colodney Fass third.

COMMISSIONER CAGGIANO said that he believed that Capital Hill Consultants should be first, Ron Book Second and Colodny Fass third.

COMMISSIONER SIMONE said that she had a different opinion and went with Ron Book first as she believed it was time for a change. She said that Capital Hill would be her second choice and Colodny Fass third.

VICE MAYOR SCHWARTZ asked how long the contract was for.

PURCHASING MANAGER SHAMBRAY said that he would have to look into it but said that it would be for staff to negotiate.

VICE MAYOR SCHWARTZ said that she had followed Ron Book's career for a long time. She said that she would rate Ron Book first and Capital Hill second. She also asked how would they choose the projects.

ASSISTANT TO THE CITY MANAGER, ADAM REICHBACH said they would rely on the lobbyists to let them know where they believe they should put their efforts. He said that water projects had been based on lobbyists' recommendation. He said that in the dollar amount, they had been advised in the past to go for the smaller amount and to provide a match great than 50/50 to leverage.

ANTONIO ARSERIO said that he was thoroughly impressed with Ron Book and said that they needed someone who could command a room and represent Margate to the best of their ability. He said that he did not care for meetings and wanted results.

MANNY LUGO, 1129 EAST RIVER DRIVE said that Book was an amazing advocate.

CITY MANAGER MAY said that he was impressed with Ron Book.

MAYOR RUZZANO said that he would give Ron Book three points, Capital Hill two points and Colodny Fass one point.

CITY MANAGER MAY thanked the lobbyists for attending and submitting their applications. He said that it was a very difficult decision to make but announced Ronald A. Book P.A. as the selected lobbyist for the City of Margate.

PURCHASING MANAGER SHAMBRAY asked for direction for staff as to the negotiation of an agreement with the selected firm, the number of years that they would prefer for the contract, the initial years as well as any subsequent renewals and any information that they would want staff to work on the negotiation of the agreement. He advised that the agreement would be brought back to the Commission at a preferred date for presentation and award.

ASSISTANT TO THE CITY MANAGER REICHBACH said that with the previous agreement, the direction received from the Commission was to extend the existing terms and added an amendment to the current agreement for one year.

MAYOR RUZZANO asked the Commission which contract they would prefer to give to the newly elected lobbyist.

A motion was made by Commissioner Simone, seconded by Commissioner Caggiano, to offer Ronald A. Book a two year contract with a one year renewal.

MAYOR RUZZANO asked Mr. Book how the contract situation worked in other cities which he represented.

PRINCIPAL RON BOOK said that the contracts were usually between three – five years but most of them were rolling contracts. He said that if they were unhappy with their work, they would walk away.

VICE MAYOR SCHWARTZ asked Mr. Book whether he would be comfortable with a two

year contract.

PRINCIPAL RON BOOK said that he was fine with a two year contract with a one year renewal but he would have asked for three years with a two additional one years.

An amendment was made by Commissioner Simone, seconded by Commissioner Caggiano, to offer Ronald A. Brook a two year contract with three, one year renewals. The motion carried by the following vote:

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

Absent: 1 - Commissioner Peerman

The motion carried by the following vote as amended:

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

Absent: 1 - Commissioner Peerman

D. [ID 2017-664](#) REMOVAL OF TRANSIT-ORIENTED CORRIDOR (TOC).

MAYOR RUZZANO explained that a light rail system was originally proposed by the Transit-Oriented Corridor (TOC). He said that there were only three cities on State Road Seven (441) which were involved in the TOC. He said that the disadvantage of introducing the TOC was that they were putting up buildings 10 feet – 15 feet away from the street level and that parking would have to be less than the City's Code. He indicated that TOC was also discussed at a recent Planning and Zoning Meeting. He said that the TOC would not bring any positivity to the City and it would also restrict them from building.

CITY MANAGER MAY said that the benefit would be more liberal zoning than what they had before.

DEES DIRECTOR CHITEPU agreed with the City Manager and said that TOC was more liberal than any other districts they had and in comparison to what they had before and that they could put multiple types of uses in TOC. He explained that as they were more liberal, they could control what went into it by the regulating plan which would include how the buildings were and how the roadways need to look. He said that there were two different things when discussing TOC which were land use and also zoning or the regulatory plan which is known as the TOC district. He said that Coconut Creek had a Regional Activity Center. He indicated that as the plans were done in 2006, it would be a challenge. He explained that each parcel was in multiple blocks under different zoning and when they went to the TOC, they combined everything into three districts which were TOC Corridor, TOC Gateway and TOC City Center. He said that if they went back to what they had before, they would have to get each and every parcel owner and notify them that they were going from TOC back to what it was and indicated that some of the parcel or property owners may not agree as it would be more restrictive. He also advised that there was a risk that the property value could go down. He said that they would need to conduct a research on each respective parcel and it would also depend on whether the

owner would be okay with that and that it would result in one use if they went outside of the TOC. He advised that they should leave the land use at it was and see if they could adjust the regulating plan to address their concerns such as removing the buildings or put them further out, adjust the parking and heights of the buildings. He confirmed that the City of Margate came up with the regulating plan.

MAYOR RUZZANO he said that he had always been told that they could change the TOC plan.

CITY MANAGER MAY said that they would have to conduct further research which Director Chitepu was doing.

VICE MAYOR SCHWARTZ said that she would like to read and understand the regulating plan. She indicated that there were restrictions on the parking spaces at Arbor View but was never advised that they could fix or change those restrictions.

DEES DIRECTOR CHITEPU said that the regulating plan was based on what was in the land use and therefore, they would need somebody to research and see what they could adjust. He said that if they need to make adjustments to the land use, they could go back and amend the policy. He advised that they could reach out to either the South Florida Regional Planning Council or any of the planning consultants and ask them to look at the land use amendment and the regulating plan. He said that he would also ask the Commission to provide them with their vision and consensus, they could summarize and present this report to a Consultant or expert and see what modifications need to be done. He said that although it could be done in-house, it would take a considerable amount of time. He indicated that it was a complex process and advised that there could be repercussions if it was not done properly. He said that there was a policy statement in the Code Plan that states the TOC parking should be more restrictive than the rest of the City.

CITY MANAGER MAY advised that on November 8th, the Treasure Coast Planning Council was coming in to do a presentation for Council of Accreditation (CoA). He also asked the Commission to specify what type of parking they were looking for and said that they had to all work from the same page.

CITY ATTORNEY GONZALES said that they could change the City Code in areas outside the TOC. He said that they could increase the parking spaces for areas around the TOC as the TOC would still be restrictive than the surrounding areas.

VICE MAYOR SCHWARTZ said that similar situations had come up before at a number of different meetings and that it was never suggested that changes could be made.

CITY ATTORNEY GONZALES said that it had been brought up before.

DEES DIRECTOR CHITEPU said that they could set up a Workshop and show what was in the regulating plan and what was allowed and ask the Commission what changes they were looking for. He said that they did not have the expertise and if they took on that challenge, it would be time consuming which would not allow them to do their daily duties.

MR. LUGO read an article from October 2016 from Sun Sentinel on South Florida plan for traffic "we're going to make them suffer". He said that he hoped that they could pass a Resolution to end the TOC. He said that he could not understand why they did not get support from the City's staff in the first place. He explained that they gave them direction which they ignored.

CITY MANAGER MAY explained that their staff was not trying to influence power onto the Commission as they served at the wish of the Commission. He said that they could abandon the TOC but advised it would be a long challenge which could take up to three years. He advised that it may be easier to change the rules and achieve the goals of the Commission by not abandoning what they have which may be acceptable.

COMMISSIONER SIMONE said that they did not have enough information at the meeting to make an educated decision.

A motion was made by Commissioner Simone, seconded by Vice Mayor Schwartz, to schedule a Workshop by middle of November 2017 to get enough information to make an educated decision.

MR. ARSERIO said that Mr. Lugo articulated well on the issue of TOC and said that the majority of the residents were frustrated with some of the developments that were going on. He said that they had also mentioned their concerns about the TOC at a recent P&Z meeting. He said that there was confusion as to whether they were bound to the TOC and said that they should get a legal opinion.

CITY MANAGER MAY said that it was not an agreement and that it was the City's zoning which would need to be changed. He said that this would be discussed at the Workshop.

VICE MAYOR SCHWARTZ asked the City Attorney that once he had seen the regulating document, would he be able to review the Zoning Code.

CITY ATTORNEY GONZALES said that he would do it in consultation with the DEES Director but he would need to know what they were going to change the Zoning Code to. He said getting rid of the TOC was not an issue but it would take a lot of work and changes to what the Commission want to go with it.

MR. LUGO said that they should put a moratorium on any new apartments.

CITY ATTORNEY GONZALES said that it could be done but it would need to be a noticed item on a separate agenda.

The motion carried by the following vote.

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

Absent: 1 - Commissioner Peerman

ADJOURNMENT

There being no further business, the meeting adjourned at 1:32am.

Respectfully submitted,

Transcribed by Salene E. Edwards

*Joseph J. Kavanagh, City Clerk**Date:* _____

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.

DRAFT