



City of Margate

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Meeting Minutes City Commission Workshop

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

Monday, October 30, 2017

3:00 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 Samuel A. May
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

1) PRESENTATION(S)

A. [ID 2017-711](#) 2018 STATE LEGISLATIVE PRIORITIES

KELLY MALLETTE OF RONALD A. BOOK, P.A. spoke about the state Budget. She said that the Senate and the House had very different approaches on how the budget should be done. She explained that the House said that they did not want to do any projects and only wanted to focus on the hurricane whereas the Senate wanted to look at everything and wanted to use some dollars from the rainy day fund but said that the House rejected that offer upfront. She said that the Governor was unveiling priorities every day such as environmental, education and the opioid crises. She said that the House had established a select committee on hurricane preparedness and have had several meetings. She advised that the City should look at what worked and what did not work in the hurricane as to whether there were any policy changes that the state needed to make and whether there was anything in their community that they could have improved upon that would have helped Margate better develop service to their constituents during that time. She said that she believed that there would be dollars available for water projects. She advised that some traditional grant programs were moving forward. She said that legislative attack on Home Rule would continue.

RONALD A. BOOK said that he did not think that any part of the City's home rule powers were safe. He said that they had to watch the Constitutional Revision Commission (CRC) very carefully and indicated that they had a proposed amendment for 60 percent vote to raise taxes and fees at the state level and said that it could have an impact on matters such as the millage rate. He also advised that the CRC had changed a number of referendum requirements. He said that he recently attended an Appropriations Committee meeting where they discussed the Florida Communities Trust (FCT). He advised that the FCT did not have as much money put towards it as they had in the past.

He said that the FCT were primarily used to acquire land for preservation, conversation and park related purposes.

COMMISSIONER ANTHONY N. CAGGIANO asked why they were looking to dismantle the opportunity of small and local government by attacking the home rule.

MR. BOOK said that there were a number of reasons which included less government intrusion into people's lives and that it was an important philosophical policy placed that the majority felt was right. He said that they had seen several situations where government had, in fact, abused people at the local level. He gave an example by saying that in Sarasota County, Delray Beach and Hollywood abolished existing pet store in an effort to curtail puppy mills. He said that a pet store had been in Hollywood for 30 years and was told that they had to close their store within 90 days which could be construed as intrusive. He said that the telecommunications world had been enhancing and had expanded by using the small cell towers due to the cost and that it also broadened the data use. He said that there were a number of multitudes that fed into a philosophy that less was better. He said that by keeping them in a ministerial role such as picking up garbage, filling potholes and cracks in sidewalks and providing money for parks was all that they should do. He said that they were good at breaking the mold and guiding their folks into things that were new and which nobody else had done. He said that local governments would be asking for EOC money and said that he would not discourage that being a part of their package. He said that they would have to have a match and advised that they should be sensitive to the size of their City versus other cities which may also ask. He said that they also represent Marco Island and stated that they were the third or fourth community that got badly damaged by the storm. He said that as Marco Island did not have that many traditional public schools for shelters during the hurricane, they made a proposal to build shelters but they did not think it was something that they could encourage by using EOC funds. He said that although he may discourage something, as a client, it did not mean that they would not give it 150 percent and that they should not advance it.

COMMISSIONER LESA PEERMAN said that aside from the water projects, asked what other suggestions could be made for Margate.

MR. BOOK advised that if the Governor thought a project was too small, it may not make a difference. He said that he would strongly discourage the City from submitting small projects, particularly in the region of \$50,000 - \$150,000. He said that a \$150,000 project would be the same as asking for a \$400,000 project and that they believed in 50 percent matches. He also indicated that they would want them to submit things that had need or were shovel ready. He said that they want to put people to work now so when they were running in office, they could claim that they created jobs and economic opportunity. He said that at times, they do get frustrated by the veto process as sometimes, inconsistent messages get to the Governor but they said that part of their job was to avoid the inconsistency. He said that the Speaker would be focused on storm reparation as he would not be criticized if they did something from a health/safety welfare perspective.

MAYOR TOMMY RUZZANO asked how they would prevent the generator system problem that occurred in Hollywood. He said that he was concerned about the water levels during storms and hurricanes and said that it caused erosion on the seawalls. He said that he would like to see some money for City projects to beautify the waterways which could create jobs and bring up the house prices which would generate more taxes into the City.

MR. BOOK said that they could also do projects that related to seniors which were

priority such as a senior meals program or something with juveniles with prevention. He said that 14 people were killed in the senior home in Hollywood due to the generator problem. He said that several Bills had been filed which included a nursing home, adult living facility, mandate generators and five days of fuel. He said that there was a Regulatory Bill by Senator Farmer that may not get heard. He also advised that there was a third Bill that was introduced by Senator Garcia which had some components of generator and power tied to it which was a more favorable Bill by the industry. He also indicated that it was always easier to kill a Bill than to pass it. He said that concerning generator power, one of the reasons that derailed the process when the Bill ran years ago was due to a lack of a plan to help fund the installation of the generators. He said that businesses should be responsible for meeting basic necessities of their business operation as they got hung up on grants and what percentage of a purchase would do. He said that the House did not necessarily believe they should be paying for generators for private business. He said that they should be providing some level of incentivisation of getting generators into buildings that had necessity operations. He indicated that there would be four more meetings of the House Select Committee on hurricane preparedness and evacuation and advised that those meetings were in place to testify and to be heard. He also indicated that they may do some things with seawalls as there were other communities that had the same issue. He said that they had to understand the difference between the Water Management District (WMD) canals and those canals that the City owned or maintained. He said that one of the least recognized funding entities outside of the legislator was the WMD and East Inland Navigation District (EIND). He said that in addition to the stormwater, he would not discourage them in putting together a canal and embankment project.

VICE MAYOR ARLENE R. SCHWARTZ said that she lives near the C-14 canal and had seen 15 feet of the bank erode and asked why they had not done anything on her side of the canal.

COMMISSIONER PEERMAN said that South Florida Water Management District (SFWMD) was the reason why the canals and seawalls were messed up. She said that the canals used to be higher in Margate but the SFWMD decided to lower them.

MR. BOOK said that he needed to understand the history and asked how much money they would need.

CITY MANAGER SAMUEL A. MAY said that they received funding through the National Resources Conversation Service (NRCS) for the canals for Hurricane Wilma. He said that they had applied for NRCS for the trees which were in the canals from Hurricane Irma and that they were going to return to do a Damage Survey Report (DSR) for the canal banks. He said they received \$3,000,000 for Hurricane Wilma which was a 75/25 cost share. He asked Mr. Brook if the state would do a cost share match with the NRCS.

MR. BOOK said that it was worth asking and that he would encourage them to write a letter to the SFWMD reminding them of their responsibility and the damage and for the opportunity for them to make a substantially similar claim to the NRCS. He advised that he should also send a copy of the letter to Representative Jacobs, Senator Thurston, Book and everyone in Senate and House delegation and also to call Representative Jacobs and other Senators to have a conversation. He said that when they go to Tallahassee, they should discuss the canals. He asked if FEMA would assist with funding.

CITY MANAGER MAY said that FEMA would only provide funds if they were not available elsewhere. He also advised that the NRCS were yet to obligate funds for Hurricane

Harvey.

COMMISSIONER PEERMAN said that the bank rebuilding was a great project but did nothing for the people who were on East River and West River Drive as they were concrete walls and the residents did not have the money to repair them.

CITY MANAGER MAY indicated that if the damages were storm related, they may be able to get the NRCS to step in. He also advised that as they were privately maintained walls, the City Code did not allow that.

COMMISSIONER PEERMAN advised the City Manager that they should go out in boats and take pictures.

CITY MANAGER MAY referred to other turnkey projects and suggested stormwater rehabilitation repair project where they could ask between \$500,000 - \$1,000,000. He said it was a 10 year pipelining project for corrugated metal pipe and that they were putting \$250,000 per year. He said that they were also doing a similar project with the Sanitary Sewer Pipes which were going to be lined.

MR. BOOK said he was nervous about submitting more than two that were water related. He advised that as a group, they could decide their best four projects and then refer them to them for review and they would decide which two would have the best chances of getting approval. He also reminded them that they would need to submit them by the end of that week in a project form.

CITY MANAGER MAY also mentioned Fire Station 58 as a turnkey project which was estimated at \$5,000,000.

MR. BOOK said that if it was a \$5,000,000 project, they should give them between \$950,000 - \$1,000,000 as it would show that the City was putting in the bulk of it.

CITY MANAGER MAY read a quote from Florida Statute 419.001, Section 2, pertaining to the Community Residential Homes and asked whether there was anything that would bring that back to them.

MR. BOOK said that they would not see them repeal that.

CITY MANAGER MAY asked whether there was a financial benefit to the City to have a Marijuana Dispensary.

MR. BOOK said that he did not see the economic value to it. He said that if the surrounding cities prohibited them and the City allowed them, it could serve as some form of an anchor or magnet to attract people in. He said that local governments may prohibit but if one city was allowed, they could not make their zoning laws more restrictive than what they would be for locating a CVS, Walgreens or a Publix pharmacy. He said that they could change the zoning for citing a retail pharmacy and then those restrictions would apply to anybody who applied to locate a Medical Marijuana Treatment Centers (MMTC) if they believed that they had all the drug stores in their City that they wanted. He said that he was yet to see a cannabis Bill filed although he would expect over the next 10 years that every legislative session to have a cannabis Bill introduced.

COMMISSIONER PEERMAN asked whether they should consider sponsoring the Law Enforcement Special Assessment (LESA) Bill again for 2018.

MR. BOOK said that if it was a fee, they should forget it. He said that they could speak in favor of it if the Bill got heard. He said that he saw nothing that added new fees or taxes.

COMMISSIONER PEERMAN asked about the Community Redevelopment Agency (CRA) Bills and said that a lot of the CRAs were sunsetted. She said that Broward County would not renew any CRAs and had a lack of information on what a CRA was or did.

MR. BOOK said that the County had less than full knowledge of what CRAs did. He said that one of the problems was that all CRAs were not created equally and that they did not do the same things. He said that it was too early to tell, but that a major CRA Bill would eventually pass.

COMMISSIONER PEERMAN said that Broward County wanted the CRAs to do procurements similar to what the cities do and that they wanted to volunteer people on Boards.

MR. BOOK said that the House did not want non-elected people controlling those decisions. He said that the volunteers were not in a majority position to drive or dictate the direction of the CRA. He said that the House leadership did not believe that those volunteers who served on a CRA were accountable to the public.

COMMISSIONER PEERMAN said that Boards had to be accountable and that CRA Boards that were appointed with volunteers were not accountable to anyone. She said that CRAs were not under the Broward Office of the Inspector General (OIG).

COMMISSIONER JOANNE SIMONE asked about solar power and lights for school zones. She also asked about limiting the age for people buying fireworks.

MR. BOOK said that he had not seen what was going to be filed on solar. He said that all of the power companies were under fire and was unsure how much input they could play in the solar side. He said that he liked that idea. He said that the mandate would be fought by the School Boards, League of Cities and the Association of Counties. He said that for the age limit on fireworks, the Bill passed and the Senate regulated it. He said that he spoke to the industry on the issue and was part of a group that negotiated a freeze on everything between cities, counties, fireworks spokesman and fire marshals. He said that the Bill which was originally filed two years ago but had been picked up by Greg Steube. He indicated that they want to open it up and broaden it such as bringing in more buildings and tents to sell more aerals. He advised that the 18 year old provision was not in the Bill. He said that they were proposing to do the opposite of what Commissioner Simone was asking for which would make the industry and the world of fireworks far more dangerous. He stated that the bulk of people got injured by sparkler products and not aerals. He said that the form was spoken to in rule and not in statute and that they do not prescribe what the form had to say. He said that companies that sold aerals used forms for their own respective purpose. He said that he encouraged them to put something more in statute.

COMMISSIONER SIMONE asked about forcing developers to pay for putting in underground lines into new developments.

MR. BOOK said that as far as requiring new developments, going forward, he did not know where the debate was going to go and also if power companies would foot the bill and put it into rate bates. He said that the Senate's position on storm issues was that

the Committees of Jurisdiction was taking testimony and was hearing and speaking to those issues. He said the K-12 Committee was hearing testimony about shelters.

MANNY LUGO, 1129 EAST RIVER DRIVE asked what would happen to the money from the Bill which terminated the CRA and reverted it back to the City.

COMMISSIONER PEERMAN said that the money leftover had to go back to the taxing districts such as the City, County and the hospital districts.

MR. BOOK concurred with Commissioner Peerman and said that it was required to go back to those entities. He said that the most complicated issue was that if you sunset and questioned what you would do with the indebtedness that a CRA may have incurred. He said that many years ago, they abolished certain types of healthcare districts which were sunsetting. He said that he had concerns that they had got rid of CRAs and that the general fund had to pick that up.

VICE MAYOR SCHWARTZ said that when the Bill passed, it allowed for Charter Schools to be set up at any place and location that they chose to without asking any cities approval. She said that as an example, a Charter School could be built in a middle of a shopping center.

MR. BOOK said that that issue related to Academica and Charter Schools USA but he was unsure if it was in 70-69. He indicated that 70-69 was the Bill that got unveiled on the 60th day of the legislative session.

VICE MAYOR SCHWARTZ said that prior to that Bill, they had enacted an Ordinance that if a Charter School wanted to start up in the City of Margate, they had to allow the same amount of acreage as a regular public school. She then advised that when the Bill was enacted, the state decided that the City had no input and that they lost their right of control.

MR. BOOK elaborated on the 70-69 Bill and said that it changed the public policy in the K-12 system and was the greatest change since Jed Bush's original Charter School Bill. He said that the Bill changed what Charter Schools were intended to do and that he said that they were never into raid PICO dollars. He advised that there were a number of school districts that had sued the state, Speaker and the Senate over the Bill. He said that he was recently in a meeting with the Superintendent of Schools for Miami Dade, five of their nine sitting School Board members together with the Speaker and was hoping that there could be a small possibility to make a Bill to make some changes which could possibly happen within a year.

VICE MAYOR SCHWARTZ said that she wanted a lemon law for the air conditioning industry.

MR. BOOK said that warranties were supposed to be regulated by the Office of Insurance Regulation (OIR). He also asked the City Manager to forward all information on their request for a pedestrian crossing, pedestrian lights and deaths that had occurred on State Road 7 between Atlantic Boulevard and Margate Boulevard. He said that would be a long time project.

MAYOR RUZZANO asked about Bill SB-140 which was the end of Child Marriage.

MR. BOOKS said that he was aware of that Bill. He said that it was called statutory rape if you were under the age of 16. He said that the Bill would pass. He indicated that

anything that had already been on a Committee Agenda was assumed that it would pass. He said that he assumed that the City Manager together with his organization had the authority to move forward collectively.

The Commission concurred.

MR. BOOK said that he hoped they found it to be productive and helpful and they could do it frequently as they wanted to do it.

VICE MAYOR SCHWARTZ asked his advice on when they should go to Tallahassee.

MR. BOOK advised that they should go the first two weeks of session.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:16pm.

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.