



City of Margate

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

Meeting Minutes Regular City Commission Meeting

Mayor Joanne Simone
Vice Mayor Tommy Ruzzano
Commissioners:
Joyce W. Bryan, Lesa Peerman, Frank B. Talerico

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

Wednesday, May 20, 2015

7:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

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

Commissioner Bryan was present via conference call.

PLEDGE OF ALLEGIANCE

ID 14-1036 GIRL SCOUT TROOP 10570, TROOP LEADER KATHLEEN MARTINEZ

1) PRESENTATION(S)

- A. ID 14-1130 "CELEBRATE 60!" CAKE CUTTING CEREMONY
- B. ID 14-1114 "LUNGS AT PLAY" (presented by Girl Scout Troop 10570)

Mayor Simone took a consensus to proceed with placing the "Lungs" at Play signs up at the park. The consensus passed by the following vote:

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

A motion was made by Commissioner Lesa 'Le' Peerman, seconded by Commissioner Frank B. Talerico, that the signs be placed in all of the parks and be paid for from the Resident Project Fund.

COMMISSIONER PEERMAN suggested that the sign read, "Thank you for not smoking. Lungs at Play", because she felt "No Smoking" was breaking the law.

KATHLEEN MARTINEZ explained that they were still working with a company called Road Safe Traffic, who might donate at least one sign if not more, as well as the poles and brackets. She added that she spoke with Gwen at Vinylot who quoted \$225 for one sign, and that with more signs ordered, the bigger the discount would be.

COMMISSIONER PEERMAN said that if the motion passed, the City would pay for the signs.

MAYOR SIMONE recommended that the Girl Scout Troop 10570 be placed at the bottom of the sign.

VICE MAYOR RUZZANO questioned what appeared to be a Florida Statute.

CITY ATTORNEY EUGENE STEINFELD said that it was not a Florida Statute number and Florida pre-empt's Cities from varying or regulating Tobacco outside. He stated that under the Florida Law, Tobacco products were specifically allowed outside; therefore, to say there was no smoking, it was prohibited or a tobacco free zone would be an improper recitation of the Law.

VICE MAYOR RUZZANO mentioned that at Butterfly World he noticed a sign that said "Healthy Lungs at Play, Tobacco Free Zone, Broward County."

CITY ATTORNEY STEINFELD reiterated that it was not a Tobacco free zone, because under State Law Cities and Counties could not declare something a Tobacco free zone. He said that if the County did not attempt to enforce it, there might not necessarily be harm, unless a smoker received a citation.

VICE MAYOR RUZZANO thanked the Girl Scouts for their presentation, which he felt was great. He agreed that it should be at all parks.

An amendment was made by Vice Mayor Tommy Ruzzano, seconded by Commissioner Joyce W. Bryan, that the signs be placed on all public property.

COMMISSIONER TALERICO asked for clarification as to where the signs would be placed.

VICE MAYOR RUZZANO felt that the signs could go everywhere, and agreed with placing signs on CRA property and in front of City Hall.

CITY ATTORNEY STEINFELD mentioned Florida State Statute 403.413, which was the Anti-Littering Statute.

VICE MAYOR RUZZANO suggested putting the State Statute on the signs.

CITY ATTORNEY STEINFELD reiterated that if the sign indicated that you could not smoke, the law underneath would say that you cannot litter.

COMMISSIONER PEERMAN said that she would not regulate air. She felt that if government regulated air they would regulate everything. She felt that Martin County and

Broward County were lying to their residents, because they passed the ordinance for "No Smoking" when the State did not support that.

VICE MAYOR RUZZANO said that the signs were being put up but not enforced.

COMMISSIONER PEERMAN said that the signs could not be enforced.

VICE MAYOR RUZZANO said that the City could lead by example and have the sign read, "Young Lungs at Play, Please do not smoke."

COMMISSIONER TALERICO felt that the signs should first be placed where the kids were and possibly have additional signs added later.

VICE MAYOR RUZZANO said that he was against people smoking on public property. He felt that having a smoking area was not leading by example.

COMMISSIONER PEERMAN stated that if people wanted to smoke, it was their decision and government should not be telling people they could not smoke some place where they pay taxes. She said that she would abide by the signs out of respect for the Girl Scout Troop; however, she did not agree with having signs on public property saying, "No Smoking." She reiterated that it was not the government's job to govern air.

AMY RUSSO, a resident, stated that her daughter had asthma. She understood people having the choice to smoke; however, her daughter did not have a choice and had to use her inhaler if out in public and someone was smoking. She added that her daughter recently lost her Grandfather to smoking. She said that people had the choice to stand out front and smoke; however, she should have the choice as a Mom to take her daughter somewhere and not worry about her asthma.

ARLENE SCHWARTZ, former City of Margate Mayor/Vice Mayor, suggested a compromise. She noted that she never smoked and had an asthmatic son; however, she respected people's right to smoke. She suggested starting with what was being requested. She suggested getting the public input via the water bill, website and newsletter.

BARRY TARBET, a resident, said that his daughter was a Girl Scout. He mentioned the littering issue with the cigarette butts, lighters and matches. He said that the issue was not just the smoking, but what the consequences were around people smoking in the parks and public facilities. He spoke about losing relatives from second hand smoke and cigarette butts in the sand at the playground area.

DR. BARRY HEMMEL said that he worked with the Girl Scouts and commended them on their presentation. He stated that he worked in tobacco prevention for a long time. He noted that he had a non-profit organization that did a lot of tobacco prevention. He mentioned a survey he did in February to look at ballot issues to remove preemption from the Clean Indoor Act and make State parks and beaches smoke free at the State level. He noted that there was 70 percent support among the general population; however, he could not get the legislature to move on it. He said that what he was now doing was to try to work around that to protect kids. He stated that as a Pediatrician, he knew the biggest issue was secondhand smoke; however, he added that social norming was most important. He said that if there was a sign requesting that someone not smoke and that person smoked in front of the sign that sent a different message to the kids, because people were doing what they might not be supposed to be doing. He stated that if there were no signs, children would just think that was what adults do, which sends the wrong

message. He commended the City for adding the signs in the parks and playgrounds and liked the step of going further; however, he felt that the City should move slower into that.

COMMISSIONER PEERMAN stated that for over seven years she attempted to get ashtrays and garbage cans so there would be no cigarette butts in the parks. She noted that it took an arm and leg to get them put at the baseball field.

COMMISSIONER TALERICO said that he smoked 15 years ago, developed cancer and was cancer free now. He felt that the City should start with the parks first and then discuss having them in all public places, because public places was everywhere. He noted that he could go along putting signs in specific public places in the future. He said that stating, all public places, was not definitive enough.

COMMISSIONER BRYAN stated that as a Respiratory Therapist, she agreed with Commissioner Talerico. She did not want to take away from the girls tonight; therefore, the Commission should give them what they came for and then when there was an opportunity they could proceed in steps.

Commissioner Bryan withdrew her second on the amendment to the motion.

An amendment was made by Vice Mayor Ruzzano, to put "Young Lungs at Play, Thank You For Not Smoking and Littering" on the signs and add the Florida Statue, and place the signs in public places and parks, which died for lack of a second.

An amendment was made by Vice Mayor Ruzzano to add the word littering and include the Florida Statute on it to make it binding, which died for lack of a second.

MAYOR SIMONE agreed that someone from the City would be able to coordinate the placement of the signs.

The original motion carried by the following vote:

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

MAYOR SIMONE agreed that someone from the City would be able to coordinate the placement of the signs.

- C. ID 14-1127 MARGATE FIREFIGHTER'S BENEVOLENT PRESENTING 2ND SCHOLARSHIP AWARD TO BROOKE BOSWELL.
- D. ID 14-1128 RELAY FOR LIFE DONATION (Presented by the Margate Chamber of Commerce)
- E. ID 14-1139 LEGISLATIVE UPDATE (presented by Representative Hazelle P. "Hazel" Rodgers)

for District 95)

STATE REPRESENTATIVE HAZELLE ROGERS, District 95, provided a legislative update. She congratulated the City on its first Bill and on its 60th Birthday. She explained that during this Legislative Session, a number of State tests were eliminated, because tests should not be so hard or challenging. She spoke to the children in the audience and informed them about Civil Citation, which meant a second chance for getting in trouble. She noted that it was optional in Cities and was not mandated, but those wishing to participate could do so across the State. She mentioned the Body Cameras on the Police Officers and noted that there was concern about having under age children on the camera when the Officer was in the school. She said that in order to protect the children's rights and privacy and the rights and privacy of their parents, legislation was looking into ways to make sure the process was fair. She explained that those individuals in the film should be able to obtain them; however, people not in the video should not have rights to it without going through the courts. She stated that there were 227 Bills were passed throughout the House of Representatives and the Senate, and she expected most to be approved by the Governor and not vetoed. She said that the major concerns between the House of Representatives and the Senate Budget had to do with Health Care. She noted that the Medicaid expansion was \$4 billion dollars apart; therefore, it was decided to go back June 1st to pass the Budget. She said that by September the Cities will know what their allocation was so they could pass their Budgets. She thanked the City Commission for their support, for visiting and for the support from the Lobbyist. She introduced her Staff. She explained that the State decided not to fund the incentive that the State would contribute to the Enterprise Zones in the current Budget proposals. She mentioned meeting with another Representative to obtain support for keeping the funding to be able to offer those incentives to the businesses that need it.

MAYOR SIMONE thanked Representative Rogers and commended her on all the work she did for Margate.

COMMISSIONER TALERICO asked when Representative Rogers was going to tell legislation that 75 percent of the people in the State voted for Everglades Restoration and mentioned the mis-funding.

*****RECESS FOR CAKE AND REFRESHMENTS*****

The meeting reconvened following the cake and refreshments.

ATHLETE OF THE MONTH

F. ID 14-1146 BASEBALL: ANTHONY ADAMS, 5 YEARS OLD
(Margate Pony Elite Baseball and Softball, Shetland Tigers)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

sessss ID 14-1142 DOUGLAS DOETHLAFF, FIREFIGHTER/PARAMEDIC - FIRE DEPARTMENT -
SG. 15 YEARS

PROCLAMATION(S)

H. ID 14-1141 EMERGENCY MEDICAL SERVICES WEEK - MAY 17-23, 2015 (presented to Dan
Booker, Acting Fire Chief)

- I. **ID 14-1151** NATIONAL PUBLIC WORKS WEEK - MAY 17-23, 2015 (presented to Sam May, Public Works Director)

2) COMMISSION COMMENTS

COMMISSIONER PEERMAN mentioned the City's Branding, "Together We Make It Great", and spoke about a resident, Mildred Lester, who heard about the Paradise Gardens Three break-ins and discussed them with the Police Chief Dana Watson. She said that because of her conversation with Chief Watson, a Crime Alert Workshop was being held at Paradise Gardens Three. She noted that Fire Chief Dan Booker would also be present to discuss Hurricane Preparedness and Safety. She stated that the Workshop was on Saturday, May 30, 2015, at 10:00 a.m. She thanked Ms. Lester for being part of the City. Commissioner Peerman announced that June 6, 2015, at 5:30 p.m. to 8:30 p.m. was the final Sounds at Sundown, and that the Margate Intergenerational Volunteer Band would be playing. She suggested that everybody come out and see how the children came together and do an incredible job.

COMMISSIONER TALERICO stated that the City had been inundated for the past several years with jaywalking especially around the major intersections. He said that there were a few fatalities and mentioned Lauderhill where citations were given to residents for \$85, which he felt was very expensive. He wondered if the City could give courtesy warnings and trying to educate the residents about the dangers of jaywalking. He said that in Miami-Dade County individuals could pay their water bills online electronically. He questioned whether the City could go paperless with the water bills.

COMMISSIONER BRYAN stated that she was calling in from California. She thanked Becky and Rick of the Chamber of Commerce for their hard work and for the donation to the Relay for Life event. She also thanked everyone who was involved with the National Day of Prayer, which was a great success. She congratulated the Emergency Medical Services (EMS) for doing a great job, as well as Public Works for their great work. She mentioned State Representative Rogers and testing, and said that she met someone on her trip who was a Structural Engineer; however, she tested very poorly in Math and Science. She said that she would be back in the City on Monday for the Memorial Day Services.

VICE MAYOR RUZZANO mentioned prior discussions about hiring people that live in Margate. He noted that there were currently some positions open in Margate with some qualified people. He said that Margate was a close knit town and hiring from within helped morale. He mentioned prior discussions during the RFP garbage proposal meeting and hiring people from Margate, which he reiterated that it was good for morale of the City. He congratulated Parks and Recreation Director Mike Jones and his wife on the birth of their son.

MAYOR SIMONE stated that the Community College was going very well and she thanked the residents for attending. She also thanked Staff for their hard work in educating the residents. She noted that a resident spoke to her this evening about how much she enjoyed the Community College. She hoped that the next session would be standing room only. She said that she was proud of the City and the great job that was being done by the City and the employees who were working hard.

3) PUBLIC DISCUSSION

EDDIE DECRISTOFARO, 6600 Brandywine Drive South, said that he was a Community Champion for the Relay for Life. He thanked City Clerk Joseph Kavanagh for the

awesome job he did. He also thanked the City for their input and support. He thanked the residents of Margate and Coconut Creek, because without them there would not have been such a wonderful experience raising the amount of money that was raised. He noted that donations could still be taken until August 31, 2015.

ROSALIND SCHIRALDI, 363 Rock Island Road, present representing Palm Lakes, stated that she was made Chairperson of the new Committee, Liaison to the City. She said that she was meeting with the City Manager, Police and Commissioners on June 2, 2015. She noted that items to be discussed at the meeting were security Police protection and the Golf course. She said that she heard Mr. Nathanson had the Golf course back and that it would be going for auction. She stated that Palm Lakes wanted to know if that was true, how much it would cost and whether they should buy it.

VICE MAYOR RUZZANO stated that he wanted to meet with Palm Lakes. He said that he spoke with some of the people involved in Palm Lakes Three regarding the possibility of the City purchasing and maintaining the land; however, those individuals looked at me like I was crazy.

MS. SCHIRALDI said that it was previously a possibility, which fell through for whatever reason. She clarified that she heard it was going for auction, and that the original owner had it again.

CITY ATTORNEY EUGENE STEINFELD explained that anybody who purchased the property was doing that blindly, because the property was not anything usable and was an environmental issue as it was filled with Arsenic. He stated that the purchaser of the property would have to keep it as a passive park or remediate it, which would cost hundreds and hundreds of thousands of dollars. He said that if the City purchased the park, it might cost very little; however, the maintenance cost was the issue. He added that as soon as the property was purchased, Broward County Environmental was going to require a remediation if doing anything with the property, unless just putting up a fence and not allowing anybody to use it. He stated that the property was basically an eyesore.

VICE MAYOR RUZZANO expressed concern with somebody purchasing the property and remediating it, which was why he wanted the City to have control of it.

CITY ATTORNEY STEINFELD said that the property was zoned for a Golf course. He stated that somebody purchasing the property would have to come to the City to get it rezoned. He said that Mr. Nathanson split it from one parcel to two parcels. He noted that the auction sold the back portion to a New York Bank, who thought they bought the whole property. He stated that they were able to get a rescission of the purchase and now it was back to Mr. Nathanson. He explained that it would go back out to auction and hopefully, someone like a New York Bank would purchase and maintain it, which the City will force them to do. He stated that once the property did not make money as a Golf course it started to be a headache for Palm Lakes and for the City. He said that if the City purchased it, it would cost hundreds and hundreds of thousands of dollars to maintain it. He reiterated that it could not be used as a park, and the City tried to get a grant from Broward County; however, it had to be remediated. He noted that get the property to park status would have taken at least a million dollars. He added that if the property was sold, the City of Margate had over a million dollars in liens on that property; therefore, the City did control it. He stated that it did not make sense to buy the property due to the maintenance and the Arsenic that would prevent anything being done with the property.

VICE MAYOR RUZZANO questioned why somebody else would buy the property.

CITY ATTORNEY STEINFELD said because someone would see over nine acres and buy it. He stated that like the New York Bank, they would then find out they bought a maintenance problem.

MS. SCHIRALDI asked whether Margate could take the property over and give it to Palm Lakes.

CITY ATTORNEY STEINFELD said that Margate could take it over; however, Palm Lakes' maintenance was going to increase.

VICE MAYOR RUZZANO asked whether they could just keep it and maintain it without remediation.

CITY ATTORNEY STEINFELD said that Palm Lakes needed to spend time with Broward County Environmental Regulation. He explained that if the City purchased the property a fence would have to be installed to prevent people from walking on it.

VICE MAYOR RUZZANO asked why there was no fence now.

CITY ATTORNEY STEINFELD explained that because it was the same owner, the fence would not be required; however, if the City purchased the property, it could be left alone but would need the fence around it.

VICE MAYOR RUZZANO said that the best thing to do was to somehow acquire the property.

MS. SCHIRALDI questioned whether the Arsenic levels were still as high as it was back then.

CITY ATTORNEY STEINFELD felt it was not; however, it should be checked with Broward County Environmental. He noted that Broward County had a case against Nathanson Shell Corporation, the purchaser and owner, because it was supposed to be remediated and Mr. Nathanson did not do anything. He said that Broward County found out it was a corporation and they could not go after him individually. He stated that because it was not being maintained, the City went after Mr. Nathanson individually. He noted that Mr. Nathanson had a mortgage, which was not an arm's length transaction, but was another corporation; therefore, Mr. Nathanson claimed that the mortgage took precedent over the City's million dollars in fees. He stated that the City agreed that Mr. Nathanson would let the property go into foreclosure and allow the City's fees to take precedent over his mortgage. He noted that whoever purchased the property at foreclosure, the City's fines survive. He stated that if the City did not want something on the property, it could be foreclosed at any time, but the City would be purchasing an eyesore. He further explained that he spoke with Keith Poliakoff about the property and he did not seem to want to be able to maintain it.

COMMISSIONER PEERMAN stated that Palm Lakes asked for the fence to be put up. She clarified that the City wanted to make the property a park with the County's help. She said that Palm Lakes said the City could make it a park, but it had to have a fence all around it, and they could only park in a certain area. She noted that Palm Lakes wanted to regulate what time the park could and could not be open. She said that it was Palm Lakes that was in conflict with the owner of the Golf course, because at one point, the owner of the Golf course was giving the property to the City. She stated that the owner only wanted was the two acres in the front to make a building. She explained that Palm

Lakes, the City and Mr. Nathanson could not come together.

CITY ATTORNEY STEINFELD explained that the problem was that Mr. Nathanson was willing to give the property to the City, and the City did not want it and would turn it over to Palm Lakes. He said that Palm Lakes did not want it and said that the City could maintain it. He noted that the City said that it could not maintain it. He added that the City had over a million dollars of park money to purchase the Golf course for about \$350,000 before Mr. Nathanson got involved. He said that the owner of the Golf course, when it was a Golf course, sold it to Mr. Nathanson, who wanted the City to pay something like \$700,000. He noted that the City still had County money to purchase the property; however, to bring the property up to the grade to get the money for parks from the Broward County Grant, would have taken a million dollars for rehabilitation. He stated that it did not pay. He noted that the City even hired an Environmental Attorney who did a cursory determination and agreed it would take between \$500,000 and a million dollars to rehabilitate the property.

COMMISSIONER PEERMAN said that she questioned the area, because she felt it would make a very good passive park, which could be made on a Golf course; however, you could not make a baseball or football field or something where people would be in the grass. She added that if digging, the Arsenic would have to be remediated. She said that there were ways of getting rid of the Arsenic, such as with plants. She noted that the plants sucked up the Arsenic. She noted that the property was also located in the Community Redevelopment Agency (CRA) District. She stated that if the City mulched and added walking paths or anything that did not require digging, the Arsenic would not be as big of an issue.

CITY ATTORNEY STEINFELD reiterated that the City needed to speak with Broward County and that whoever purchased the Golf course would have to spend hundreds of thousands of dollars to simply keep it the way it was. He stated that if Palm Lakes wanted the property, they could purchase it and maintain it. He said that the previous problem was when Mr. Nathanson wanted the front of the property to put a building on, but he refused to maintain the back of the property.

COMMISSIONER PEERMAN said that discussion was prior to 2008, and there had not been any recent discussions, except for her asking to obtain the park. She said that nobody found out what could be built there or what it would cost since 2007 or 2008. She stated that the Arsenic was not the same as it was, and she knew of other Golf courses that had been changed into passive parks. She reiterated that there was a plant that sucked up the Arsenic. She also reiterated that if it was a passive park and there was no digging, the Arsenic was not as big of an issue.

VICE MAYOR RUZZANO asked whether the County could be called to determine what could or could not be done.

CITY ATTORNEY STEINFELD stated that if the City purchased the property it would have to serve a public purpose.

VICE MAYOR RUZZANO said that the purpose would be a passive park. He felt that if the front parking lot was taken out and the area was grassed, it would be hard to park and walk the park. He said that the public purpose to have it was to make sure they were safe in the future, and that there was nothing to be built on the property that was not wanted.

CITY ATTORNEY STEINFELD said that there would be an issue as to whether that was

a public service, because Palm Lakes was a condominium.

COMMISSIONER PEERMAN stated that there was also the issue that the front two acres were rezoned and sold to someone else. She said that she thought it was rezoned for an office building.

CITY ATTORNEY STEINFELD said that he did not think it was rezoned; however, Mr. Nathanson divided the property in two, the front and the back. He stated that there were two folio numbers. He noted that a mistake was made and the New York Bank that purchased the back portion thought that because of the folio number, they had purchased both the front and back. He said that allowed their attorney to go into court and get a rescission. He noted that the County had to vacate the sale putting it back to Mr. Nathanson. He understood that it would be sold for back taxes sometime in August or September, and that whoever purchased it might not realize what they were buying at the foreclosure because the background was not done. He stated that the bidding would take place and would be low and would provide the right to maintain the property.

MAYOR SIMONE said that the City would check with Broward County to determine what could or could not be done.

ARLENE SCHWARTZ, former City of Margate Mayor/Commissioner and 33 year resident, stated that she had a pet issue with regard to the Florida State Statute that said when the windshield wipers go on, the lights go on. She said that nobody enforced this Statute, but was all over the highways. She suggested that the water bill have the Statute on it, and that it be included on City vehicles. She also requested that the City keep sending the water bill, rather than receiving the bill electronically. She remembered that when she was on the Commission, Palm Lakes was adamant about knowing how the City was going to Police it so that when sundown came young people weren't there, drugs weren't being exchanged and cigarettes were not being smoked. She said that if the City was going to purchase the property and remediate it, the City would have to determine how to Police it and how to shoo young people away. She added that there were other condominiums and homeowner's associations that abut land similar to this land and would say if you do it for them what would you do for us. She stated that while the City was here to provide services for the residents, they could not be everything to everybody.

MAYOR SIMONE asked to have the statement added to the water bill and the City Manager agreed.

RICH POPOVIC, 6066 Winfield Boulevard, stated that the Commission had no shame. He mentioned money missing from the Alzheimer Center. He mentioned former Vice Mayor McLean and Vice Mayor Ruzzano. He said that Judy McKeone, Arthur Bross and the City Attorney were responsible for the Palm Lakes issue that could have been solved years ago. He asked whether the EMS was getting an increase tonight.

COMMISSIONER TALERICO noted that money was not missing; however, the money was owed to the City.

COMMISSIONER PEERMAN reiterated that the money was owed and not missing. She suggested that a Public Records search be done for the Alzheimer Center 2013 audit that was given to the City in 2015, which stated that the center owed the City \$300,000. She clarified that she did not previously say all of the Commissioners knew, and that the Commissioners did not know until the City Manager informed them.

VICE MAYOR RUZZANO asked whether the \$300,000 was in the City's account,

because it if was not he considered it missing. He stated that the Alzheimer Center said they did not owe the City that much.

COMMISSIONER TALERICO questioned whether all of the revenues were in for 2015/2016.

CITY MANAGER DOUGLAS E. SMITH said most likely not.

COMMISSIONER TALERICO said that the money was not received yet; however, it was owed and was not missing.

COMMISSIONER PEERMAN apologized to the Mayor for directing her comments to other Commissioners; however, she did not agree because she felt it was the only time the five Commissioners had the ability to have a discussion.

VICE MAYOR RUZZANO stated that he found out about the Alzheimer Center money a week before the meeting; however, it was going on for years. He was not previously made aware of it. He said that when he first came to the City as a Commissioner he sat for 16 hours with Mayor Simone to obtain training for Commissioners; however, this was never brought up. He felt he should have been told right away. He expressed concern with other things popping up.

COMMISSIONER PEERMAN stated that she found out a week before, as she believed all the Commissioners found out at that time. She said that the Commission found out when the discussion of canceling the contract arose. She stated that Vice Mayor Ruzzano was not the only one who heard about it the last minute. She said that it was being discussed as if it were a conspiracy; however, the Commission knew about it at the same time. She stated that every week she asked the City Manager the status, which the City Manager was forthright about answering. She stated that if people needed someone to be responsible, she would accept responsibility and the buck stopped here.

4) CONSENT AGENDA

No items on Consent Agenda.

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH provided an update as follows:

- The Memorial Day Ceremony will be held at 9:00 a.m. at Veterans Park on Monday, May 25, 2015, and there will be a
- Re-dedication of the new statue to replace the vandalized Fallen Soldier statue. The new statue was re-installed and the re-dedication ceremony would be held on Monday, May 25, 2015.
- On tonight's Agenda was an item pertaining to donating the repaired statue.
- The Celebrate 60 event was held at 5:00 p.m. at the Sports Complex on May 30, 2015. Anyone interested in the ceremony at the beginning should arrive by 5:00 p.m., which was when people will have the opportunity to share memories and photos of the past. There would be games, bounce houses, music, food, a photo booth and old and new photos to be viewed. A movie, "Back to the Future" would be shown at 8:00 p.m., which goes back to 1955, when Margate was founded.
- CERT training would begin on May 30, 2015. Those interested could contact Edward DeCristofaro, the City Manager's office or Fire Headquarters. The training was a 5 week class for preparing citizens on responding and surviving disaster.

- The Northwest Focal Point Senior Center (NWFPSC) was holding a summer Health Expo on June 24, 2015, from 9:00 a.m. to 1:00 p.m., which would be a family-type event. Hurricane preparedness information would also be provided.
- The City of Margate was a partner City in the Better Buildings Challenge and was given the opportunity from the Federal Department of Energy to participate in a recognition event being held at the White House. Margate is a partnered community in the program for reducing energy consumption. Director of Economic Development Ben Ziskal was going to be representing the City at the event.
- Broward County Board of Rules and Appeals recently had a meeting where they voted to approve a Uniform Building Application Form to become mandatory on April 1, 2016. It would have the opportunity for supplemental application information that the City could attached.
- The Salvation Army was holding their Clothing Drive at City Hall if a consensus was received. Consensus was given to proceed. Other City facilities could be added in June.
- Has Grant Application Support Letters for each Commissioner for the Broward Metropolitan Planning Organization (MPO) Regional Complete Streets Initiative, which was a Federal Transportation Grant. The grant being applied for was Transportation Investment Generating Economic Recovery (TIGER), which would leverage existing local funds for constructing bicycle and pedestrian facilities, providing transportation connections, promoting safety throughout the Broward Region. It was building upon the MPO's Complete Streets Initiative that was committing \$100,000,000 of funds over the next 5 years for constructing bicycle facilities and sidewalks in Broward County. Consensus was given to proceed.

COMMISSIONER BRYAN asked whether the Salvation Army Drive box was only to be placed in City Hall or in other departments as well.

CITY MANAGER SMITH said that the boxes could be placed at various departments throughout the City.

- The City was still in negotiations with the Alzheimer Family Center. It would come back before the Commission at an appropriate time. He noted that based on the end of March numbers, the City had 61 percent of the General Fund Revenue was in.

6) RESOLUTION(S)

- A. ID 14-1147 APPROVING APPOINTMENT OF _____ AS CITY COMMISSIONER TRUSTEE TO THE EMPLOYEE BENEFIT TRUST FUND FOR THE TERM OF JUNE 1, 2015, UNTIL MAY 31, 2018.

Resolution 15-044

A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that Mayor Joanne Simone be appointed. The motion carried by the following vote:

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

- B. ID 14-1144 AUTHORIZING THE RECLASSIFICATION OF ONE POSITION WITHIN THE ECONOMIC DEVELOPMENT DEPARTMENT.

Resolution 15-045

A motion was made by Commissioner Peerman, seconded by Commissioner

Bryan, that this Resolution be approved. The motion carried by the following vote:

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

- C.** ID 14-1057 APPROVING THE ACQUISITION OF A TRAINING SYSTEM FROM MEGGITT TRAINING SYSTEMS, INC. (MTSI); PROVIDING FOR GSA SCHEDULE GS-02F-0414D PRICING; DECLARING THE OUTDATED MEGGITT SYSTEM, INVENTORY CONTROL NO. 10990, AS SURPLUS TO THE NEEDS OF THE CITY; AUTHORIZING THE ADMINISTRATION TO UTILIZE THE OUTDATED MEGGITT SYSTEM AS A TRADE-IN TOWARD THE PURCHASE OF THE NEW SYSTEM; PROVIDING FOR A TRADE-IN VALUE OF \$9,483.00; PROVIDING FOR FUNDING FROM THE LAW ENFORCEMENT TRUST FUND IN AN AMOUNT NOT TO EXCEED \$32,000.

Resolution 15-046

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

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

- D.** ID 14-1101 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, APPROVING ADDENDUM TO THE STATE EMERGENCY MEDICAL SERVICES (EMS) COUNTY GRANT FUNDING AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE ESTABLISHING THE CITY OF MARGATE AS A PARTICIPATING AGENCY IN ORDER TO RECEIVE MASS CASUALTY INCIDENT (MCI) EQUIPMENT/ACTIVE SHOOTER EQUIPMENT

Resolution 15-047

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

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

- E.** ID 14-1121 A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MARGATE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Resolution 15-048

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

vote:

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

- F. ID 14-1137 A RESOLUTION APPROVING THE SOLE SOURCE PURCHASE OF REPLACEMENT PARTS FOR THE TELEMETRY SYSTEM FROM DATA FLOW SYSTEMS IN AN AMOUNT NOT TO EXCEED \$26,000.00 FOR THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES; PROVIDING FOR SHIPPING.

Resolution 15-049

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

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

- G. ID 14-1138 A RESOLUTION APPROVING THE PURCHASE OF WORK ORDERS/FACILITY MANAGEMENT SOFTWARE FROM SUNGARD PUBLIC SECTOR, INC, PROVIDING FOR APPROVAL OF WAIVING OF BIDDING BASED ON SOLE SOURCE IN AN AMOUNT NOT TO EXCEED \$50,730.00.

Resolution 15-050

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

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

- H. ID 14-1126 APPROVING COLLECTIVE BARGAINING AGREEMENT WITH THE FEDERATION OF PUBLIC EMPLOYEES FOR THE PERIOD FROM OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2017

Resolution 15-051

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

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

- I. ID 14-1145 APPROVING A TWO AND ONE-HALF PERCENT (2.5%) COST OF LIVING (COLA) AND SALARY RANGE ADJUSTMENT, FOR THE PERIOD FROM OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015, FOR ALL NON-BARGAINED FOR PERSONNEL (INCLUDING PART-TIME AND SENIOR MANAGEMENT).

Resolution 15-052

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

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

J. ID 14-1149 APPROVING SURPLUS AND DONATION OF THE REPAIRED FALLEN SOLDIER STATUE TO THE AMERICAN LEGION POST 157

Resolution 15-053

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

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

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

A. ID 14-1091 CONSIDERATION OF SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY 2014/2015 FOR JASMINE THAI AND CHINESE RESTAURANT.

Resolution 15-054

MAYOR SIMONE explained that Section 286.0114 of the Florida State Statutes provided that discussion from the public was not required on this item. She provided the definition of an affected party.

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

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

B. ID 14-1129 APPROVING A SPECIAL EXCEPTION USE FOR AUTOMOBILE SALES LOCATED AT 891 NORTH STATE ROAD 7.

Resolution 15-055

MAYOR SIMONE explained that Section 286.0114 of the Florida State Statutes provided that discussion from the public was not required on this item. She provided the definition of an affected party.

CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.

MAYOR SIMONE asked that any Commissioner that engaged in ex parte communications regarding this Quasi-Judicial Agenda item disclose that information. She explained that the communication included City Commission discussions with all interested parties, including the tenant, petitioner or City Staff, as well as any visitations to the site being discussed shall be disclosed.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that this item was a consideration of opening a new Automobile Sales location at 891 North State Road 7. He noted that this particular property was located within the Transit Oriented Corridor

(TOC) Land Use and was also located within a TOC Zoning District. He stated that the TOC Zoning District allowed Automobile Sales as a special exception; however, there were a number of items that must be taken into consideration when reviewing on an individual basis. He explained that the particular TOC District being discussed tonight was located directly between the Margate City Center and the Atlantic and 441 Gateway District. He added that the property was also directly abutting a residential property. He stated that Code Compliance required that any Automobile Sales be at least 100 feet from a residential property; however, in this case it is directly abutting a residential property. He noted that this particular location was also part of the Redevelopment Plan for the Margate Community Redevelopment Agency (MCRA) to promote walkable transit oriented development and to move away from auto oriented development, which an Automobile Agency clearly was auto oriented. He explained that as a special exception in a Corridor District there are a number of other Corridor Districts within the City that this use may be more suitable for. He stated that Staff found that this particular proposal was not consistent with the Margate Community Redevelopment Plan nor to the Margate Comprehensive Plan; therefore, Staff recommended denial of the application.

CITY ATTORNEY EUGENE STEINFELD asked what specifically this item was contrary to in the Comprehensive Plan.

DIRECTOR ZISKAL replied that both the CRA Plan and the Margate Comprehensive Plan stated that no additional stand-alone auto oriented uses shall be located within the TOC. He noted that these were both auto oriented and it was designed in suburb and auto oriented mindset or development pattern; therefore, neither components met the goals, objectives and policies of the CRA Plan or the Comprehensive Plan. He explained that the petitioner asked to show some graphics tonight that were not in the backup and were not presented to Staff. He said that he and the City Attorney reviewed them for content to make sure they were appropriate for the public meeting. He asked that the Commission take consensus to enter that evidence into tonight's discussion.

CITY ATTORNEY STEINFELD explained that the evidence in a Quasi-Judicial Determination was not covered strictly by the Rules of Civil Procedure; therefore, you could rely on something that was prepared specifically for this meeting. He noted that he and the City Planner reviewed it and saw no problem with it.

CONSENSUS TO ENTER THE EVIDENCE PASSED 5-0.

CHRIS GEAR, Petitioner, KD Auto Sales, said that he was born and raised in Margate and planned to remain in Margate. He stated that he owned KD Auto Sales located at 5284 NW 15th Street. He explained that he had a second location in the City of Lauderdale Lakes and would like to expand in the City of Margate. He stated that at the Development Review Committee (DRC) meeting, one person denied the item, but not everyone else denied it. He said that he wanted to sell premium used vehicles at an affordable price. He noted that he was one of the only dealers in Margate that did not charge dealer fees and had a wholesale price for the public. He stated that most dealers charged 29 or 30 percent by Law and re-possess your car in one to two days after it was sold and payment was not made. He noted that his dealership was cash only, with no dealer fees, which was for everybody and not just employees. He showed pictures and explained that at the DRC, it was said that within 100 feet of a residence. Mr. Gear said that within a half mile to a mile from the area he wanted to purchase, which was a used car dealer at one time. He stated that every single dealership was 10 to 20 feet from a residence, which he showed on a slide. He explained that at this location there was approximately 23 parking spaces; 10 in the front. He added that he was in the process of buying classic cars also, which are offered at our other location and are \$50,000 to

\$60,000 classic cars from the 60's and 70's. He said that in his opinion, that would be a great look for the City of Margate Downtown. He said that there were handicapped parking spaces and there was actually a location south of the building that was used for car washing. Mr. Gear stated that he currently presented a letter to the Police Chief to allow us to wash their vehicles, because he understood there was a location in Coral Springs that washed the City vehicles. He said that he would also be offering a discounted rate for detailing vehicles. He proceeded to show the slides with 14 to 15 spots in the front, and that there was a space for washing vehicles at the south end. Mr. Gear explained that 891 North State Road 7 was the address being discussed. He showed the front and side view, which indicated a vacant building behind it. He mentioned the apartment building just to the Southwest, which he felt needed to be redone. He showed an aerial view of the building, which was approximately 75 feet from the building. He then showed a slide of Alpha Motors, which opened within the last couple of years where Anything on Wheels, was previously located. He showed pictures of how close the homes were to other dealerships. He added that the location was not being purchased for vehicle repairs and was strictly used vehicles that would be affordable for the residents. He said that he would greatly appreciate their consideration.

COMMISSIONER PEERMAN said that all the properties, except for Alpha Motors, were here before the TOC and were grandfathered in. She stated that Alpha Motors was a special exception because one of the plans, possibly the CRA Plan had no used car lots along 441. She said that the residents wanted them to be approved for the special exception as it would provide jobs; however, now the original owners were gone. She noted that it had to be a car lot until it was vacant for six months and then the special exception disappeared. She said that it was allowed because it was so far north of the Downtown area.

MR. GEAR understood; however, he felt that the City was not allowing a small business to succeed because of something that was going to take place. He asked when the Downtown would actually take place.

COMMISSIONER PEERMAN said that the City was not stopping a small business from advancing and clarified that the reason the ordinance was made was because the City did not want a car shop there.

MR. GEAR noted that there were three car lots in town, and Alpha Motors was not grandfathered in.

COMMISSIONER PEERMAN said that Alpha Motors was a special exception. She believed that a mistake was made with Alpha Motors, which was Anything on Wheels previously. She noted that residents came in and voiced their opinion wanting the City to let the small businessman come to Margate. She said that the City helped the owner and then he disappeared. She added that there were other dealers at that location prior to Alpha Motors.

COMMISSIONER TALERICO said that he had no problem with having Alpha Motors where it was; however, having Mr. Gear's place stated that the petitioner wanted his shop in the middle of the CRA District. He added that it was not conducive to the City's Plan. He said that the City's plan was to enhance Downtown and this did not belong there. He agreed that it belonged in Margate, but not at the location discussed. He asked what would happen if the other car lots changed hands and had to come back to the City again. He questioned whether they would lose their zoning designation.

CITY ATTORNEY GENE STEINFELD stated that any use would have to be out of

business for six months to lose the non-conforming status.

MR. GEAR asked whether the City planned on building over the building.

COMMISSIONER TALERICO said that it was not the City's building, but the City did not want a car lot in the CRA Plan. He stated that the building would remain and the Hair Salon was there so it would remain; however, car lots were not conducive to the City's future.

JUAN CARLOS, owner of 891 State Road 7, said that he lived in Coral Springs, but had previously lived in Margate for six years. He agreed with Commissioner Talerico that he purchased the building when it was in bad shape; however, he turned it into a Hair Salon. He stated that at one point he had approached the CRA to see what he could do about fixing it up further, but was told they could do nothing for him. He then put the business up for sale. He stated that for six years he had a for rent sign next door to him; however, the building was inhabitable as it was not taken care of. He explained that for four years he looked at a bank and was here to express his discontent with Margate for the last six years. He noted that a Check Cashing Place in a Downtown was not allowed. He understood development and progress; however, it was not happening. He felt that Mr. Gear was coming in with a great project and a great idea that will enhance the area.

MAYOR SIMONE stated that the City was not saying that Mr. Gear was not wanted, but the business was not wanted in this particular location.

COMMISSIONER TALERICO said that he did not recall Mr. Carlos coming in front of the CRA Board.

MR. CARLOS said that he did not go in front of the CRA Board; however, he spoke with people upstairs to see what could be done. He stated that he was trying to beautify the greens. He mentioned that the City had a project going on, but the business had to spend over \$50,000 to get City help.

COMMISSIONER TALERICO asked how many used car lots Coral Springs had.

MR. CARLOS stated that there were many Check Cashing Stores; however, he did not know about car lots.

COMMISSIONER TALERICO said that car lots were not conducive to University Drive. He questioned how much Mr. Carlos was selling his property for.

MR. CARLOS said that the contract was for \$800,000. He noted that he just found out that 601 Melaleuca Drive was sold to an Assisted Living Facility (ALF) and he asked for an assessment of the ALF, which he felt was dirty and would not beautify the area.

CITY ATTORNEY STEINFELD read the resolution for denial into the record.

A motion was made by Commissioner Frank B. Talerico, seconded by Commissioner Lesa 'Le' Peerman, to approve the resolution denying the Special Exception. The motion carried by the following vote:

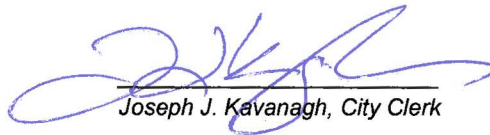
Yes: 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Transcribed by Carol DiLorenzo



Joseph J. Kavanagh, City Clerk

Date: 7/23/15