



# City of Margate

5790 Margate Boulevard  
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## 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**

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**Wednesday, July 8, 2015**

**7:00 PM**

**Commission Chambers**

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### **CALL TO ORDER**

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

#### **In Attendance:**

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

### **PLEDGE OF ALLEGIANCE**

**ID 14-1205** CUB SCOUT PACK 836, COMMITTEE CHAIR STEVE SMITH

### **1) PRESENTATION(S)**

**A. ID 14-1218** LEGISLATIVE UPDATE BY DISTRICT 95 REPRESENTATIVE HAZELLE P. "HAZEL" ROGERS.

*STATE REPRESENTATIVE HAZELLE ROGERS provided a legislative update. She commended the children receiving awards. She said that Legislation passed a \$78.7 billion dollar Budget. She mentioned some major projects that Margate wanted included; however, almost all local projects were vetoed. She said that the representatives felt downtrodden, but would go back earlier than expected; therefore, the City was doing things earlier in order to provide direction for priorities for 2016. She stated that the representatives would be going back to Tallahassee for session in January instead of March. She said that a lot was being invested in the ports because as the loads got heavier dredging was needed. She questioned whether Margate had a Foreign Trade Enterprise Zone, because if so, after working with Broward College there was money stuck in their Budget, which could be used for educating the businesses in the Foreign Trade Zones and the Enterprise Zones. She stated that the representatives fought very hard so as not to lose all of the relationships or commitments and incentives inherent in the Enterprise Zones throughout Broward County. She stated that local government could still offer incentives in those zones, but the State decided not to fund it. She added that the State did extend those that were in contracts to continue through 2018. She said that following that, there would be no funding from the State, unless there was new leadership that believed in incentives for local government and partnerships with local government and the State. She noted that of the \$78.7 billion dollar Budget, \$19.3 billion dollars was*

for Education; \$32.9 billion dollars was for Health Care; \$4.7 billion dollars was for Juvenile Justice and the Criminal Justice System; and Transportation and Economic Development was the third largest silo of the State Budget at \$12.3 billion dollars. She stated that Amendment 1 was passed with regard to Agriculture and Natural Resources; therefore, some things were funded; however, there would be no substitutions that the State would normally do and to just use the doc stamps that was voted for. She said that it should be new money. She stated that she was happy to serve the City and spoke about two Bills she personally liked. She mentioned the Right to Try Act, which allowed terminally ill patients to access experimental drugs that had been through phase one clinical trials that were still pending Food and Drug Administration (FDA) approval. She said that there were a lot of challenges with the Assisted Living Facilities; therefore, some amendments were made. She added that it also allowed for workers in those facilities to be able to help someone with certain things like stockings, blood pressure and insulin. She stated that now, by Law, they were permitted to do so.

**B. ID 14-1215 LEGISLATIVE UPDATE BY CITY LOBBYIST DAVID SIGERSON**

CITY LOBBYIST DAVID SIGERSON provided a report in a spreadsheet showing Margate priorities and Bills that were supported and proposed. He explained that under the current Ethic's Law there was some serious questions regarding whether or not a public body, such as Margate, with a Lobbyist or even if advocating for anything, was allowed to give anything to the Legislature. He said that Representative Rogers and Senator Braynon passed a Bill that created an exception that would allow a public body such as Margate, to allow a public elected official or representative use a public facility without it being a violation of the Ethic's Law. He clarified that if Representative Rogers wanted to have a Town Hall meeting in Margate, she would be allowed to do so. He agreed with the Law because he felt that the Ethic's Law went too far. Mr. Sigerson spoke about the Legislative Session and said that each session took on a character of its own. He stated that the Medicare Expansion discussion sucked the air out of the room and this was the fewest number of Bills passed in experience. He added that it lead to situation where there was no Budget for sixty days, which meant that special sessions were needed. He added that the Governor only had a few days to view the Budget to decide what he wanted to veto. He explained that the reason so many things were cut was because \$461 million dollars of cuts were cut from the Budget. He noted that the cuts took only four days, and that the representatives had more luck defeating bad Bills, than they did getting Bills that they liked passed. He hoped next year would provide more time for lobbying the Governor's office. He mentioned the Genetically Modified Organism (GMO) Bill that did not get a hearing, though Senator Ring tried. He stated that the Communication Services Tax Bill was killed, although part of it was resurrected in the House Tax Package, which did not cause Cities to lose any money. He said that if there were any questions or interests, please notify the City Manager who will forward them to me. He said that he would then provide more information about any questions. He mentioned that the Affordable Housing Trust Fund was funded again at a higher level of about \$7.5 million dollars more than the previous year. He reminded everyone that about four or five years ago it was zeroed out, because all of the money was spent on other things. He noted that last year was the first year where he felt he could honestly say it was near fully funded, which was a big victory for local governments in general. He thanked the Staff and that the Commission who came to Tallahassee to meet with the Legislation to impress the importance of local government did a good job.

COMMISSIONER PEERMAN acknowledged that State Representative Hazelle Rogers came to Margate's Fourth of July celebration. She also thanked Mr. Sigerson.

COMMISSIONER BRYAN also thanked both Representative Rogers and Mr. Sigerson for the quick learning process she received in Tallahassee.

*MAYOR SIMONE recognized former Mayor, Vice Mayor and Commissioner was in the audience.*

- C.     ID 14-1229     COMMUNITY SERVICE AIDE PATRICIA RIZZO CIVILIAN OF THE MONTH FOR MAY 2015
- D.     ID 14-1226     SERGEANT ASHLEY MCCARTHY AND POLICE OFFICER ERIC WOMER - OFFICERS OF THE MONTH FOR MAY 2015
- E.     ID 14-1213     CERTIFICATE OF COMPLETION OF THE ADVANCED INSTITUTE FOR ELECTED MUNICIPAL OFFICIALS TO COMMISSIONER JOYCE W. BRYAN.

#### **ATHLETE OF THE MONTH**

- F.     ID 14-1212     BASEBALL: JAYDEN TORRES, 7 YEARS OLD  
(Margate Pony Elite Baseball and Softball, Margate Pinto Allstars)
- BASEBALL: BRYCEN PLANTE, 6 YEARS OLD  
(Margate Pony Elite Baseball and Softball, Margate Shetland Allstars)

#### **FOURTH OF JULY PARADE FLOAT PRESENTATIONS**

*MAYOR SIMONE presented the awards for the Fourth of July Floats as follow:  
Best Overall for the Business Category - Busy Brothers  
Best Overall for the Non Profit Category - Model "A" Restorers Club  
Best Overall for the Family Category - Lee & Sheri Rosen (Santa and Mrs. Claus)*

#### **EMPLOYEE RECOGNITION FOR YEARS OF SERVICE**

- MARK HALE, FIREFIGHTER/PARAMEDIC - FIRE DEPARTMENT - 15 YEARS (WAS NOT IN ATTENDANCE)*
- G.     ID 14-1206     ANTONIO CARECCIA, POLICE OFFICER - POLICE DEPARTMENT - 25 YEARS
- SCOTT DEDI, POLICE SERGEANT - POLICE DEPARTMENT - 25 YEARS
- WALTER GRIEVE, POLICE OFFICER - POLICE DEPARTMENT - 25 YEARS
- CHARLES KONECKE, POLICE LIEUTENANT - POLICE DEPARTMENT - 25 YEARS
- MATTHEW WHITESHIELD, FIRE CAPTAIN - FIRE DEPARTMENT - 15 YEARS
- MARK HALE, FIREFIGHTER/PARAMEDIC - FIRE DEPARTMENT - 15 YEARS

RICARDO ALMEIDA, TREATMENT PLANT OPERATOR - DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES - 15 YEARS

RUTH ANGEL ANNABEL, CUSTODIAN - PUBLIC WORKS - 10 YEARS

## 2) COMMISSION COMMENTS

COMMISSIONER PEERMAN congratulated the PONY Elite Baseball Teams for their accomplishments. She noted that the Pintos and Shetlands were going to Louisiana for the Pony World Series and the Broncos were going to Texas for the Zone Tournament. She asked for a consensus to give each team \$500 from the Resident Project Fund to assist with their trips.

COMMISSIONER RUZZANO noted that last year one team was going to Texas and one team was unsure; however, the team going was given \$5,000 and the other team received \$1,000. He stated that following the Orlando trip, the team was informed that they needed to get money. He said that it was tough to raise \$20,000 to \$30,000 on your own and to get the kids in shape for the trip as well. He noted that when at these tournaments, nobody knew where Margate was; however, after the teams were done and won, everybody knew Margate. He said that he was proud to say that he was the Vice Mayor of Margate. He stated that the kids worked as hard as the Soccer kids and he felt that the City should help them out. He said that last year the team came back with the Championship after receiving \$5,000, and he felt that the two teams going to the World Series should be given \$5,000 each.

COMMISSIONER PEERMAN noted that there were three teams.

VICE MAYOR RUZZANO clarified that only two teams were going to the World Series. He stated that as of last week the City had \$27 million dollars in unsecured and secured funds, and that two percent raises were given out every year to employees when some did their job correct and some do not. He felt that the kids were branding Margate; therefore, he felt that \$5,000 each should be given to allow the kids to win the championship and put Margate on the map.

COMMISSIONER PEERMAN stated that the money was from the Resident Project Fund and she felt that \$10,000 from the Fund was a lot to be giving to the Baseball Teams. She said that she was looking for a consensus for the \$500 for all three teams. She noted that there were three teams traveling, and that the Broncos did win and were part of the PONY Elite Baseball Team. She again asked for a consensus for the \$500 each from the Resident Project Fund. The consensus carried by 5-0.

COMMISSIONER PEERMAN noted that Coral Springs was able to have their Blue Law repealed, which allowed them to sell beer and alcohol before noon on Sunday. She wanted to have Margate look into that. She also wanted the City to look into the citations for the Marijuana arrests to provide information to come back to the Commission to discuss. She noted that if Broward County did that, it might cover all of the Counties. She wished everyone a happy Fourth of July. She wished the Baseball Teams good luck and wished everyone a great summer.

COMMISSIONER TALERICO congratulated the Baseball Teams. He thanked Director of Parks and Recreation Mike Jones, Public Works and the Police and Fire Departments for the work they did on the Fourth of July. He said that the fireworks were fantastic and it was a great evening with great music and food trucks.



- *COMMISSIONER BRYAN congratulated and thanked all the City employees and departments that helped with the Fourth of July parade. She said that the parade was outstanding and the hot dogs were good. She said that the Steel Band at Calypso Cove was great, as well as the Fireworks. She sent her condolences to the City Clerk Joseph Kavanagh, who's Grandmother Arlene Bush, a resident of Margate for 25 years, passed away at 89 years old. She congratulated her Pastor who celebrated 24 years yesterday. She congratulated the Baseball Teams.*

*VICE MAYOR RUZZANO stated that the Fourth of July celebration was great. He commented that there were supposed to be more food trucks this year. He said that he was told there would be 15 to 20 food trucks; however, there were only 9 with one hour waiting. He suggested fixing that for next year. He mentioned the upcoming Budget Workshops and hoped everyone attended. He stated that Margate was fiscally secure and he asked everyone to come out and voice their ideas. He said that he would like to see the Directors bring a wish list to the Budget Workshops. He stated that he read in Margate News that Windmill Park was spending \$2.5 to \$3 million dollars to redo the park in Coconut Creek. He said that was what Margate was missing. He mentioned that they were putting in a dog park and redoing their parks. He stated that the Baseball Team had to travel thousands of miles to have tournaments because they could not be at Margate fields. He said that the Margate Teams were the Champions; therefore, the other teams should come to Margate. He said that the City wanted to make Margate a destination where people came to. He explained that the tournament in Texas there was 125 teams in one weekend. He said that hosting a tournament was a great way to bring people to Margate. He hoped the City could get with the League to determine how to fix the problem so maybe next year Margate could host the tournament and bring the money to Margate. He mentioned a League Pitcher Josh Smith who lived in Margate and was pitching against the Marlins. He added that Joshua Fogg who came through the league and was currently a professional Baseball player. He said that the fields needed to get up and going. He reiterated that last year the Commission gave \$5,000 to the team.*

**A motion was made by Vice Mayor Tommy Ruzzano, seconded by Commissioner Joyce W. Bryan, to give an additional \$4,500 to each of the two teams on their way to Louisiana.**

*COMMISSIONER BRYAN asked where the money would come from.*

*VICE MAYOR RUZZANO asked if there was only \$1,500 in the account.*

*CITY CLERK JOSEPH KAVANAGH stated that in the General Contributions Account there was currently \$1,500.*

*VICE MAYOR RUZZANO asked whether a Budget Transfer could be done. He noted that this was the last year because the policy was changing next year, and that contributions would be capped out at \$10,000 with \$1,000 per donation.*

*JIM GARGIULO, Margate PONY Elite Shetland All Star Team, said that he was a Margate Coach and took one of the teams last year. He stated that he was representing all of the teams that represented the City of Margate. He appreciated Commissioner Peerman's contribution. He remembered a similar conversation that took place last year. He noted that he was at the City's Birthday Party and the Fourth of July event trying to raise funds. He said that both teams also stood in front of Publix and Winn Dixie. He noted that last year the cost was \$30,000 for all the teams to go. He said that the children and the coaches worked hard and he asked that both teams receive the \$5,000.*

He noted that they leave in two weeks for Louisiana. He stated that they would work hard and find the money to go to represent the City either way.

COMMISSIONER PEERMAN said that she made a lot of donations to all three teams and to the Go Fund; however, she felt that the \$10,000 was too much money from the City.

CHRIS WILDROUGHT, Margate PONY Elite Pinto All Star Manager, agreed with Mr. Gargiulo's comments and noted that the children had already traveled wearing Margate across their chest everywhere they went. He said that both teams were phenomenal and were undefeated and would go to Louisiana one way or another to represent; however, any of the City's help would be appreciated.

MATT KNEMEYER, President of Margate PONY Elite Baseball and Softball League, stated that there were three teams that need help because the League was non-profit; however, the League was paying the gate fee for all three teams, which was over \$500. He added that the League was also giving \$250 to each team. He said that he was involved for 12 years and had 9 years as President of the League. He stated that fundraising was not easy anymore because of the recession. He stated that the children were our future and what they will remember in the next 30 days of their life would be incredible. He said that some parents would have to use multiple credit cards, take out loans and go into debt to make this once in a lifetime opportunity happen. He asked the City could do a little better for all three teams to put Margate on the map.

BOB GARGA, new Margate resident, noted that he was Treasurer on the Board of Directors at Palm Springs III Condominium and was also on the Board of Trustees at First United Methodist Church. He said that through his corporation, he sponsored a Connie Mack Team in Michigan that won the World Series in Framingham, New Mexico. He added that they also came in second one year and four members became professional Baseball players; Vern Ruhle and Keith Miller. He noted that for the 10 years he was involved sponsoring, 74 players got full ride college scholarships. He said that Baseball was something more than a game. He stated that the players on the Connie Mack Team were scouted in Little League and the better the Little League Team, the more opportunities they had for education.

RICH POPOVIC, 6066 Winfield Boulevard, stated that he did not believe in giving any money to charity. He stated that his children were involved in sports and his daughter was on a traveling team and received a Black Belt in Taekwondo, which he said meant, "Take your Dough." He said that sports were expensive; however, he was not sure coming to the City asking for money was right. He felt that once the precedent was set everyone would come to ask for money. He mentioned that Mr. Garga spoke about giving from a private corporation, which he felt was where the funding should come from rather than from the public. He stated that he was sympathetic to the children and felt that each of the Commissioners could donate \$1,000 each, as well as from the City Attorney who made \$300,000 a year. He stated that the Commission was being paid by taxpayer money, which they could redirect.

MITCH PELLECCIA, 6890 NW 9th Street, said that he did not have children playing Baseball. He said that it was most gracious of Commissioner Peerman to make the motion, and that the Baseball League was very thankful for the contribution; however, when mentioning \$15,000, he suggested looking at what money was spent on in the past. He mentioned the amount of money spent on the Consultant for the Parks and Recreation Master Plan, which was probably over \$100,000. He said that \$15,000 was just a drop in the bucket with regard to the lives it would impact. He said that it could

also help retain people in the City, because we now had an out migration of young people and families. He said that they grow up in Margate, go to college, but then do not come back. He added that Baseball was a gateway to scholarships, and that it was a great way for young men and women to grow their character and education while thinking about their City in a positive light. He stated that the children were very impressionable and that it was the perfect time for the City to embrace them and provide support. He stated that not one taxpayer would miss the \$15,000. He also noted that there were many children on the Baseball teams that were children of the City Staff. He felt that it might be the best \$15,000 the City ever spent on the children, families and City Staff, which he said was worth it.

NICOLE COLLINS, 1625 SW 16th Court, said that they were asking for the help, but that regardless of what the City gave the children were going. She said that the two undefeated teams were sweeping other teams away and those teams were asking where Margate was. She stated that practicing took away from fundraising and a lot of children come from split families whose parents were working or going to practice every day. She said that with practicing every day they would probably win. She felt that if the teams won people would say that the World Series should be at Margate's fields because Margate was redoing their parks. She said that the children were promoting the City and the views on Google for the Margate Baseball were over 30 billion in the past month. She felt that the Commission should go out of their way to fund the teams and said that they should think about what they spent on the Fourth of July with sound systems and Fireworks, which could have been cut to provide for the teams.

TROY CHASE, 6453 NW 20th Court, stated that 14 years ago he asked the City for money for his Khoury League Team for Nationals. He said that Commissioner Talerico was present back then, and that the Commission gave them \$2,500. He noted that the team won the National Championship. He said that he was now a Coach with his grandson and needed the Commission's help. He noted that four of the children from the past team got college scholarships playing Baseball.

NORMAN GRAD, 7460 NW 18th Street, suggested having the teams reach out to corporations. He said that various corporations like Waste Management or the big development called Toscana being built on U.S. 441, could be approached for adequate funding. He noted that the corporations had the money and would be more than happy to sponsor the teams.

ANTHONY CAGGIANO, 7856 NW 1st Street, said that he recently read an article that stated, "Margate taxpayers paid big bucks for canceled school projects." He read that renovations at Margate Middle School and Coconut Creek High School never got off the ground and that the taxpayers would be stuck paying \$829,892. He said that the Broward County School Board voted to close contracts and paying the tax regardless. He stated that he did not know how much of that money would come out of the Margate Pool, but that money was gone and nothing was received for it. He felt that there was an opportunity to have Margate's name spread across the Country with the teams. He added that it was something positive to do with the money. He felt that they should be given the money to bring home a World Series Championship. He said that as Champions, they were re-branding the City, and that the City needed to do whatever was in their power to keep having Margate's name out there.

MAYOR SIMONE stated that she did not feel that Margate was less proud of the children or their accomplishments because they were not given as much money as they want. She mentioned children who went to college or who received good grades, and felt that if nothing was given to them, they would not think they were less appreciated and supported

*because they did not give them anything. She stated that Margate was supporting the children, and that \$5,000 was above and beyond what should be contributed. She felt that there were other ways to make this money, such as asking parents asking for donations at work. She suggested that the Baseball Teams start a Collection Fund before the season began in case there was a championship and putting that money aside. She said that this was the responsibility of a parent takes on when signing up their child to play Baseball. She stated that making sure that any possible tournaments would be funded was the responsibility of the parents. She felt that it was not the City's responsibility to fund the money. She said that the City did not appreciate the children any less and did appreciate what they were doing for Margate. She stated that the City could support the children by coming out to watch them play and not only by the amount of dollars spent for you.*

COMMISSIONER PEERMAN stated that she felt bad about not taking a salary so that she could give money to the people when they came in for things like this.

**An amendment was made by Commissioner Lesa 'Le' Peerman, seconded by Commissioner Frank B. Talerico, to raise the contribution from \$500 per team for two teams to \$1,000 per team for three teams to come from the Resident Project Fund.**

COMMISSIONER PEERMAN said that she wanted to see the names of all those people who spoke and did not play Baseball on the Go Fund. She mentioned that Vice Mayor Ruzzano gave his team \$1,000, and that she gave \$300 to three teams.

COMMISSIONER TALERICO noted that the public schools were a separate entity from the City of Margate and the City did not pay anything to the school system. He stated that came from the resident's tax bill and had nothing to do with the City. He said that he coached Baseball for 20 years in Khoury League and was a head Commissioner in Khoury League. He said that with regard to cutting the Fireworks on the Fourth of July, ten times as many people enjoy the Fireworks as opposed to who played Baseball. He stated that Baseball was a limited amount compared to the rest of the citizens of Margate, and that more people enjoyed the Fireworks than enjoy Baseball. He said that money would never be taken from the Fireworks to hurt so many people to give to Baseball.

**An amendment was made by Commissioner Frank B. Talerico, seconded by Commissioner Lesa 'Le' Peerman, that a contribution of \$2,500 be made to each of the three teams from the Resident Project Fund.**

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

**Yes: 4 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico and Mayor Simone**

**Abstain: 1 - Vice Mayor Ruzzano**

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

**Yes:** 4 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico and Mayor Simone

**Abstain:** 1 - Vice Mayor Ruzzano

*MAYOR SIMONE gave her condolences to the City Clerk and his family for the loss of his Grandmother. She stated that the Fourth of July was great and she thanked all of the departments. She congratulated the Baseball Teams.*

**THE MEETING RECONVENED FOLLOWING A FIVE MINUTE RECESS.**

### **3) PUBLIC DISCUSSION**

*MITCH PELLECCCHIA, 6890 NW 9th Street, said that he previously made a statement at a meeting that was wrong. He stated that he cast an aspersion on the City Attorney Eugene Steinfeld and he wanted to apologize to Mr. Steinfeld, the City and the City Commission for making the comment. He said that he does not hate Mr. Steinfeld nor did he hate anyone. He mentioned a woman who came before the City Commission named Marsha Bernstein about encroaching trees from her neighbor's property. He said that Common Law was explained to Ms. Bernstein and he believed the City was going to look into the matter. He felt that the issue of neighbor's trees encroaching was a bigger issue because if you cut down your neighbor's tree down, there was animosity. He added that there was serious tree growth around the power lines that were encroached along with transformers. He said that he spoke with Florida Power and Light (FPL) who said that homeowner's could call them to trim the trees back; however, he felt that maybe the City wanted to work out something with FPL. He stated that the Planning Department explained to him that there was a diagram that the City and FPL followed; however, it was for when the trees were planted and very small. He said that it did not count for when trees grew. He stated that the windiest time of year was approaching and many residents could use power.*

*CITY ATTORNEY EUGENE STEINFELD said that the Department of Economic Development did some research along with some ordinances provided, and the only City found that had an ordinance contrary to the Common Law was Deerfield Beach, in that it would allow upon notice one neighbor to notice another neighbor to cut down tree limbs or roots of a plant or tree that encroached. He noted that Coral Springs, Coconut Creek and Tamarac did not have such an ordinance. He stated that Margate could enact an ordinance; however, it did not seem prevalent in Broward County or elsewhere in the State. He stated that FPL usually had a program where they periodically went through neighborhoods to trim when there was a safety problem. He said that Margate could pass a Law; however, he did not think it would alter what FPL provided.*

*VICE MAYOR RUZZANO questioned what would happen if he cut his neighbor's roots that were on his property and the tree died.*

*CITY ATTORNEY STEINFELD said that if Vice Mayor Ruzzano believed that the tree would die, and it did die, he may be responsible for it under the Common Law. He explained that he had the right to do what was necessary up to killing the tree.*

*COMMISSIONER TALERICO asked for clarification as to whether someone could trim trees that overhang their property.*

CITY ATTORNEY STEINFELD agreed that someone could trim the trees that were overhanging the property under the Common Law. He said that the reason was because trees were naturally occurring growth, which usually happens over time; therefore, it was not generally seen as a trespass. He said that if someone believed that it was a trespass, they had the right to abate it.

COMMISSIONER TALERICO questioned what would happen if the tree limbs fell on your car.

CITY ATTORNEY STEINFELD said that it would come down to reasonable foreseeability. He noted that Margate previously had a case like this with the Water District, when all the trees fell down and the residents wanted to sue. He stated that the City facilitated a meeting at City Hall, but the Common Law provided that a natural growth was not a cause of negligence. He believed that there was a settlement made between the two parties.

MAYOR SIMONE asked whether something could be added to the website to inform residents that if the tree was encroaching power lines, they could call FPL.

RICH ALIANIELLO, 7631 NW 23rd Street, wished everybody a good summer. He said that he tried to keep up with the business of Margate. He mentioned the project Toscana on NW 31st Street and State Road 7, which he felt looked horrible. He said that it was supposed to be the same as across the street; however, it was not. He felt it looked terrible and would be a big impact on that section. He noted that it used to be called Cow Pasture Parcel back in the day.

NORMAN GRAD, 7460 NW 18th Street, Palm Springs III, commended the City regarding the Red Light Cameras. He mentioned decriminalization of Marijuana, which might be coming down from Broward County. He said that he noticed in the newspaper that some Cities were being sued because the Fire Assessment was not used properly. He said he was sure that Margate would look into making sure it was used for what it was supposed to be used for. He suggested putting the Fire Assessment on the website and the Forum to educate the people about what the Fire Assessment was. He noted that all property value had gone up throughout the County and he suggested looking into decreasing the millage rate during Budget time. He asked that the City look into the traffic impact and parking at the Toscana Project. He read aloud a blessing.

RICH POPOVIC, 6066 Winfield Boulevard, said that the City got nothing for their money from the Lobbyist. He said that the \$40,000 for the Lobbyist could have gone to the Baseball Team. He mentioned the \$250,000 lost at Calypso Cove every year. He mentioned Commissioner Talerico and closing the parks, and he said that the citizens already paid for the parks. He wished everyone a happy Fourth of July.

COMMISSIONER PEERMAN explained that all of the projects and everything the City asked for was on the Budget; however, the Governor vetoed every project. She said that it had nothing to do with the City's Lobbyist who was there and fought for those projects to be on the Budget. She stated that last year the City received money for the Water Projects because the Lobbyist was there fighting for it. She reiterated that the Governor of the State of Florida was who vetoed everything.

COMMISSIONER TALERICO explained that the City had kids who played Baseball and the taxpayers paid for the fields and Calypso Cove. He said that if taking the Parks and Recreation Budget for Baseball fields to see how much income they made and how much was spent to maintain the Baseball fields, you would see the loss of money. He stated



that money was lost on Calypso Cove; however, you do not look at services from the City like that because you would say that the City lost money on everything. He stated that the City was in the service business, which was what they supplied. He noted that Baseball, Soccer, Parks and Recreation and the Community Center were all services to the citizens of Margate. He said that there was no big analogy, and that it was common sense. He said that there was a fee for programs at the Community Center, which the City did not make money on, but the residents liked the services they had. He spoke with a resident who did not attend meetings anymore because people talked bad about the City. He said that the residents felt that the Commission did a great job and were very happy. He said that the Fourth of July was a great event as well, which the City lost money on, but the people enjoyed because it was a service.

RICK RICCARDI, 4829 South Hemingway Circle, President of the Chamber of Commerce, stated that the Chamber did go out and get the small prizes from the businesses that were donated for the parade prizes. He said that the Chamber of Commerce had no money; however, it would be nice if the businesses were asked for Baseball money. He did not see anybody come to the Chamber of Commerce this year to raise money, which he was surprised about. He said that the Margate sign on Atlantic Boulevard before Margate did not say, "Welcome to Margate" anymore, it said, "Welcome to M."

MAYOR SIMONE said that she was not aware that the Chamber of Commerce got the businesses to donate the Fourth of July Parade Gift Cards and she did not think the other Commissioners were aware of it. She thanked the Chamber of Commerce now for doing that.

COMMISSIONER PEERMAN told Mr. Riccardi that the teams were going out to the businesses. She said that the one team that was not going to the Championship was going to the local businesses and asking them to donate and they would put the business name on their banners. She said that they would remain locally in Margate and the businesses were very welcoming. She said that she would refer them to the Chamber as well.

#### 4) CONSENT AGENDA

No items on Consent Agenda.

#### 5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH thanked Staff for their participation in making the Fourth of July event a success again this year. He noted that information about the July 18th, 2015, Margate Sock Hop was located on the website. He stated that the Community Redevelopment Agency (CRA) was starting a new event series called "Margate under the Moon." He explained that besides the food trucks and entertainment there would be children's activities and other activities as well. He added that the CRA was also having a Business Seminar that would include business development, social media and management leadership, which was also on the website. He noted that there was a new Community Calendar section on the website with a link from the home page, where non-profit groups and other governmental agencies or social service organizations could submit a request to have their event posted. He added that there were criteria included for that program. He announced that Director of Economic Development Ben Ziskal had recently become engaged to be married. He congratulated Ben.

#### 6) PUBLIC HEARING

- A. ID 14-1221 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; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF MARGATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

*Resolution 15-066*

**A motion was made by Commissioner Frank B. Talerico, seconded by Vice Mayor Tommy Ruzzano, that this Public Hearing be approved.**

*RICH POPOVIC, 6066 Winfield Boulevard, said that the Fire Department just received raises. He noted that usually when they got raises the Fire Assessment went up; however, it did not increase, which meant the money was coming from somewhere else.*

*COMMISSIONER PEERMAN said believed that the Fire Assessment had not been raised in at least three years. She stated that she had not voted to raise it since she was a Commissioner. She said that it might get raised at some point when the millage rate and the Fire Assessment Fee get more level, but she was not for raising it tonight.*

*COMMISSIONER TALERICO explained that the Fire Assessment did not cover the full cost of running the Fire Department. He said that there were other sources of income and the Budget would indicate how it balanced out.*

*RICH ALIANIELLO, 7631 NW 23rd Street, said that he had to use the Fire Rescue facility quite a few times for himself and his wife. He noted that he did not have to pay anything and just had to turn into the insurance, which was wonderful. He noted that Coral Springs did not get Fire Rescue for free; therefore, he applauded the Fire Assessment Fee.*

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

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

## **7) RESOLUTION(S)**

- A. ID 14-1214 DECLARING PROPERTY AS SURPLUS TO THE NEEDS OF THE CITY

*Resolution 15-067*

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

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

- B. ID 14-1159 APPROVING AN AGREEMENT WITH SEVERN TRENT ENVIRONMENTAL SERVICES, INC. (SEVERN TRENT); PROVIDING FOR AN INITIAL TERM OF

ONE YEAR; PROVIDING FOR ANNUAL RENEWALS FOR ONE YEAR TERMS WITHOUT FURTHER COMMISSION ACTION; PROVIDING FOR TERMINATION.

*Resolution 15-068*

**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 14-1160**     APPROVING AN AGREEMENT WITH MUNICIPAL CODE CORPORATION FOR UTILITY BILL PRINTING AND MAILING SERVICES; UTILIZING THE PRICING STRUCTURE AND SCOPE OF SERVICES FROM THE CITY OF SARASOTA, FLORIDA REQUEST FOR PROPOSAL 12-02 LKD.

*Resolution 15-069*

**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

- D.     ID 14-1177**     APPROVING AN AGREEMENT WITH AMSCOT CORPORATION AND CASH RECEIPTS LOCK BOX INTERFACE BY SUNGARD PUBLIC SECTOR FOR PROCESSING OF UTILITY BILL PAYMENTS; PROVIDING FOR COMPENSATION; PROVIDING FOR AN INITIAL TERM OF ONE YEAR; PROVIDING FOR AUTOMATIC RENEWAL FOR ADDITIONAL ONE YEAR TERMS WITHOUT FURTHER COMMISSION ACTION; PROVIDING FOR TERMINATION.

*Resolution 15-070*

**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

- E.     ID 14-1217**     APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MARGATE AND THE CITY OF NORTH LAUDERDALE FOR COOPERATIVE EMERGENCY SERVICES THROUGH AUTOMATIC AID

*Resolution 15-071*

**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

- F. ID 14-1228 AWARDING BID NO. 2015-013 WASTEWATER TREATMENT PLANT TREE REPLACEMENT TO CAYCO PROPERTY MAINTENANCE, LLC IN AN AMOUNT NOT TO EXCEED \$53,192.00

*Resolution 15-072*

**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

- G. ID 14-1222 ADOPTING PROCEDURES FOR QUASI-JUDICIAL MATTERS.

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

**No:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

#### ADJOURNMENT

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

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

  
Joseph J. Kavanagh, City Clerk

Date: 8/6/15

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

LAST NAME—FIRST NAME—MIDDLE NAME Ruzzano, Tommy		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Margate City Commission	
MAILING ADDRESS 5790 Margate Boulevard		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Margate		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY Broward		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED July 8, 2015		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

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

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

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

\* \* \* \* \*

### ELECTED OFFICERS:

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

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

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

\* \* \* \* \*

### APPOINTED OFFICERS:

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

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

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



## APPOINTED OFFICERS (continued)

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

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

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

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, TOMMY RUZZANO, hereby disclose that on JULY 8, 20 15:

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

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

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

At the July 8, 2015, Margate Regular City Commission Meeting, the following motions were made:

MOTION - To donate \$500 to each of the three (3) baseball teams from the Resident Project Fund

MOTION - Amendment to donate \$2500 to each of the three (3) baseball teams from the Resident Project Fund

MOTION - As Amended - to donate \$2500 to each of the three (3) baseball teams from the Resident Project Fund

I have to abstain because my son is on one of the baseball teams.

7/13/15  
Date Filed

[Signature]  
Signature

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