



# City of Margate

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## Meeting Minutes City Commission Workshop

**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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**Tuesday, September 15, 2015**

**6:00 PM**

**Commission Chambers**

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### CALL TO ORDER

**Present:** 5 - Commissioner Lesa 'Le' Peerman, Commissioner Frank B. Talerico, Commissioner Joyce W. Bryan, 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

### 1) PRESENTATION(S)

#### A. ID 14-1348 2016 STATE LEGISLATIVE PRIORITIES

*DAVID K. SIGERSON, JR., Esquire, City of Margate Lobbyist, stated that he and the City Manager's office highlighted issues that were prominent or new as a result of participation at the League of Cities Policy Meeting and Development Process.*

#### **HOMESTEAD EXEMPTION:**

*ATTORNEY SIGERSON referred to Page 3, of the 2016, State Legislative Priorities Handout, and said that the City would oppose Legislature eliminating the Recapture Rule pertaining to Homestead Exemption. He explained the Recapture Rule by giving the example that if property value was \$200,000 with "Save Our Homes", and the property suddenly became worth \$400,000, then went down to \$300,000, the "Save Our Homes" Tax was still lower than that so it went up. He said that was what was referred to as recapturing the amount of taxes not paid through "Save Our Homes." He said that many people did not like that their homes were now worth less than their mortgage, but their taxes were going up. He stated that the League of Cities was opposed to the new policy decision.*

*COMMISSIONER TALERICO questioned who sponsored this.*

*ATTORNEY SIGERSON said that he did not know, because a Bill had not been filed yet. He noted that there was a Bill last year, and he believed it required a Constitutional Amendment to eliminate it. He stated that by adopting the priorities, the Commission would be adding this new issue.*

**COMMUNICATION SERVICES TAX and LOCAL BUSINESS TAX RECEIPT (LBTR):**

ATTORNEY SIGERSON stated that not much had happened in the area of Communication Services Tax, but the phone and cable people were always trying to figure a way to eliminate this tax. He noted that every year the Lobbyists and the League of Cities battled with them while trying to keep the City harmless. He noted that he belonged to an association with City and County Lobbyists that met once a week to review the Agendas and Bills. He said that the big issue was that Legislature needed to find another source of revenue.

COMMISSIONER PEERMAN noted that it was written differently, and she clarified that the Commission would be supporting Legislature to find another revenue source.

COMMISSIONER BRYAN asked whether the meetings were during the Legislative Session, and ATTORNEY SIGERSON agreed.

ATTORNEY SIGERSON said that LBTR was a pet peeve for some Legislators. He said that it was left on the list, though it had not come up in a couple of years, but should always be looked out for. He said that some Legislators wanted to do away with LBTR entirely, while others wanted to bring about reform to simplify the classifications and have a set State like Fee Schedule.

**LOCAL ECONOMIES SECURITIES ACT (LESA):**

ATTORNEY SIGERSON said that good progress was made with the LESA Bill last year. He said that after years, the Legislature had a Hearing in the House of Representatives, and that the Bill passed the House Committee, which was encouraging.

CITY MANAGER DOUGLAS E. SMITH noted the wording on the Communication Services Tax, and said that the wording should read, "The City of Margate opposes the Legislation unless it was replaced by the other revenue sources."

ATTORNEY SIGERSON said that the League of Cities wanted it worded differently.

CITY MANAGER SMITH suggested replacing the wording to read that, The City would support Legislation that would reduce or eliminate when replaced by other revenue sources."

COMMISSIONER PEERMAN said that if the money was bonded, there was a Federal Law that would prevent Legislation from taking it away.

ATTORNEY SIGERSON agreed and explained that it was Contract's Law. He said that the Legislature would be interfering with the rights of the Bond holder if eliminating the source of revenue. He said that the bond was dependent on a specific source of information as to what qualified it to be a Bond, especially a Tax Free Bond.

COMMISSIONER BRYAN asked whether the City would have to be looking at a specific project.

ATTORNEY SIGERSON agreed.

COMMISSIONER PEERMAN said that Wilton Manors was one of the first Cities that bonded the money so that no matter what they did in Tallahassee, Wilton Manors still had availability to the money.

ATTORNEY SIGERSON said that it was a good idea, and that the Finance Director and City Manager would have to make sure it was not all taken leaving a hole on the operations side, as it was being used as current revenue.

**RETIREMENT:**

ATTORNEY SIGERSON said that he did not expect to see much action in this area, because there was still sentiment on the House side to change how employees receive their benefits from defined benefit to defined contribution. He noted that the Senate had not been willing to listen for the past couple of years that it came up. He said that there was no incentive for change, but that could change.

**GROWTH MANAGEMENT:**

ATTORNEY SIGERSON said that the Growth Management issues had always been there.

**IMPACT FEES:**

ATTORNEY SIGERSON referred to Page 5, and said that the Direct Reduced Iron (DRI) process was dismantled and no longer existed, but along with it, the same political group that wanted to eliminate those large development planning processes also was attempting to eliminate Impact Fees. He stated that Cities needed to fight that.

**CONCEALED WEAPONS AND FIREARMS:**

ATTORNEY SIGERSON explained that previously there was a Home Rule issue, and that the Cities were supporting Legislation that would give Cities more Home Rule authority to regulate Firearms in public places. He noted that there were some places in Florida where people had gun ranges in the yards and the Conservative Republicans were supporting the Legislation.

COMMISSIONER PEERMAN noted that the National Rifle Association (NRA) was also supporting the Legislation this year and was suggesting acreage.

**PUBLIC SAFETY ISSUES – SYNTHETIC DRUGS:**

ATTORNEY SIGERSON stated that the Synthetic Drug Flakka plague was horrendous. He mentioned attending a Homeowner's Association meeting, which Broward Sheriff's Office attended, and was speaking about how dangerous and devastating the drug was. He said that the individuals would have super human strength and paranoia, which made them hard to subdue.

MAYOR SIMONE questioned whether Margate had a big problem with Flakka in the City.

CITY MANAGER SMITH stated that he would consult with the Police Chief.

COMMISSIONER TALERICO stated that the Paramedics expressed concern because they received a lot of calls pertaining to Flakka.

VICE MAYOR RUZZANO questioned whether this was a South Florida issue, because New Jersey had not heard of Flakka.

ATTORNEY SIGERSON noted that South Florida seemed to be a particular problem. He said that to regulate it, the specific chemical compound and add it to the list of controlled substances.

#### RELOCATION OF UTILITIES:

ATTORNEY SIGERSON expected that this issue would come back because it was a very bad issue for local government, which could cost millions of dollars.

COMMISSIONER BRYAN noted that she sat in on the Transportation and Intergovernmental Relations Committee, and she spoke about the City supporting and opposing issues. She stated that all types of Lobbyists were in attendance, but the Cities were non-existent. She said that e-mails, etc. were needed.

ATTORNEY SIGERSON stated that the League of Cities was caught off guard. He explained that Margate spearheaded a program with a survey form, and that responses were now being received from the survey.

COMMISSIONER TALERICO asked what would be a public purpose to relocate Utilities.

ATTORNEY SIGERSON explained that it could be for widening the road. He said that if it was a City street, the City could dig up the Utility lines, which might include their own lines. He stated that digging up the Utility lines could cause the Utility Pole to have to be moved. He said that the Utility Companies would then ask why they should be responsible to pay for that.

COMMISSIONER BRYAN stated that over 90 years ago, it was stated that the Utility companies would be responsible for it, but were now coming against it.

ATTORNEY SIGERSON agreed and said that it was Settled Law, but Cape Coral was planning a major road widening and the Utility Company refused to pay the cost of \$5 million dollars for relocating. He said that as a result, the City sued the Utility Company to reserve their right to have the Utility Company pay for the relocation.

#### GOVERNMENT OWNED UTILITIES:

ATTORNEY SIGERSON said that Government owned Utilities was a big issue for Cities that did not sell electricity or water and sewer outside of their boundaries. He felt that the issue required vigilance.

VICE MAYOR RUZZANO questioned what it meant if passed.

ATTORNEY SIGERSON explained that the local government owned water and sewer utilities and electric companies would come under the regulation of the Public Service Commission, which the City would not want.

CITY ATTORNEY STEINFELD clarified that all of the water that Margate sold to Coconut Creek would not have rates set by the Commission, but by the Public Service Commission, which would be very expensive.

#### WATER RESOURCES:

ATTORNEY SIGERSON said that those Cities and Counties that needed Water Infrastructural Projects would keep pushing for recurring source funding so the projects

could go forward. He noted that the Cities did not generally have the money for these projects. He mentioned the Governor previously vetoing projects and that there were about \$80 million dollars of funded projects, with half a million dollars of requests.

COMMISSIONER TALERICO asked what alternative water sources were available.

ATTORNEY SIGERSON agreed that Desalinization Plants was an alternative. He noted that there was new technology that used a membrane.

**FRACKING:**

ATTORNEY SIGERSON spoke about what happened locally in Miramar with regard to Fracking. He said that the City might be opposed to drilling and the process of Fracking, and he would do a rewrite.

VICE MAYOR RUZZANO said that he was opposed to drilling and Fracking.

**SEDOWSKI FUNDING:**

ATTORNEY SIGERSON spoke about Sedowski Funding, which was fought every year. He stated that they were still sweeping money out of that Trust Fund. He said that as the economy and housing market picked up, the Trust Fund would get more money. He stated that he was still trying to fight for those funds to be spent exclusively for the purpose that they were intended for, which was affordable housing; however, the Legislature had taken some of the money.

**CRA:**

ATTORNEY SIGERSON said that seven or eight years had passed since major reform, and now the Hospital Districts and Counties wanted to reopen the issues. He noted that hospital did not feel they should pay into the Tax Increment Financing (TIFF), though they benefit from economic development. He stated that the County did not want to pay the TIFF to the Cities at all, and felt that the CRA's should be terminated.

**PUBLIC RECORDS:**

ATTORNEY SIGERSON spoke about the Public Records Fraud Nuisance and Harassing Records Requests. He spoke about people making requests and then suing. He noted that Lawyers were getting paid for no real attempt at denying records, but a mistake in how the City responded to the request.

COMMISSIONER PEERMAN asked whether the ability to recoup Lawyer fees to be recouped.

ATTORNEY SIGERSON agreed that one feature was that if the person lost, they would have to pay the City's Lawyer's fees.

COMMISSIONER PEERMAN said that it was now becoming a job, and she mentioned the brothers that were making requests and then suing, which had become a business.

**LOCAL FUNDING PROJECTS:**

ATTORNEY SIGERSON said that every year he looked out for the Northwest Focal Point Senior Center (NWFPSC) money. He noted that sometimes he needed to prove project

worthiness, which was something to keep an eye on.

#### WATER PROJECTS:

ATTORNEY SIGERSON announced that there would be an upcoming meeting regarding proposals. He noted that there was a window of time to file a request. He added that Legislature was meeting in January, and he suggested that the Commission come up the third or fourth week. He would provide additional date information after his next trip to Tallahassee.

MAYOR SIMONE asked whether something could be added to allow Cities to create an ordinance for Fireworks. She noted that currently Florida Cities were not committed to introduce Laws to regulate Fireworks. She added that Coral Springs was also interested in having an ordinance. She said that every year she read more and more about children being hurt, but people keep buying illegal Fireworks. She added that the noise scared the dogs and there was much debris in the yards afterwards. She felt that there was no regulation being enforced for the purchase of illegal Fireworks.

ATTORNEY SIGERSON said that he looked into Fireworks Legislation and noted that the Statute stated that Cities had limited Home Rule power over the licensed display of Fireworks. He said that the City was probably the only entity in this City that had a large licensed display of Fireworks; however, the City could regulate other Firework displays in the City, such as at resorts, ball games, etc. He noted that there were three types of Fireworks. He said that there were sparklers, which were not considered a Firework as they were legal. He stated that there were also exploding projectiles that were illegal and could be purchased at roadside stands. He said that people selling those types of Fireworks were selling by having the purchaser sign a piece of paper stating that you would use them for agricultural purposes, which was a major exemption to the Fireworks Statute. He noted that the third type of Fireworks was contracted for with a licensed Fireworks Display Operator, and were major Fireworks that exploded in the air. He stated that those could be purchased in Davie with an agricultural exemption as well. He suggested opening dialogue and having a general statement supporting Legislation that would allow Cities to have greater Home Rule authority to regulate the use and sale of the Fireworks. He felt that would start by working in the fellow Cities, the Northwest Mayor's Association, the Broward League of Cities, the Florida League of Cities and the local Legislative Delegation to build a broad base of support for it. He added that some kind of education or requirement be made stating that someone purchasing Fireworks take a test, such as what was required to purchase a boat.

COMMISSIONER PEERMAN suggested sending this to the Florida Legislation Groups as an idea from the City to be worked on as to what was important. She noted that Dan Daly was Chair of the Urban Group from Coral Springs and other Cities might fall in line with that giving it a better chance. She said that it could build momentum and she had no problem drafting something and sending it to the Florida League of Cities stating that Margate supported the Home Rule for regulation of Fireworks.

COMMISSIONER TALERICO felt that the Legislation needed to be changed with regard to the agricultural exemption, which would not happen. He stated that it was hard to regulate, because people will go somewhere else to purchase them.

COMMISSIONER PEERMAN said that the problem was not buying the Fireworks, it was using them in the City.

COMMISSIONER TALERICO said that it was difficult to enforce, because the Police

would have to find the people shooting the Fireworks.

COMMISSIONER PEERMAN and MAYOR SIMONE felt that people shooting them off for a while could be caught.

ATTORNEY SIGERSON explained that whenever asking Legislature for more authority, Legislature would respond that the City had authority to stop it now.

COMMISSIONER BRYAN stated that even if sent to the Committee, it might not be a priority; however, a discussion would ensue.

MAYOR SIMONE questioned whether the Firework stands could be regulated by not approving them.

CITY ATTORNEY STEINFELD said that the location could be regulated and the Commission did not have to approve stands in parking lots with regard to Zoning. He explained that they were Outdoor Uses; therefore, they would be Special Exceptions.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL clarified that Development Review Committee (DRC) approval was required the first time. He noted that the ones that Margate had were partnered with charitable organizations; therefore, every subsequent year they just provided updated insurance as a Charitable Outdoor Event.

VICE MAYOR RUZZANO asked whether a Local Business Tax Receipt was required.

DIRECTOR ZISKAL said that Outdoor Events were not charged for a license.

CITY ATTORNEY STEINFELD clarified that per the Statute, only permanent businesses needed a license; however, they did have to pay Sales Tax. He said that the City might possibly be able to charge some type of Regulatory Fee for selling in the City. He noted that the Fee could only be as high as it would take to offset the regulation.

COMMISSIONER TALERICO clarified that the Fireworks sold in the tents in Margate were legal and were even sold in Publix.

COMMISSIONER PEERMAN noted that Coral Springs put up a sign stating that illegal Fireworks would be confiscated, and she suggested doing some research on it and working with other Cities as well.

ATTORNEY SIGERSON asked whether there was a consensus for him to work with Staff to formulate the language discussed.

CONSENSUS was given and all agreed.

VICE MAYOR RUZZANO asked whether there was a Police Assessment Fee coming up this year.

COMMISSIONER PEERMAN clarified that the Fee was the Law Enforcement Support Agency (LESA).

ATTORNEY SIGERSON agreed that it was getting closer every year. He noted that last year there was a hearing in the House of Representatives.

VICE MAYOR RUZZANO questioned whether if raising it a certain amount, the millage

would be lowered.

COMMISSIONER PEERMAN agreed

VICE MAYOR RUZZANO asked about the Veteran's Administration money issues.

ATTORNEY SIGERSON explained that was Federal money, though some passed through the State. He said that the State did have the Department of Veteran's Affairs, and that the Lobbyist for those groups was constantly working on things for Veterans. He asked what issues Vice Mayor Ruzzano was referring to.

VICE MAYOR RUZZANO said that Veterans he spoke with told him the service was horrible and the association was overloaded with fees. He asked why that money could not be put into hospitals for the Veterans.

ATTORNEY SIGERSON said that he would ask his colleague about it and get some information.

COMMISSIONER BRYAN mentioned adults with disabilities and Autism Speaks. She expressed concern with young adults aging out of the system. She asked that he provide any information he obtained so she could pass it on. She said that she informed people to advocate and go to Tallahassee in numbers.

ATTORNEY SIGERSON noted that there were some services available, but not nearly enough.

COMMISSIONER TALERICO asked whether the Florida Retirement System (FRS) was solvent.

ATTORNEY SIGERSON agreed, but stated that it depended on how the numbers were counted. He said that it used to be 70 percent to 75 percent funded for the total debt, which was previously considered average and healthy; however, now it could be 80 percent and some were asking why it was not 100 percent.

COMMISSIONER PEERMAN asked whether Margate could send to Legislation that they support taking Elected Officials off the 3 percent Special Risk Category for FRS, and put them at 1.67 percent, because they should not be in the same category as Police and Fire. She noted that it previously discussed about 7 years ago, but they would not do it.

ATTORNEY SIGERSON thought that there was a piece of Legislation that passed allowing for Cities and Counties to re-evaluate who among the administration was in the Non-Public Safety Officer Class.

COMMISSIONER PEERMAN noted that it was spelled out stating that Elected Officials were Special Risk.

CONSENSUS was given and all agreed.

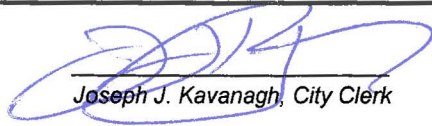
## ADJOURNMENT

There being no further business, the meeting adjourned at 6:58 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo



  
Joseph J. Kavanagh, City Clerk

Date: 10/28/15