



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, October 7, 2015

7:00 PM

Commission Chambers

CALL TO ORDER

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

Commissioner Bryan attended via telephone.

In Attendance:

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

ID 14-1371 BRENNAN GUARINO, 5TH GRADE, AND BRYCE GUARINO, 3RD GRADE,
MARGATE ELEMENTARY

1) PRESENTATION(S)

STUDENTS OF THE MONTH

A. ID 14-1397 ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, VICTORIA ALVES;
TEACHER, MRS. LATOYA DEAN
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, NOAH STAIRS; TEACHER,
MARKIA CUNNINGHAM
(Ms. Janette Hameister, Principal and/or Ms. Jounice Lewis, Assistant Principal)

~~HEBREW ACADEMY: STUDENT, MUSHKA UMINER; TEACHER, JEFF~~
~~DOCTEROFF~~
(Mrs. Rivka Denburg, Head of School)

LIBERTY ELEMENTARY: STUDENT, MARKEVIS BURKS; TEACHER,

HEATHER KOSTICK

(Mr. David J. Levine, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, SARAH MORELLI; TEACHER, DR. WENDY SCHAAL

(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: STUDENT, GABRIELLA ALMONTE; TEACHER, MS. BONNIE VENTURA

(Mrs. Lezondra Harris, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, MAEL ROCOURT; TEACHER, EMILY ANN SUGRIM

(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra, Administrator)

PROCLAMATION(S)

- B. ID 14-1378 NATIONAL SCHOOL LUNCH WEEK - OCTOBER 12 - 16, 2015 (presented to Felicia Steele, Food and Nutrition Services Manager, Margate Middle School)
- C. ID 14-1379 DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER, 2015 (presented to Mizanne Laud, Prevention Specialist, Women In Distress)
- D. ID 14-1390 BREAST CANCER AWARENESS MONTH - OCTOBER, 2015
- E. ID 14-1380 COMMUNITY PLANNING MONTH - OCTOBER, 2015 (presented to Benjamin J. Ziskal, AICP, CEcD, Director of Economic Development)
- F. ID 14-1407 FIRE PREVENTION WEEK - OCTOBER 4 - 10, 2015 (presented to Dan Booker, Interim Fire Chief)

The meeting reconvened following a five minute recess.

2) COMMISSION COMMENTS

COMMISSIONER PEERMAN noted that this weekend was the Moon over Margate Craft Beer Festival, which she encouraged everyone to attend. She also reminded everyone of the Fall Festival on October 24th. She said that it was about six weeks since a resident asked about a truck parking issue. She explained that Code had cited the individual because he had things on the truck that were not permitted by Code. She asked that a consensus be taken to either have a Workshop to discuss changing the Code or just directing the City Manager to change the Code. She explained that apparently when a truck was now purchased, many items came with the truck, which were not permitted by Code; therefore, she felt that the Code needed to be updated so people could park the trucks in their driveway.

VICE MAYOR RUZZANO agreed, and asked what the incident was for the individual.

COMMISSIONER PEERMAN said that she did not recall; however, she knew that it was something that was not provided on the trucks when purchased. She noted that the item was not offered when the Code was originally written; therefore, the Code needed to

evolve.

VICE MAYOR RUZZANO said that there were a few things in the Code that needed to be upgraded, such as Motor Homes and Boats.

COMMISSIONER PEERMAN asked if the Commissioners wanted a Workshop.

COMMISSIONER TALERICO questioned what the intent of the Code was and wanted to know the purpose of the Code and the history behind it.

CITY MANAGER DOUGLAS E. SMITH agreed and suggested having a Workshop, which would allow him to provide photos of different types of vehicles and discuss exactly what should be changed.

COMMISSIONER TALERICO explained that years ago, the City had a Parking Workshop, because the Code was very flexible.

COMMISSIONER BRYAN (VIA TELEPHONE) stated that she was in favor of a Workshop.

CITY ATTORNEY EUGENE STEINFELD agreed with having a Workshop, because the ordinance had a lot to do with where to draw the lines.

CONSENSUS was taken for a Workshop and all agreed.

COMMISSIONER TALERICO requested that Item 4A on the Consent Agenda be pulled for discussion. He announced that he would not be seeking re-election in November after 22 years with the City.

COMMISSIONER BRYAN (VIA TELEPHONE) announced that it was National Hispanic Heritage Month and recognized the contributions of the Hispanic and Latino Americans while celebrating their heritage and culture.

VICE MAYOR RUZZANO thanked Commissioner Talerico for everything he did for the City. He felt that Margate was heading in a good direction with a lot of projects coming up.

MAYOR SIMONE also thanked Commissioner Talerico for his service to the City and all the good work he did. She mentioned the upcoming Adult Leagues for Sand Volleyball, Ultimate Frisbee, Softball, Tennis and Kickball.

3) PUBLIC DISCUSSION

ROB LEHTIMAKI, 6925 NW 15 Street, said that he was an employee of the City for eight years. He asked how an Elected Commissioner who accepted contributions or gifts and another former Commissioner who accepted bribes could be considered for reinstatement. He said that someone previously quoted, "Because she has suffered enough", and he asked how the Commissioner suffered and what the penalty was. He noted that the Commissioner was still collecting a paycheck from the City. He explained that he had an incident working with the City; whereby he had an accident. He said that he reported the incident to his Supervisor and then ordered to take a Breathalyzer Test. He mentioned that he had a Concealed Weapons Permit. He noted that his penalty was a 12 day suspension, psychiatric evaluations, four days in a psychiatric ward, 90 hours of Alcoholics Anonymous (AA) meetings, which due to a miscommunication was not completed; therefore, he was given the choice to terminate or resign. He asked if he

could be reinstated and who suffered enough.

COMMISSIONER PEERMAN said that she was not sure how to compare unknowingly taking a wedding present to taking money and defrauding Margate. She noted that her incident was a personal matter and did not involve alcohol and driving into another car. She clarified that she received a \$500 fine, an additional \$150 was paid for the gift and she was the first Elected Official by the Office of the Inspector General (OIG).

COMMISSIONER TALERICO asked whether it was the Governor who could reinstate the former Commissioner.

CITY ATTORNEY EUGENE STEINFELD clarified that the Governor was who suspended the former Commissioner; therefore, the Governor would have to lift his suspension.

VICE MAYOR RUZZANO questioned whether the rumors he heard were true, and that the City was absorbing the former Commissioner's legal fees, both Federal and State.

CITY ATTORNEY STEINFELD explained that the former Commissioner agreed to pay for the Ethical Violation of the Credit Card use; therefore, the City did not have to pay. He stated that the Federal case was complicated; therefore, if asked to pay those fees, he would make a recommendation to the Commission.

VICE MAYOR RUZZANO said that technically, the City did not charge the former Commissioner. He asked why the City would have to pay the fee if the Governor removed a Commissioner who was then found not to be guilty.

CITY ATTORNEY STEINFELD explained that when a Public Officer was charged with a crime relating to his public duties, the Government he worked for had the duty to either defend him or pay his legal fees. He stated that the Commissioner's legal fees would have to be scrutinized by an expert. He noted that there were two elements to look at as to whether they were fulfilled in order for the City to pay the fees. He said that once the bill was received, he would make a recommendation. He stated that if the City decided not to pay the bill it would go to litigation. He said that the Jury's decision was overturned by the Judge, because the Government failed to prove one of the two elements of Federal jurisdiction. He noted that if the two elements were not, he would be prepared at a public meeting to make a recommendation at a later time.

VICE MAYOR RUZZANO said that everyone was waiting to what was going on. He mentioned the Commissioner being found "not guilty."

CITY ATTORNEY STEINFELD clarified that the Commissioner was not found "not guilty", but was acquitted. He explained that the Jury found the Commissioner guilty on the factual basis of two of the violations; however, he was acquitted because the Government did not prove one of the elements, which was the Federal jurisdiction of the crime. He said that there was a possibility that the State might prove Common Law Bribery. He noted that there was no Double Jeopardy, because they were two different Sovereignities. He further explained that someone could be convicted of a State crime, even though the Federal Government had tried you for a similar crime and vice versa. He explained that if the State found you not guilty of a murder, the Federal Government could prosecute you for a violation of Civil Rights and you could be found guilty.

VICE MAYOR RUZZANO stated that it was up to the Governor and a call would be received.

CITY ATTORNEY STEINFELD said that a letter would probably be received. He stated that he spoke to the Council for the Governor who would notify him and he would notify the Commission.

COMMISSIONER PEERMAN asked whether the City ever denied paying legal fees.

CITY ATTORNEY STEINFELD agreed that had been done.

TONY SPAVENTO, 3194 West Buena Vista Drive, recommended that the State be contacted and asked to prosecute so the City would not suffer. He requested that something be done about the sidewalk on NW 31st Street, which was shifted towards the road leaving a road buffer of six to eight inches. He noted that there were two schools on that road, and he was concerned that a child may get hurt.

MAYOR SIMONE said that the City Manager would look into the matter.

LISA NELSON AND ALLEN GULLY, 7720 NW 23rd Street, said that they were here about the parking; however, it was decided that there would be a Workshop. MR. GULLY explained the type of truck he had was a Pinto Ford Pickup Truck with boxes on the back that opened. He added that it was a utility truck similar to the Margate trucks. MS. NELSON said that they were in business since 2004, and that Margate was supposed to be for working people. She stated that they never had a problem, but now were being told that certain things were not allowed.

VICE MAYOR RUZZANO agreed that Margate was a working community and that the matter would be looked into.

MR. AND MRS. JOE MALDONADO, 2192 NW 77th Court, said that he wished to discuss Ordinance 26-2. He noted that he had a F350 Pickup Truck, which came with an optional bed that was purchased from the dealer. He said that it was not a Tow Truck, but was used for his daily work. He stated that he moved to Margate because it was a working City. He mentioned seeing Service Vans with names on the side and ladder racking. He noted that the Code stated "Commercial Vehicles", but did not say anything about modifying. He added that the definition of a Commercial Vehicle was anything with lettering on it, such as a business or entity. He asked why he was being singled out. He thanked the Commission for planning to do a Workshop, because he wanted to have the issue resolved.

DENNIS PEREZ, 6501 NW 9th Street, said that he was a three month resident and was having the same Commercial Vehicle issue.

ARLENE SCHWARTZ, 7800 NW 1st Street, said that she looked forward to the Workshop. She stated that she was a proud citizen of Margate for 33 years and previously the Water Bill she received was simple and very cheap for bulk mailing. She noted that she paid her bill online. She said that Margate had changed the billing, which she felt could be sent a lot cheaper. She added that the City could save money on the two envelopes as well. She noted that the new bill said to look on the back for a notice, but there was nothing there. She said that it had to be more expensive than the prior way it was sent. She mentioned the Stormwater Fee going up 44 percent, and felt that the new billing system cost a lot more; therefore, she asked the reason for it.

CITY MANAGER DOUGLAS E. SMITH said that he had received other inquiries about the billing. He stated that the printing cost was about the same; however, the postage was a little more. He explained that the State required that the City send the Water

Report and Chlorination Notice, which was previously sent out separately. He noted that with the envelope size bill, those items could be included with the Utility Bill; therefore, eliminating the additional postage costs. He noted that the postage increase was offset by the savings. He added that there was an E-Bill format people could sign up for. He explained with the E-Bill format, the bill was mailed to the individuals with the new City Newsletter included in PDF Format. He added that there was also a form online for people to sign up for automatic bank drafting as well. He stated that there were benefits to having the new Utility Billing Format.

VICE MAYOR RUZZANO asked whether the online could accept American Express, because it was currently only Visa.

CITY MANAGER SMITH said that he would look into that.

RICH POPOVIC, 6066 Winfield Boulevard, noticed that the Resource Recovery Money was \$1 million dollars, which was previously discussed at a meeting he was not present for. He explained that the Resource Recover Money was money the City was getting back from Waste Management ripping the City off for years. He stated that the County developed the Resource Recover Board. He said that the City now signed a contract with the company that ripped the City off. He mentioned David McLean not being convicted; therefore, he felt the City should hold on to the \$1 million dollars, because the City was going to have to pay.

COMMISSIONER PEERMAN asked the City Attorney to clarify that the money from the Resource Recovery Board, that the City sued Broward County for, was for the assets that were accumulated during the years the board was formed with 26 Cities involved.

CITY ATTORNEY STEINFELD agreed that it was for the assets.

4) CONSENT AGENDA

- B. ID 14-1408 RESOLUTION - RECOGNIZING FLORIDA CITY GOVERNMENT WEEK, OCTOBER 18-24, 2015.**

Resolution 15-107

Approval of the Consent Agenda

A motion was made by Commissioner Talerico, seconded by Vice Mayor Ruzzano, to approve the Consent Agenda. The motion carried by the following vote:

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

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH mentioned Margate under the Moon, and announced that Student Government Day would be taking place this month. He explained that the Students of Margate Middle School will take part in a Mock City Commission meeting and will tour City departments as well, which was a great opportunity to connect with the local schools. He noted that the Fall Festival would take place on Saturday, October 24th from 6:00 p.m. until 11:00 p.m. at the Sports Complex, and that the Veteran's Day Ceremony would take place on Wednesday, November 11th at 10:30 a.m. at Veteran's Memorial Park. He mentioned an upcoming partnership opportunity with the

Fire Department. He noted that a free Firefighter orientation was being held with the Progressive Firefighter Association of Broward County along with Margate and the Broward Sheriff's Office Rescue. He explained that the class would provide information for anybody interested in a career with the Fire service. He mentioned the new City Newsletter, which was being distributed in the Utility Bills, and would be handed out at the Margate Association of Condominiums (MAC) meetings. He stated that the naming contest being held through November 12th. He reported that the City donated 215 pounds of food for the Hunger Action Month from donations accepted. He explained that tonight was the City's first meeting streaming the Granicus Video System on the website. He added that the Granicus system would also provide for archiving of Commission meetings; therefore, individuals could watch the meetings after the fact. He thanked the City Clerk and the IT Department for working together to get the new system up and running. He stated that on behalf of Commissioner Bryan, he was presenting the concept of a Martin Luther King Jr. Day Event. He said that the general outline in draft form could be done, and that a potential name for the event could be, "Together We Make It Great Day." He noted that the event could be to inspire and encourage people to lead or participate in Community Service projects. He added that the City could reach out to local businesses for possible partnerships. He said that the City could also host its own service project. He added that through the City website and other means, other groups in the community would be encouraged to do their own service day; therefore, the City would not have to manage all of the projects, but could encourage people to do different service projects in the community on that day. He explained that people could notify us or register their events, as well as having them post pictures on Social Media. He said that those events known could also be recognized at a City Commission meeting. He said that he was presenting this concept for the Commission's feedback, and that if the Commissioner was in support of moving forward he would proceed with starting to promote the events.

COMMISSIONER BRYAN (VIA TELEPHONE) stated that she initiated some conversation with the schools. She noted that the schools were very interested in involving the students and they were looking forward to the community involvement.

CONSENSUS was taken and all agreed.

VICE MAYOR RUZZANO said that "Together we have a community."

CITY MANAGER SMITH also asked for consensus regarding the Firefighter Benevolent Group's October sale of T-Shirts for the past five years in support of Breast Cancer Awareness. He noted that each year the proceeds were provided to different Cancer organizations. He said that this year, the proceeds would go to a Non-Profit organization called The Breast Cancer Research Foundation that was highly rated on the Charity Navigator Rating, with more than 90 percent of their donations going to research, treatment and awareness. He asked for a consensus to be able to sell the T-shirts in City Hall, as well as having an Employee Dress Down Day for the employees to wear their shirts for a small contribution.

CONSENSUS was taken and all agreed.

CITY MANAGER SMITH clarified that one of the reports he previously mentioned was not mailed with the Utility Bill anymore, as it was now provided by online. He stated that he would provide an update on the cost differentials by e-mail.

VICE MAYOR RUZZANO questioned whether it could be received by e-mail to save the time and money.

CITY MANAGER SMITH stated that if the City's website did not already have something to allow signup, he would look into and promote it.

4) CONSENT AGENDA (PULLED FOR DISCUSSION BY COMMISSIONER TALERICO

- A. ID 14-1383** MOTION - AUTHORIZATION TO ADVERTISE AN ORDINANCE AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE I, IN GENERAL, SECTION 2-2 - RULES GOVERNING CONDUCT OF COMMISSION MEETINGS; PROVIDING THAT COMMISSIONERS MUST ABSTAIN FROM PARTICIPATION IN DISCUSSION ON ITEMS THAT THEY WOULD BE REQUIRED TO ABSTAIN FROM VOTING.

A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that this Motion be discussed.

COMMISSIONER TALERICO wanted to discuss this motion, because he felt that when speaking at a meeting, the Commission was actually lobbying. He said that the Commissioner was lobbying the other Commissioners to support something that the Commissioner had a vested interest in and might benefit from. He stated that this ordinance removed all improprieties and was transparent with no influence to other Commissioners. He said that he wanted to see this passed because he did feel that the Commissioners were Lobbyists.

COMMISSIONER PEERMAN said that it appeared to her that the ordinance was being set up for when David McLean came back and stopping a problem the City had when David McLean was a Commissioner. She explained that was a prior issue, because David McLean would lobby for the things he wanted. She said that she would agree to whatever the Commission wanted.

COMMISSIONER TALERICO said that was not his reason for the ordinance.

VICE MAYOR RUZZANO said that he was confused because there was a Florida State Statute that was underlined in the ordinance. He said that if the Commissioners were at the meeting in the Sunshine, they should be able to talk about anything.

CITY ATTORNEY EUGENE STEINFELD explained that currently the law said that if there was a conflict for something that would benefit a Commissioner, the Commissioner had the right to discuss the issue and talk about why it should pass, but then that Commissioner could abstain voting. He said that the Commissioner could spend as much time as they wanted trying to convince the others, but could then abstain when the vote came to that Commissioner. He noted that this ordinance would prohibit the Commissioner from discussing an item, if that Commissioner was going to abstain from voting.

VICE MAYOR RUZZANO did not agree with the ordinance. He felt that if a Commissioner wanted to push something that would benefit her, she would not be able to talk about it. He said that with regard to the Baseball Team discussion, he was able to plead the case; however, he could not vote on it. He stated that freedom of speech was needed to plead the case.

CITY ATTORNEY STEINFELD stated that the ordinance said that if it was something that would ultimately benefit the Commissioner, the Commissioner should not try to convince the other Commissioners to pass something that would benefit that Commissioner.

VICE MAYOR RUZZANO said that the Baseball situation did not benefit him; however, he had to abstain from voting on the item.

CITY ATTORNEY STEINFELD explained that this ordinance was because it was required to abstain and not something that you are choosing to abstain from if there was the appearance of a conflict. He stated that this was if you were required and did have a conflict. He said that the Commissioner would make the decision as to whether to abstain, and this ordinance stated that the Commissioner could not discuss it.

VICE MAYOR RUZZANO asked whether the Florida Statute superseded the ordinance.

CITY ATTORNEY STEINFELD said that the Ethics Statute allowed for local government to be provide for a standard stricter than the State.

VICE MAYOR RUZZANO again stated that he was not in favor of the ordinance.

COMMISSIONER PEERMAN stated that Vice Mayor Ruzzano did not know he had to abstain when talking about the Baseball Team. She said that the problem was when it was clearly going to be beneficial to the Vice Mayor because his business would profit, and he was trying to convince the other Commissioners that it was a good idea for the other person.

VICE MAYOR RUZZANO suggested leaving it at business and not personal.

COMMISSIONER PEERMAN noted that the Commissioners were always Commissioners and never regular people so they had no personal life.

CITY ATTORNEY STEINFELD clarified that the ordinance would force the Commissioners to try and understand when there would be a conflict, and then either ask him or the Office of the Inspector General (OIG) Ethical Counsel before the discussion came up. He said that if there was going to be a conflict before the discussion, the Commissioner would have to consult him or ask on the dais whether there was a conflict, before the discussion started.

COMMISSIONER TALERICO said that the Commission needed some transparency, and he asked whether he could represent himself and lobby the Commission.

CITY ATTORNEY STEINFELD replied that the Commissioner could discuss it, but what he would call lobbying would be outside in public.

COMMISSIONER TALERICO questioned whether as a business owner, he could represent himself to pass something that would allow him to make a lot of money.

CITY ATTORNEY STEINFELD said that he could.

COMMISSIONER TALERICO clarified that he was not allowed to do that in another City.

CITY ATTORNEY STEINFELD clarified that he was not allowed to lobby; however, he could represent himself in another City.

COMMISSIONER TALERICO said that he was referring to lobbying.

CITY ATTORNEY STEINFELD explained that he was not allowed to lobby for another entity.

COMMISSIONER TALERICO said that he would hate to be the person who benefited financially from something that he convinced the Commission into voting for. He said that it could be something personal where someone offered him money to pass an item.

COMMISSIONER PEERMAN stated that was called bribery, because there was no such thing as the Commission being personal.

COMMISSIONER TALERICO said that he was generalizing about personal and business. He stated that the ordinance was the right thing to do and it would keep the Commission from improprieties. He felt that it was wrong for someone to be influencing someone else to help themselves financially, and not for the benefit of the City, and then abstained from voting.

VICE MAYOR RUZZANO felt that Commissioners should be able to say that in the Sunshine. He said that he would not do that and he felt none of the other Commissioners would do that.

COMMISSIONER PEERMAN said that it was not always going to be this Commission. She gave an example of a Special Meeting called for an Extended Liquor License when a Commissioner represented the owner from the dais and then abstained. She said that a day later, the Commissioner became the owner of the Liquor License. She said that the Commissioners did not know, but the Commissioner did. She stated that the only way to stop this was to not allow a Commissioner to discuss an item when the Commissioner was going to abstain. She stated that the Vice Mayor could make his case for the Baseball Team, because he did not prosper, but his son would. She believed those were two different things and that there was a cleaner way to write the ordinance.

VICE MAYOR RUZZANO asked why the Commissioner abstained.

COMMISSIONER PEERMAN said that he abstained so it would appear that he was not voting on something for himself.

VICE MAYOR RUZZANO questioned was it not brought up that he could not abstain.

COMMISSIONER PEERMAN clarified that the Commissioner worked at the bar, but did not own the bar; therefore, the City Attorney told him he had to abstain so he would not profit from it.

CITY ATTORNEY STEINFELD agreed that the Commissioner had to abstain but had not realized that the Commissioner was not representing himself, but another business, which was a separate violation that he was charged for. He noted that the Ethics Commission did not find him in violation of that.

VICE MAYOR RUZZANO asked whether the item was approved.

CITY ATTORNEY STEINFELD agreed that it was approved.

VICE MAYOR RUZZANO said shame on the Commissioners. He said that because

somebody messed up in the past, the Commission was punishing the future.

MAYOR SIMONE clarified that this was just to approve advertising.

VICE MAYOR RUZZANO felt the rest of the Commissioners should not be scorned.

TONY SPAVENTO, 3194 West Buena Vista Drive, felt it was not a good idea, because it indicated that the Commissioners did not trust each other. He said that if a construction project that might benefit Vice Mayor Ruzzano or a new law that might benefit all eye doctors, why the Commission would not want to hear from the experts sitting next to them. He noted that they could not lobby because of the Sunshine Law. He stated that his board in Coral Bay would be stupid not to listen to him with regard to a lighting project, because he could not profit. He felt that the Commission should just announce the conflict before the discussion. He felt that Commissioner Bryan's recommendation about Martin Luther King Jr. Day profited her politically. He said that it profited anybody who was trying to get people to vote for them, and that profit was not just money.

CITY ATTORNEY STEINFELD stated that in the State of Florida for conflict, profit was money.

MR. SPAVENTO believed that the Commissioners were here on behalf of Margate and not for themselves.

VICE MAYOR RUZZANO questioned whether he would be in violation if a building was approved to be built on City property and he bid on a portion of the job.

CITY ATTORNEY STEINFELD said, "Absolutely."

RICH ALIANIELLO, 7631 NW 23 Street, stated that liquor was approved all of the time, which he was against. He said that the Commissioners read the Agenda prior to coming to a meeting; therefore, they knew if they were going to abstain.

ANTHONY CAGGIANO, 7856 NW 1st Street, asked why the Commissioner was bringing this issue up now when he was going out soon.

ARLENE SCHWARTZ, former Mayor of Margate, felt that this was a long time coming. She explained that previously, the City had a Commissioner in a specific business and when any liquor licenses came up, it was an issue. She said that sometimes that Commissioner insured that business, but sometimes he did that two weeks after the license was approved. She said that the issue was not about not trusting, but was about not knowing. She noted that when she was Mayor, she would ask if the individual could vote on the item or if it was a conflict of interest. She said that one time the Commissioner answered her that at that time he could vote; however, two weeks later he could not vote, but it was too late. She stated that it had nothing to do with a project, but had to do with things going on that the Commission might not even be aware of. She felt that everything should be up front, and putting it all out there. She stated that this could become a tremendous problem and previously looked terrible for the City for as long as it went on.

COMMISSIONER TALERICO noted that he was speaking with the City Attorney about this issue for a long time.

RICH POPOVIC, 6066 Winfield Boulevard, spoke about throwing past Commissioners under the bus now, when they could have said something back then. He said that

Commissioner McLean had not benefited from anything, because he had no money.

COMMISSIONER PEERMAN said that it was a matter of what a Commissioner knew and did not know. She believed putting this ordinance in place was long past due. She noted that previously, the decisions were made based on information they had.

MITCH PELLECCCHIA, 6890 NW 9TH Street, said that he was the only person from the public that was present at a meeting when he presented information to the Commission, but nobody listened. He said that he would not vote for Commissioners who could not vote on the dais for decisions. He understood Commissioner Talerico's position, as well as some of the good the ordinance would do. He said that Former Mayor Schwartz's discussion was enlightening. He agreed with Mr. Popovic that in the past, it seemed everybody voted to get along; however, he noted that there were five Commissioners and at least four of them should have questioned the special interest. He felt it was up to the Commissioners to decide among themselves with the tools they had. He stated that abstaining created a lack of equilibrium and weakened the body. He felt that the Commissioners should all have full disclosure and should find out what an individual would benefit from. He spoke about the Ethics Training the Commission had to attend each year. He wanted to see everyone on the dais vote unless it was a direct conflict of interest.

COMMISSIONER TALERICO clarified that the discussion pertained to not discussing something if planning to abstain, but not about voting or abstaining.

VICE MAYOR RUZZANO agreed that the Commission needed to trust each other and govern themselves. He said that the Commission needed to move on from what happened in the past. He was not in favor of the ordinance, because he wanted to be able to speak without consequences.

COMMISSIONER TALERICO said that he did not want to have to ask prior to a discussion, whether there was a conflict of interest. He felt that this was simple because if a Commissioner was going to abstain, the Commissioner could not discuss the issue. He did not want a Commissioner to influence or lobby their colleagues for something that would benefit that Commissioner out of courtesy. He said that people were always talking about transparency in government.

CITY ATTORNEY STEINFELD noted that Broward County had a similar rule for all of their boards. He added that this was just for advertising of the ordinance.

The motion carried by the following vote:

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

No: 1 - Vice Mayor Ruzzano

6) PUBLIC HEARING(S)

7) RESOLUTION(S)

A. ID 14-1377 AMENDING CITY COMMISSION MEETING DATES FOR 2015.

Resolution 15-108

A motion was made by Commissioner Bryan, 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

- B. ID 14-1398 APPROVING SUBMITTAL OF TWO WATER QUALITY IMPROVEMENT PROJECTS TO THE STATE LEGISLATURE FOR STATE APPROPRIATION CONSIDERATION.**

Resolution 15-109

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

- C. ID 14-1376 APPROVING AN "AGREEMENT FOR SCHOOL CROSSING GUARDS SERVICES" WITH STAFFING CONNECTION/ACTION LABOR MANAGEMENT, LLC TO PROVIDE SCHOOL CROSSING GUARD AND SUPERVISORY SERVICES; PROVIDING FOR INITIAL TERM; PROVIDING FOR RENEWAL WITHOUT FURTHER COMMISSION ACTION.**

Resolution 15-110

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

- D. ID 14-1399 APPROVING AN AGREEMENT AND ADDENDUM WITH ACCELA, INC. FOR PUBLICSTUFF MOBILE APPLICATION SYSTEM FOR A PERIOD OF TWO MONTHS**

Resolution 15-111

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

- E. ID 14-1400 APPROVING PARTICIPATION IN THE TD BANK "BRING CHANGE" INITIATIVE ON NOVEMBER 20, 2015 TO BENEFIT THE CITY OF MARGATE HOMELESS OUTREACH PROGRAM**

Resolution 15-112

A motion was made by Commissioner Bryan, 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 14-1414** AWARDING CIGNA, FOR BENEFIT PROGRAMS FOR CITY OF MARGATE EMPLOYEES, TO INCLUDE MEDICAL, DENTAL, VISION, LIFE INSURANCE, LONG TERM DISABILITY, AND EMPLOYEE ASSISTANCE PROGRAM (EAP) FOR THE TIME PERIODS SPECIFIED IN THE PROPOSAL RESPONSE; PROVIDING FOR THE ADMINISTRATION TO EXECUTE ANY AND ALL ASSOCIATED DOCUMENTS TO IMPLEMENT THIS INSURANCE BENEFIT PROGRAM FOR EMPLOYEES; PROVIDING FOR OPTION OF ADDITIONAL EMPLOYEE BENEFITS PAID SOLELY BY CITY EMPLOYEES.

Resolution 15-113

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

- G.** **ID 14-1392** APPROVING A TWO AND ONE-HALF PERCENT (2.5%) COST OF LIVING (COLA), STEP INCREASE, AND SALARY RANGE ADJUSTMENTS, FOR THE PERIOD FROM OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016, FOR ALL NON-BARGAINED FOR PERSONNEL (INCLUDING PART-TIME AND SENIOR MANAGEMENT); PROVIDING FOR PROMOTIONAL RELATED PAY ADJUSTMENTS.

Resolution 15-114

A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that this Resolution be approved.

An amendment was made by Commissioner Lesa 'Le' Peerman, seconded by Commissioner Frank B. Talerico, that the following be added to the end of the Resolution: "and for Non-Bargained For personnel, whose salary is above the pay range maximum, to receive the COLA as a lump sum payment." The amendment carried by the following vote:

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

The original Motion as amended carried by the following vote:

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

8) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. ID 14-1393** APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE TO PERMIT A DRIVE-THRU FACILITY WITHIN THE TOC-C CORRIDOR DISTRICT FOR MIAMI GRILL, LOCATED AT 619 NORTH STATE ROAD 7, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE.
- 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.*
- 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.*
- CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.*
- DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL said that he was happy to see former Arby's site, 619 North State Road 7, under construction and under consideration for a drive through facility. He noted that on September 8th, 2015, the Development Review Committee (DRC) reviewed the proposal and found that there were no substantial changes to the Site Plan being proposed. He said that as a previously occupied drive through facility, there were no adverse impacts to the adjacent property. He stated that approval was being recommended.*
- MR. RENEE DIAZ, Petitioner, thanked the City and the Building Department for their help.*
- COMMISSIONER TALERICO asked whether there were any conditions.*
- DIRECTOR ZISKAL said that since there were no changes to the Site Plan, the only requirement was that the parking lot improvements also comply with Code including landscaping and lighting. He noted that the requirements were addressed at the DRC meeting and the applicant agreed.*
- VICE MAYOR RUZZANO asked when the establishment was expected to be open.*
- MR. DIAZ hoped to be open by the end of November.*
- Resolution 15-115*
- A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Talerico, that this Quasi-Judicial Resolution be adopted. The motion carried by the following vote:**
- Yes: 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone**

9) ORDINANCE(S) - FIRST READING

- A. ID 14-1381** AN ORDINANCE ESTABLISHING THE MONTHLY FEE TO BE PAID FOR

THE STORMWATER MANAGEMENT UTILITY FEE TO A MONTHLY FEE OF \$5.15 PER EQUIVALENT RESIDENTIAL UNIT (ERU) EFFECTIVE JANUARY 1, 2016; PROVIDING FOR CPI INCREASE BEGINNING OCTOBER 1, 2016 AND EACH OCTOBER 1 THEREAFTER THROUGH FISCAL YEAR 2020.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Ruzzano, that this Ordinance - 1st Reading be approved on first reading. 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 9:42 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 2/17/16