



City of Margate

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

Meeting Minutes

Regular City Commission Meeting

Mayor Tommy Ruzzano

Vice Mayor Joyce W. Bryan

Commissioners:

Lesa Peerman, Joanne Simone, Frank B. Talerico

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

Wednesday, January 13, 2016

7:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

ID 14-1626 DESTINI STEWART, 7TH GRADE, RISE ACADEMY

1) PRESENTATION(S)

A. ID 14-1625 HOLIDAY DECORATING CONTEST

1ST PLACE (TIE) - LIPPEK FAMILY, 6984 NW 19TH COURT - \$75 GIFT CARD

1ST PLACE (TIE) - KIRBY FAMILY, 6251 NW 15TH STREET - \$75 GIFT CARD

B. ID 14-1624 GRADUATION FROM GOOD GOVERNMENT INITIATIVE PROGRAM BY COMMISSIONER JOANNE SIMONE

ATHLETES OF THE MONTH

C. ID 16-0023 SOFTBALL: TORI MCGAHA, 13 YEARS OLD
(Margate Pony Elite Baseball and Softball League, Margate Loud Mouths)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

D. ID 14-1631 JOHN HOFFMANN, METER READER - FINANCE DEPARTMENT - 25 YEARS

ERIN LORRAINE YOUNG, POLICE OFFICER - POLICE DEPARTMENT - 15 YEARS

LESA PEERMAN, COMMISSIONER - CITY COMMISSION - 5 YEARS

2) COMMISSION COMMENTS

COMMISSIONER SIMONE complimented the Toscana apartments because they looked beautiful and thanked all involved with that construction. She asked for a consensus about looking into drafting a moratorium to stop the opening of Charter Schools in the City for six months. She noted that the Charter School in Margate called "I Generation" closed with no warning leaving 183 students displaced. She said that there were some bills filed in Tallahassee to address the issues with licensing and funding. She felt that the six month moratorium would provide time to see what happens in Tallahassee and to reassess the issue. She also felt that the Charter Schools took away from businesses in the shopping centers, as well as taking away from the revenue. She added that they also took away from having new businesses come into the shopping centers. She stated that North Lauderdale and Lauderhill enacted new Laws to regulate Private and Charter Schools.

COMMISSIONER TALERICO asked whether the other Cities still allowed the Charter Schools.

COMMISSIONER SIMONE said that they were currently not allowed and there were certain regulations that needed to be followed before opening in those Cities. She clarified that some Cities had moratoriums and some may allow the schools.

COMMISSIONER PEERMAN noted that Lauderhill was the first to regulate the amount by ordinance. She was not certain how it was done legally; therefore, Margate would have to look into how to do it legally.

VICE MAYOR BRYAN agreed and felt it was a good thing to enforce a moratorium. She noted that the Charter School had only opened last year and was now closed.

MAYOR RUZZANO asked the City Manager to look into the matter following the consensus to approve.

COMMISSIONER SIMONE noted that the City was looking into the 911 Communication System, and the Police Chief and Fire Chief attended some meetings pertaining to that. She stated that Sunrise adopted a resolution requesting that a Charter Review Commission and the Board of County Commissioners take steps to move forward with a Charter Amendment proposal to implement an Office of the Director of Public Safety Communications and a permanent Public Safety Communications Advisory Council. She explained that the Broward League of Cities (BLOC) Board of Directors unanimously adopted a similar resolution. She asked for consensus to follow the BLOC and Sunrise to come up with a similar resolution.

COMMISSIONER TALERICO asked how the County would go about doing something if Margate had a resolution.

CITY ATTORNEY EUGENE STEINFELD explained that the Charter Review Commission was meeting and they would place an item on the ballot revising and amending the Charter of Broward County. He said that it could be an initiative, but it would be easier to convince the Charter Review Commission to do that.

Consensus was given for approval.

COMMISSIONER PEERMAN noted that at the BLOC Board meeting, the Fire Chief and Police Chief came out and discussed the issues of 911. She noted that it was determined that it was the training and not the system. She said that other Cities were on board, which was they were asking for a different department. She noted that they were trained for speed and to get the calls out; however, they were not getting enough information, which was part of the problem. She added that when calling Margate, a Police Officer answered whether it was an emergency or non-emergency call, because dispatchers were trained. She thanked Parks and Recreation for the Sounds at Sundown.

MAYOR RUZZANO asked whether the County would be doing the next training, because OrCAD received a lot of the blame for the training.

COMMISSIONER PEERMAN said that the County had been training them, which was part of the problem. She explained that when originally discussed, the new system was going to be under Broward County, not under Broward Sheriff's Office (BSO). She said that when the Margate employees went over, they became BSO Officers, which should not have happened. She stated that they were supposed to remain separate. She stated that had she known they would be under the BSO, she would have voted against it.

VICE MAYOR BRYAN asked whether the original proposal was to have them as Broward County employees and not BSO employees.

COMMISSIONER PEERMAN agreed that was the way the proposal was sold to the City. She said that even BSO Officers were going to be Broward County employees. She reiterated that 90 percent of the problem was training of the dispatchers. She added that another problem was that people were calling the non-emergency number expecting 911 response times, which was not fair to the dispatchers.

COMMISSIONER TALERICO noted that one of the primary reasons for the change was to upgrade all of the equipment was \$9 million dollars, but this proposal was cost effective. He stated that the City did want it to work, because it was a big burden on the taxpayers.

COMMISSIONER PEERMAN noted that the cost was going to be \$11 million dollars.

COMMISSIONER TALERICO congratulated the Police Chief for receiving the Jay Walking Grant. He noted that this evening someone almost was killed because of Jay Walking. He noted that flyers were going to be distributed to educate people, and that people would be cited in the future.

POLICE CHIEF DANA WATSON clarified that pedestrians had guidelines too and they were supposed to use the Crosswalk because it was safe. He explained that drivers had a responsibility to look out for the pedestrians. He noted that people could be cited for walking across the street where it was designated to do so. He stated that the purpose of the grant was to educate the public to stop some of the bicycle and pedestrian accidents. He noted that the focus was for the area between Margate Boulevard and Atlantic Boulevard on U.S. 441. He clarified that it was not a crime, but an infraction similar to a speeding ticket, which was against the law.

VICE MAYOR BRYAN asked whether the program started already.

POLICE CHIEF WATSON verified that it was a national issue, which was why there was a grant.

COMMISSIONER PEERMAN asked whether the grant would help with obtaining a light in areas, such as U.S. 441 south of Margate Boulevard, where people were killed crossing the street.

POLICE CHIEF WATSON stated that it would not help because the grant was specific. He noted that the lighting of roadways was an issue for the State or the County.

COMMISSIONER PEERMAN asked the City Manager to look into getting a light by Denny's because the crosswalks were far apart.

POLICE CHIEF WATSON noted that when construction was taking place, the lighting was out. He did not think a stop light could be obtained; however, it would be the Florida Department of Transportation (FDOT) that would handle that. He stated that it could be looked into.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that as the development of the City Center moved forward, the CRA and the City were in discussions with the Broward Metropolitan Planning Organization (MPO) and FDOT with regard to Coconut Creek Parkway to Atlantic Boulevard. He noted that MPO and FDOT were aware of the intersection and the fatalities that occurred; therefore, it was on their radar.

COMMISSIONER TALERICO said that he participated in a Forum of various Cities at the Temple Beth Am on Sunday. He said that the Rabbi was a leader of the religious community in Margate for 33 years and was retiring. He noted that there would be a tribute to him, and he asked whether the City wanted to partake in an ad. He stated that the cost of the ad was ¼ page ad for \$54, with a ½ page ad for \$100, and a full page ad for \$180.

A motion was made by Mayor Ruzzano, seconded by Commissioner Peerman, to do a full page ad at the cost of \$180. The motion carried by the following vote:

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

VICE MAYOR BRYAN congratulated Dan Booker for becoming Fire Chief. She said that she heard the Winterfest had tremendous events. She thanked Parks and Recreation, Public Works and everyone else involved in the event, as well as the CRA for their portion of the funding. She thanked Public Works and the decoration company for the phenomenal lighting. She thanked Mayor Ruzzano for suggesting adding the lighting to trees on Royal Palm Boulevard and Southgate Boulevard. She congratulated Commissioner Simone for the Good Government Initiative. She announced an upcoming Day of Service for Dr. Martin Luther King Jr. on January 18, 2016, which was the City's first year celebration.

ASSISTANT TO THE CITY MANAGER ADAM REICHBACH explained that the event was two pronged. He said that a City Service Project, which was a creation of a Butterfly Garden at Southgate Park, was being planned, as well as having members of the community create their own projects. He stated that the projects could be registered via

the website, and pictures could be shown on the City's Facebook page. He said that there were currently 19 people registered to volunteer. He added that there would be Staff members, as well as students. He noted that there would also be about four or five Community Projects done in honor of Dr. Martin Luther King Jr. Day.

VICE MAYOR BRYAN thanked everyone involved for the effort they put into the project.

CITY MANAGER DOUGLAS E. SMITH mentioned the handout he provided pertaining to the service project for the community projects including art projects from Margate Elementary School. He noted that the school was interested in donating some items to the City. He said that one item was the graphic of Dr. King that would be displayed at the event and then displayed at City Hall. He stated that the second item created at the school was heart shaped Dream Catchers, and that 100 would be donated. He said that they could be displayed on the fence and then in City Hall. He asked for the Commission's support on being able to participate with the school.

CONSENSUS was given and all were in favor.

COMMISSIONER SIMONE asked whether the City was still looking into the Bike and Pedestrian Safety. She said that the City was asked to adopt a resolution in support of the Florida State Senator Maria Sachs, Senate Bill 904, which required FDOT to install embedded solar power bike lane lights. She noted that it would be similar to runways at the airport and would be a stream of lights running down the bike path. She asked whether it could be looked into.

CITY MANAGER SMITH said that he received comments back from Staff and would bring it up at an upcoming Commission meeting, which would give a chance for additional research. He noted that at the first meeting in February he would be able to bring something back to the Commission.

MAYOR RUZZANO welcomed former Mayor Arlene Schwartz. He hoped everyone had a safe holiday and wished everyone a happy New Year. He mentioned prior discussions about Wi-Fi in the parks and questioned whether anything was being done.

CITY MANAGER SMITH said that he received information back from Staff and would bring back more specific numbers to the Commission.

MAYOR RUZZANO made a suggestion to have Wi-Fi brought into the City, as well as into the parks. He said that Margate could be referred to as the Wi-Fi City.

CITY MANAGER SMITH said that would probably be a significant cost item to cover the large area; however, the City could start focusing on the parks.

MAYOR RUZZANO noted that the new garbage bins were being distributed. He mentioned a resident that wanted to downsize the bin, and he asked whether everyone was getting the 65 gallon bins and could then upgrade.

CITY MANAGER SMITH explained that multi-family might be getting the 35 gallon bin. He stated that there was the opportunity to opt out for a smaller size bin. He added that the option to change was not limited to the first few weeks, and people could still opt out later. He noted that Director of Environmental and Engineering Services (DEES) Reddy Chitepu would be meeting with Waste Management to prioritize some areas in the senior community.

MAYOR RUZZANO noted that if anyone wanted an addition bin there was a fee of \$62.00. He asked whether the 130 gallons could be exceeded.

CITY MANAGER SMITH said that he believed there was not an additional fee if someone wanted several more bins. He remembered that the additional bins would be available after the initial carts were distributed. He said that the new service would start on February 1st, 2016, and they might be able to request the additional bins now.

3) PUBLIC DISCUSSION

GERRY LEONE, 6770 NW 9th Court, said that she was present to represent Cokesbury United Methodist Church. She explained that the church was hard working and helped the community in many ways throughout the year. She noted that the church had a Thumbs Up project that helped the schools by providing backpacks and school supplies. She said that the church worked with the children on Thumbs Up Thursday by assisting with their homework. She noted that in the summer the church had a feeding program for the children. She mentioned that the church also provided Victory Living, Scouts, Alcoholics Anonymous (AA), free computer classes, Bible study and feeding of those who do not have enough food. She explained that the church was planning to have a car show to support the food bank and she requested that the City to assist by allowing the use of the stage. She said that there would be a singing group and a band entertaining, as well as some other entertainment that would be more appealing if using a stage. She noted that people would bring non-perishable items for the event.

MAYOR RUZZANO agreed that the church did a lot for the community, and he asked whether the sound equipment was also needed.

MRS. LEONE said that she would like the setup for the sound as well. She stated that Harvest Crossing was the band that would play; therefore, she would also need electric and the Public Address (PA) system, which would be used during the car show to announce door prizes and awards.

CITY ATTORNEY STEINFELD understood that the City had a resolution regarding waiving fees for governments; however, the City did not have a resolution for allowing churches or religious institutions to have fees waived. He said that it must be done by resolution and the Commission would have to find a public purpose for that; therefore, it could not be done tonight. He clarified that it would have to be amended by resolution.

MAYOR RUZZANO clarified that if the Commission wanted, it could be put on the next meeting.

COMMISSIONER PEERMAN wanted to make a motion to use the Resident Project Fund to avoid having to amend the resolution or create a new precedent. She explained that the Resident Project Fund was used to benefit the residents of Margate, which was the only requirement.

CITY ATTORNEY said that it would be taking the money from one fund and putting it in another fund. He asked that the City Commission make a determination that it serviced the public purpose, which he felt was demonstrated.

MS. LEONE noted that the cost was \$1,125.

COMMISSIONER PEERMAN felt that the City spent a lot of money sending baseball players to games; therefore, she felt that all would agree to allow the church have the ability to use the stage.

CITY ATTORNEY STEINFELD noted that the Commission recently spent money donating to a Temple for an advertisement, which was not benefiting the Temple but was congratulating the Rabbi. He felt that this could be done because the church had demonstrated that it was for a public purpose. He wanted a finding by the Commission that it would serve a public purpose.

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that \$1,200 from the Resident Project Fund, be used to pay for the rental of the stage and sound system, including workers to put it up and take it down, because it was already demonstrated that it would benefit the residents.

CITY ATTORNEY STEINFELD said that Commissioner Peerman needed to note that it served a public purpose.

COMMISSIONER PEERMAN noted that she said it in the motion.

CITY ATTORNEY STEINFELD clarified that she did not have to say it to spend the money; however, she needed to say it to spend the money for a church.

COMMISSIONER PEERMAN did not believe there was any stipulation in the Resident Project Fund about a church.

CITY ATTORNEY STEINFELD noted that it was a Constitutional Amendment for the State of Florida that indicated no money could be spent on religious institutions. He wanted the motion to include that it provided a public purpose.

COMMISSIONER PEERMAN stated that the motion stated that it provided a public purpose.

CITY MANAGER DOUGLAS E. SMITH said that he would check with Parks and Recreation regarding the fee amount to make sure the sound system and workers were included.

An amendment was made by Commissioner Peerman, seconded by Commissioner Talerico, that the City pay for the stage, sound system and workers up to \$2,500, from the Resident Project Fund, because it was already demonstrated that it would benefit the residents and provided a public purpose.

RICH POPOVIC, 6066 Winfield Boulevard, said that St. Vincent's Church also had a food bank. He commented on bad advice.

BARRY GILDMAN, 5500 NW 15th Street, said that he was 74 years old and saw the erosion of the fundamental realities of our Constitution that had made the Country great. He felt that the City Attorney was trying to recognize that there were certain fundamental Constitutional questions. He understood that the fundamental duty of government was to

protect the citizens domestically and internationally from violence. He said that to the degree that the government steps aside and appropriated everything that should be in the private sector, we would become a tyranny. He stated that he was personally involved with Dr. Martin Luther King Jr. He said that since that time, he saw more conflict, more division between races, religions and socioeconomic circumstances. He found that it was very distressing at 74 years of age to witness the escape from the duties and responsibilities that were under the United States Constitution. He prayed that all would consider that at every level, City, County, State and Federal the threat to fundamental democracy.

MAYOR RUZZANO noted that Commissioner Peerman included in her motion that it would be an asset to the City.

COMMISSIONER PEERMAN understood what the City Attorney was stating, and that the City Attorney was protecting the Commission due to the separation of church and State. She explained that \$8,000 of her salary went into the fund, which was specifically for Resident Projects. She said that any Commissioner could tap into that, and that the only requirement was that it must benefit the residents.

MR. GILDAN said that the inherent paradox that he understood was that people were paying property taxes. He understood that the source and pool for the money and the treasury that City, County, State and Federal performed with was the burden of the homeowner in the taxes they were paying. He felt that the property owner was being usurped by a form of tyranny in the increasing taxes being paid. He spoke of elderly people paying more for property tax than they paid for their mortgage.

MARCY BERNSTEIN, 5262 NW 31st Street, said that she had no problem giving money to the church for their car show.

COMMISSIONER SIMONE asked whether City Staff was required to run the sound system.

CITY MANAGER SMITH said that there was City Staff that may be assigned to the stage for the length of the event. He noted that he received a message from the Parks and Recreation Director stating that he had the sound system being used that same day at the Movies in the Park. He said that if the Commission was supportive, the funds could be used to helping the church get another sound system rental.

COMMISSIONER SIMONE asked how much money was previously allowed for stage rental.

CITY MANAGER SMITH said that the other event was the Chamber of Commerce Fair and he would have to check into the amount they paid.

COMMISSIONER SIMONE asked whether it was possible to run over the \$1,200.

CITY MANAGER SMITH noted that there was a \$2,500 cap, and that the Parks and Recreation Director informed him that the stage rental was \$50 and the Staff was \$75 per hour.

COMMISSIONER SIMONE asked if by agreeing to this request, whether we could run out of Resident Trust Fund monies when other groups asked for the same deal.

MAYOR RUZZANO said that each request must be a case-by-case incident, and that

Cokesbury did a lot for the community. He stated that it would be up to the Commission to decide who received the money.

COMMISSIONER SIMONE did not want to be in the position where money was given to this group, but had not been given to other organizations. She wanted to be able to help everybody. She said that she was not in favor of giving above what was given to other organizations for the use of the stage.

CITY MANAGER SMITH noted that the Chamber of Commerce paid for overtime and the stage fee was waived.

An amendment was made by Commissioner Simone to waive the stage fee and have them pay the overtime for City Staff to be consistent.

The amendment failed for lack of a second.

An amendment was made by Commissioner Simone, that the Resident Project Fund pay for the stage, but not for the City Staff time.

The amendment failed for lack of a second.

The original motion, as amended by Commissioner Peerman, carried as follows:

Yes: 4 - Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

No: 1 - Commissioner Simone

RICH POPOVIC, 6066 Winfield Boulevard, noted that he attended the Board of Adjustment meeting, and that all 10 variances were passed for Wawa. He commended Ben Ziskal for the best presentation he had ever seen. He noted that the petitioner still had to come before the Commission because of the gas station variance, and he asked that they treat the petitioner well. He felt that some of the Commissioners were bias regarding Charter Schools; however, he said that people were fed up with the public schools.

JIM MOYER, Salvation Army Adult Rehabilitation Center, noted that there was a family store in Margate for 35 years and he worked for the Adult Rehabilitation Center for over 19 years. He commended the Commission for working well with many organizations. He noted that he was recently offered and accepted a position in Alexandria, Virginia and would miss everyone.

VICE MAYOR BRYAN said that Mr. Moyer was a good Margate supporter and was a treasure for her. She appreciated his knowledge and friendship, as well as his being a fan of Margate.

PAMELA LEVINS, 2813 NW 63rd Avenue, thanked the City Commission for doing a phenomenal job.

BRANDON JAMES, Office of State Representative Gwendolyn Clarke-Reed, District 92, stated that Representative Clarke-Reed was in Tallahassee for the Legislative Session; therefore, any questions, comments or concerns could be directed to him.

MARCY BERNSTEIN, 5262 NW 31st Street, said that she did not like Charter Schools because she felt they did not educate. She stated that she would rather have the public schools educate. She noted that Lori Parrish had low income taxes for people living in the City for 25 years, and she suggested talking to her about getting on with all the other communities and districts. She mentioned David McLean costing the City \$75,000, less taxes \$50,000. She added that his Attorney wanted almost a half a million dollars, and Alzheimer's Family Center cost a half a million dollars. She questioned where the City was getting the money and whether people would be taxed more.

MAYOR RUZZANO noted that the taxes had not increased in the past three years.

MS. BERNSTEIN suggested that City Attorney Steinfeld speak to David McLean's Attorney to come to some agreement for a lot less.

CITY ATTORNEY STEINFELD noted that the City had not received the bill. He stated that because the Attorney wanted it, did not mean the City would pay that. He stated that there was a specific State Statute stating that a public officer suspended by the Governor and acquitted, must be paid his back pay. He noted that there was no Statute regarding Attorney fees, and he stated that the Attorney's fees would not be paid unless brought before the City Commission.

MS. BERNSTEIN wanted to have a bill submitted for his hours.

CITY ATTORNEY STEINFELD understood that he would submit a bill, and that if the City had to pay the legal fees, an expert would be hired to go over the bill as to whether the charges were correct or not.

4) CONSENT AGENDA

- A. ID 14-1617 RESOLUTION - APPROVING THE REMETERING AGREEMENT WITH IMT CAPITAL II PINEBROOK POINT, LLC FOR THE PINEBROOK POINTE APARTMENTS, LOCATED AT 3495 PINWALK DRIVE NORTH.
Resolution 16-151
- B. ID 14-1619 RESOLUTION - APPROVING THE REMETERING AGREEMENT WITH CELEBRATION POINTE NORTH, LLC FOR CELEBRATION POINTE NORTH, LOCATED AT 5555 CELEBRATION POINTE LANE.
Resolution 16-152
- C. ID 14-1621 RESOLUTION - APPROVING THE UTILITY AND ACCESS EASEMENTS FOR MAINTENANCE OF WATER FACILITIES AT 5203-5281 COCONUT CREEK PARKWAY.
Resolution 16-153

- D. ID 14-1623 RESOLUTION - ACCEPTING BILL OF SALE AND APPROVING THE UTILITY AND ACCESS EASEMENTS FOR MAINTENANCE OF WATER AND SEWER FACILITIES AT 3050 TOSCANA LANE WEST.

Resolution 16-154

Approval of the Consent Agenda

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

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

5) CITY MANAGER'S REPORT

COMMISSIONER TALERICO left the dais at 8:27 PM and returned to the dais at 8:31 PM.

CITY MANAGER DOUGLAS E. SMITH announced the hiring of Fire Chief Dan Booker. He noted the following upcoming events and development updates:

- Movie in the Park was scheduled for January 30, 2016, at 7:00 PM.
- Household Hazardous Waste and Electronics disposal was scheduled for January 24, 2016, at Oriole Park from 8:00 AM to 3:00 PM.
- Toscana Villas received the Certificate of Occupancies for the first couple of buildings and residents were moving in.
- New construction project on Coconut Creek Parkway broke ground for the BB&T Bank at the corner of Coconut Creek Parkway and State Road 7.
- New construction project on Coconut Creek Parkway east of Banks Road broke ground for the Dominion Storage building.
- Renovations to the former Ritter's location were moving along with Starbuck's moving in soon.
- Final Site Plans for the Rising Tide Car Wash were submitted and were currently under review.
- Swim Lessons were still ongoing at Calypso Cove
- A memo regarding the first year update on the Adopt a Street Program was received from DEES and would be distributed to the Commission and information was available on the website.

MAYOR RUZZANO questioned how much the Toscana Villas were renting for.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL replied that they were renting in the approximate range of \$950 for a one bedroom to \$1,400 for a three bedroom.

VICE MAYOR BRYAN asked whether it was too early to put a sign up at the BB&T Bank and the Dominion Storage building to inform residents about what was coming.

DIRECTOR ZISKAL stated that there were certain Code provisions that allowed either contractor signs or announcing signs depending on the design. He noted that an announcing sign or coming soon sign was allowed and could go up now because they were active construction sites. He stated that there were some costs and fees for the installation; therefore, the process would be initiated by the petitioner and not the City.

MAYOR RUZZANO asked whether the BB&T Bank on Coconut Creek Parkway was closing.

DIRECTOR ZISKAL explained that within the City of Margate there was another BB&T Bank on Atlantic Boulevard by Palm Lakes, which would remain open. He said that directly across the street the drive through would be closed.

COMMISSIONER SIMONE asked about the fitness equipment on Rock Island Road.

CITY MANAGER SMITH said that a selection of the equipment was made and he would provide an update on the timeframe. He noted that on next week's agenda, the final Parks and Recreation Plan would be coming before the Commission, at which time the timeframe could be discussed.

6) RESOLUTION(S)

- A. ID 14-1629 APPROVING THE FUNDING AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR CDBG FUNDS IN THE AMOUNT OF \$337,661; AUTHORIZING THE CITY MANAGER TO EXECUTE AND/OR SUBMIT ANY AND ALL RELATED DOCUMENTS.

Resolution 16-155

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

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

- B. ID 16-0009 WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF CCI-SPEER AND FEDERAL CARTRIDGE AMMUNITION FROM FLORIDA BULLET, INC. IN AN AMOUNT NOT TO EXCEED \$25,000.00.

Resolution 16-156

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

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

- C. ID 16-0010 APPROVING REAPPOINTMENT OF GAYLE CELESTI TO THE UNSAFE STRUCTURES BOARD FOR A TERM COMMENCING JANUARY 18, 2016 TO JANUARY 17, 2019.

Resolution 16-157

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

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

7) ORDINANCE(S) - FIRST READING

- A. ID 16-0006 AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, APPENDIX A ZONING, ARTICLE XXXIX SIGN CODE, 39.7 TEMPORARY SIGNS AND ADDING NEW SECTION 39.20-SAVINGS CLAUSE; PROVIDING FOR CLARIFICATION OF ELECTION AND OPINION SIGNS.

A motion was made by Commissioner Talerico, seconded for discussion by Commissioner Simone, that this Ordinance - 1st Reading be approved on first reading.

MAYOR SIMONE said that the Commission was trying to beautify the City by improving neighborhood entranceways, adding holiday lights to City entrances, changing landscaping on Coconut Creek Parkway and adding color to the pavers. She explained that the City went from 3 election signs to 5 election signs, and was changing the time frame from 60 days to 1 year. She understood the reason for the change; however, she felt there were other ways to get that message across. She stated that she was not in agreement with having election signs to be placed for 1 year. She said that she would concede to increasing to 5 signs, but not to having them out for 1 year. She asked that Ben Ziskal let the Commission know that there were other ways to get the messages across.

CITY ATTORNEY EUGENE STEINFELD explained that this item was back on the Agenda because after the Commission voted and approved this item it was determined that the amendment at the first reading was not included in the text that went before the Commission for the second reading. He stated that it was already approved. He noted that because Sign Codes talk about speech, an attempt was being made to reenact this ordinance to correct the error. He added that it would also clarify that it did not apply to multi-family.

COMMISSIONER TALERICO what would happen to the original ordinance if this did not pass.

CITY ATTORNEY STEINFELD said that because it was not included in the text on the second reading, there would be a problem. He stated that it would be very difficult to enforce this ordinance if challenged. He clarified that it could not be done because it was not in the Code properly. He said that Statutes require that ordinances be approved on two readings, but it was not in the ordinance text before the Commission on the second reading. He noted that though it was the intent to have it included, the text was not amended to provide it.

MAYOR RUZZANO asked whether it could have just been added, or if it had to come before the Commission again.

CITY ATTORNEY STEINFELD said that if he did not think it needed to come back before the Commission, he would not have done so. He explained that it dealt with free speech and signs and the courts were very finicky. He stated that political speech was the most protected speech, and that whatever guidelines the City had must be properly enacted.

MAYOR RUZZANO said that when this was voted on, all the Commissioners wanted the signs up for 1 year and had to incorporate elections signs.

CITY ATTORNEY STEINFELD explained that there were many Cities with time restrictions for the placement of political signs. He said that when other Cities challenged, it was stricken by the Federal Courts. He stated that time restrictions were not allowed for political signs. He explained that the City could not discriminate on the basis of the speech, and the Supreme Court of the United States said that you could not discriminate on signs based on the message they provide.

COMMISSIONER SIMONE felt that the City was not limiting their free speech, but that there were other ways to get the message across. She said that a flag could be placed or a sign could be placed in the window. She questioned whether the item could be brought back up for discussion under a new ordinance, after voting for it tonight.

CITY ATTORNEY STEINFELD agreed; however, he explained that the court allowed time, place and manner restrictions, but if allowing political signs without limitation, you could not discriminate against informational signs. He noted that freedom of speech and political signs were a very difficult part of the law.

COMMISSIONER SIMONE asked why the City ordinance allowed the signs for 1 year if political signs were without limitation. She said that for all of the years it was included in the ordinance, the City was breaking the law.

CITY ATTORNEY STEINFELD replied that the City was contrary to the Supreme Court ruling and if challenged it would have been stricken. He explained that the prior Commission enacted 60 days; however, this Commission amended on the first reading to allow political signs and informational signs 12 months a year. He said that the number and the size could be limited; however, the City could not limit how much time a political sign could remain.

VICE MAYOR BRYAN said that the City was fortunate not to have been challenged.

COMMISSIONER SIMONE asked how many Commissioners would be in favor of bringing this back up to amend the amount of signs allowed.

CITY ATTORNEY STEINFELD noted that the Commission changed the elections from stand-alone elections to correspond with either the Presidential elections or the Governor's election. He said that at that time, it was expanded from 3 to 5 signs, and the courts had upheld the number of signs. He noted that there would be more people up for election in November than in March, which was why it was expanded.

COMMISSIONER SIMONE she felt that having 5 signs in every yard was not attractive and defeated what the City was trying to do for beautification. She asked whether she could ask the Commission whether they would support bringing the item up again to limit it back to 3 signs.

CITY ATTORNEY STEINFELD said that it could be brought up; however, that was up to the Mayor.

COMMISSIONER TALERICO said that he was not in favor of changing the numbers.

COMMISSIONER PEERMAN said that she was willing to discuss it; however, she was not in favor of changing the number.

VICE MAYOR BRYAN agreed with Commissioner Peerman that she was not in favor of changing the number; however, she would not deny the discussion.

COMMISSIONER TALERICO clarified that the State Court struck the ordinance and people could now put as many signs as they want; however, they did not. He felt that there was no proliferation of signs, and that if a candidate was that insensitive to put up signs during the holidays, it would not be favorable for their candidacy. He said that he never saw a candidate with signs on every other house. He felt that 5 signs were enough and that you could not deny people the right to put up a sign up in support of a candidate. He stated that he did not know anybody who would put out signs all year. He said that was not being done in Coral Springs or anywhere else; therefore, he did not worry about it.

COMMISSIONER PEERMAN remembered when Margate used to charge to put signs on single family homes. She said that the amount was changed to 5 when she became a Commissioner.

COMMISSIONER SIMONE respected Commissioner Talerico's opinion and would not debate it; however, she did not agree with him.

ANTHONY CAGGIANO, 7856 NW 1st Street, asked whether duration could no longer be controlled.

CITY ATTORNEY STEINFELD said that was correct for political signs.

MR. CAGGIANO asked about opinion signs.

CITY ATTORNEY STEINFELD stated that if not limiting political signs, informational signs could not be limited because you could not discriminate on the message.

MR. CAGGIANO explained that when painting his house he parked his car across the street and a neighbor complained that he was blocking the mail box. He agreed with Commissioner Simone and felt that calling some signs temporary was a stretch. He stated that the Police were called and he was not blocking the mailbox. He said that allowing 5 signs that can be displayed for 364 days and then be taken down for one day to put back up for another 364 days was a never ending display. He noted that content could not be controlled and not everyone was placing something patriotic on the signs. He felt that hateful and hurtful speech could now be placed on 5 signs and sit on someone's lawn for a year. He stated that the Police Department would have to deal with the worst case scenarios and those who refuse to consider their neighbor's feelings and want to instigate conflict. He stated that 90 days was sufficient.

CITY ATTORNEY STEINFELD having neighbors coming to blows was the exact reason the Supreme Court allowed free speech, because you would have to prove that the safety of individuals was being jeopardized. He gave the example of not being able to yell fire in a movie theater because of safety. He said that if people were coming to blows, it could be limited because of safety.

COMMISSIONER TALERICO said that if a hateful sign was being placed, it did not matter if there was 1 sign or 5 signs. He felt that most of the Citizens of Margate were good and would do the right thing.

The motion carried as follows:

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

ID 16-0025

AN ORDINANCE TO AMEND ELEMENT I OF THE MARGATE COMPREHENSIVE PLAN IN ORDER TO INCREASE THE RESERVATION OF DEVELOPABLE RIGHTS WITHIN THE TOC LAND USE BOUNDARY.

A motion was made by Vice Mayor Bryan, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved on first reading. The motion carried by the following vote:

An amendment was made by Commissioner Peerman, seconded by Commissioner Talerico, that this land use amendment be transmitted to the State subject to the conditions imposed by the Planning & Zoning (P&Z) Board.

MAYOR RUZZANO noted that there would be 1,300 more units, and he asked how many of the units would be used Downtown. He said that it was noted in the paperwork that there was a deal with units going Downtown.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL stated that the request was for units to be added into the allowable residential density allowed to be built in the entire Transit Oriented Corridor (TOC). He explained that it was a second part to the original amendment when the TOC was created. He said that in 2007, when the TOC was created, an additional 3,000 units were requested for the entire TOC, including the City Center development. He noted that at that time there were concerns with school overcrowding, particularly Atlantic West Elementary School that was critically overcrowded at that time. He said that as a result the allowable units were reduced from 3,000 to 1,849, which was a reduction in 1,151 units. He said that moving forward and submitting reports to the County, it was discovered that it was a calculation error in the amount of existing built units. He stated that when the calculation added in an existing built unit that was higher and a total amount of uses that was allowed, the total number of buildable units shrank down to 710 units from the original 3,000. He explained that this amendment would adjust for that error and goes back to the original amount of new units. He said that there was no fixed number specifically designated for the City Center. He noted that the City Center was still in design with the Community Redevelopment Agency (CRA) and the developer that was selected for the project; however, it was estimated that the project would be between 950 and 1,000 dwelling units.

MAYOR RUZZANO referred to Page 5, which stated that the Margate CRA accepted a proposal for development of the City Center area at build out, which would exceed the 603 units. He did not remember seeing anything for 603 units.

DIRECTOR ZISKAL explained that the proposals that were brought and approved by the CRA were higher and were approximately 900. He said that the number due to the overcrowding at Atlantic West Elementary School and the miscalculation reduced it to 710 units. He noted that 107 units of those 710 were allocated to the different projects at the north end of the City that were currently being built. He said that 710 minus 107 allocated only left 603 units left to allocate. He said that by increasing it with the second part of the amendment, would allow the building of 900 units in the City Center while still having a reduction. He stated that currently, the 603 units would not give what was needed to build the City Center.

MAYOR RUZZANO said that he was previously told that none of the units would be used

Downtown. He stated that at the last meeting he was informed that the units would be used for the north end of U.S. 441 and the south side of U.S. 441. He felt that the Downtown was going to be over dense with units, which was not what the City proposed. He mentioned trying to put his daughter in Margate Elementary School; however, he could not because it was overcrowded. He asked where the children would go if the Charter Schools closed down.

DIRECTOR ZISKAL said that they could go to the public schools. He stated that there were certain Statutes and certain calculations that the School Board used to determine their occupancy. He noted that Charter Schools were not included in that calculation. He stated that while Charter Schools offered another option, and the government and district could not control which students attended which schools, the analysis was done by the public school capacity. He stated that the City had an Inter-Local Agreement with the Broward County School District and followed their regulations; therefore, the numbers that were obtained from the School Board.

MAYOR RUZZANO stated that U.S. 441 was currently a nightmare with traffic and accidents. He said that to add another 1,000 units would make it over dense and would not appear to be the Downtown he envisioned. He said that he did not like the way this was going, and he could understand the increase if the 500 units were going by the north side of U.S. 441 by the old Race Track gas station was. He stated that it appeared the units would be mostly used in the Downtown area.

DIRECTOR ZISKAL clarified that if the units were all allocated to the City Center there would be no units allowed anywhere else. He stated that this would allow the opportunity for someone at the north or south end of the City to build another residential project.

MAYOR RUZZANO felt that 900 units at the Downtown were too many and he noted that a lot of the green space was being eliminated.

DIRECTOR ZISKAL explained that if this moved forward, a caveat needed to be made in the motion. He stated that during the Development Review Committee (DRC) and Planning and Zoning Board (P&Z) review of this item, there were a number of corrections. He said that most of the errors were grammatical or typographical. He said that the consultant working on the document was advised that he needed to double check and recalculate the Parks and Recreation and open space calculations, as well as the population projections. He noted that throughout the document there were some inconsistencies. He asked that prior to sending this to the County and State, the corrections be incorporated into the document. He said that he did not have the numbers yet, and that this was a lengthy amendment process. He noted that the Commission will see this again in approximately six months once it was sent to the County. He said it would then go out to all of the review agencies, including the School Board, the Department of Transportation (DOT) and all of the utility providers. He stated that the Commission would get a second chance to review the new numbers for the amendment after comments were received from all of the agencies. He further explained that the amendment had not gone out to the agencies for review, because the Commission needed to approve it for transmittal first. He noted that this was the first transmittal hearing that allowed the sending of the document to the agencies and to Tallahassee for feedback and review in six months.

MAYOR RUZZANO expressed concern about over abundance. He noted that he previously spoke with the developer who agreed that it was all about his making money. He felt it should be about our Downtown and not about the developer making money.

DIRECTOR ZISKAL asked that the CRA hats remain off tonight and understand that this was for the entire 1,200 acre TOC District, with the City Land Use Map and the entitlements. He reminded everyone that it was not just about a specific project. He stated that the City was asking for the maximum entitlements that the 1,200 acres could ever receive.

MAYOR RUZZANO asked whether only 600 units would be used for Downtown if voting against this amendment.

COMMISSIONER PEERMAN said that there would only be 603 units City-wide.

MAYOR RUZZANO questioned where else the City would build.

COMMISSIONER PEERMAN noted that there was a golf course on Atlantic Boulevard.

MAYOR RUZZANO said that he did not even know what would be put in the Downtown and he was afraid that the 1,100 units would be put Downtown because the developer wanted to put housing there for the money.

DIRECTOR ZISKAL said that as the City Planner, he treated the CRA the same as every private property owner. He stated that going through the City process and receiving the entitlements was the exact same process for all. He mentioned someone wanting to buy the northeast corner of NW 31st Street and State Road 7. He noted that inquiries had been received about the possibility of putting residential units there. He understood Mayor Ruzzano's concerns and stated that this was the City map for all property owners. He said that it would be a first-come first-serve basis so when the units ran out there would be no more residential development other than the 603 units.

MAYOR RUZZANO asked whether wording could be added to limit the Downtown to not exceed 603 units.

DIRECTOR ZISKAL said that could be done either through a restricted covenant on the City side or it would most likely be done at the CRA level.

CITY ATTORNEY STEINFELD stated that if the Mayor was not happy with the development, the time to address it was at a CRA meeting as a CRA Board member, as opposed to as a City Commissioner.

MAYOR RUZZANO asked whether it would be too late if the amendment passed tonight.

CITY ATTORNEY STEINFELD replied that it would not be too late because the Commission was in charge of the project. He said that if the amendment did not pass tonight, the rest of the City would be crippled. He stated that the Commission wanted more units for private development and would want the flexibility Citywide.

MAYOR RUZZANO asked why this was not done three years ago. He said that now that the City was getting ready to develop, they were looking to add another 1,300 units.

CITY ATTORNEY STEINFELD reiterated that it was an error that should have been done previously.

DIRECTOR ZISKAL said that it was a little bit coincidental. He explained that the document submitted in 2007, and the population projections, it was for a planning horizon through 2015. He stated that the City was hoping to have the City Center way ahead of

schedule by the time this would have to come back to the Commission; however, the timing and the miscalculation was why it was brought back tonight.

COMMISSIONER PEERMAN stated that it was for the whole TOC and not just for the Downtown. She noted that the City was currently at 603 units for the whole TOC, which was why it needed to be done.

COMMISSIONER BRYAN felt that the Mayor's questions should be addressed by the CRA. She felt that this would get the process in to Tallahassee. She noted that Morrow Elementary School of North Lauderdale had Margate students, which she was previously unaware of. She noted that it was because the School Board changed the boundaries.

COMMISSIONER TALERICO said that some of the older structures may be torn down and purchased for new development.

The amendment carried by the following vote:

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

The motion as amended carried by the following vote:

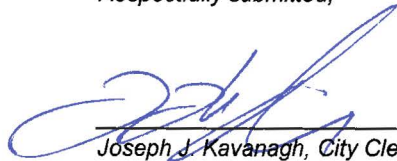
Yes: 5 - Commissioner Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

ADJOURNMENT

There being no further business, the meeting adjourned at 9:32 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 3/2/16