



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, April 6, 2016

7:00 PM

Commission Chambers

CALL TO ORDER

Present: 4 - Commissioner Joanne Simone, Commissioner Lesa Peerman, Commissioner Frank B. Talerico and Mayor Tommy Ruzzano

Absent: 1 - Vice Mayor Joyce W. Bryan

In Attendance:

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

ID 2016-170 ISHMAEL EVERETT, 7TH GRADE, RISE ACADEMY AND ISAIAH EVERETT,
5TH GRADE, RISE ACADEMY

1) PRESENTATION(S)

A. ID 2016-206 RECOGNITION OF DEDICATED SERVICE OF JANETTE HAMEISTER,
RETIRED PRINCIPAL OF ATLANTIC WEST ELEMENTARY

STUDENTS AND TEACHERS OF THE MONTH

B. ID 2016-175 ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, SAMUEL SUAREZ;
TEACHER, MICHELLE BARBARAN
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, AUSTIN WELT; TEACHER,
CARYN LINDEN
(Mrs. Diane Eagan, Principal and/or Ms. Jounice Lewis, Assistant Principal)

HEBREW ACADEMY: STUDENT, YAAKOV AMITAY; TEACHER, RABBI
AVRAHAM GRANAT
(Mrs. Rivka Denberg, Head of School)

LIBERTY ELEMENTARY: STUDENT, RYAN DANIELS; TEACHER, NATALIE SOLOMON

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

MARGATE ELEMENTARY: STUDENT, MADISON SMITH; TEACHER, MADELINE RODACK

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

MARGATE MIDDLE: STUDENT, CARL PIA; TEACHER, DENISE SAYLES

(Mrs. Lezondra Harris, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, KYLA TOMAS; TEACHER, LEONIE WILSON

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

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

PROCLAMATION(S)

- 7 ID 2016-150 NATIONAL LIBRARY WEEK - APRIL 10 - 16, 2016 (presented to Susan Hodas, Community Librarian, Margate Catherine Young Branch and Elizabeth Hill, President, Friends of the Margate Library)
- D. ID 2016-168 NATIONAL CRIME VICTIMS' RIGHTS WEEK - APRIL 10 - 16, 2016 (presented to Tara Nussenblatt, Victim Advocate, Margate Police Department)

2) COMMISSION COMMENTS

COMMISSIONER SIMONE welcomed the new City Attorney Douglas R. Gonzales. She clarified that her statement about the whole process being disorganized at the last Special Commission meeting was meant in reference to the negotiation process and not the hiring process or the work of Renee Narloch. She stated that on Saturday, Earth Day was being held from noon to 3:00 PM at Monarch Hill Renewable Energy Park, as well as the Relay for Life from 3:00 PM to midnight at Monarch High School. She added that the Sounds of Sundown were also scheduled for Saturday from 5:00 PM to 10:00 PM. She said that April 17th was National Pet Day. She noted that the Broward County Commissioners met yesterday for lengthy meeting regarding the penny surtax. She said that Commissioner Wexler and Mayor Cooper continued to negotiate regarding the penny surtax by looking at the matrix with regard to what could be done under the plans. She stated that the plan being advised was a 70/30 split or a 75/25 split. She said that would also be reviewing what could be accomplished under those options. She noted that they also mentioned the possibility of an Oversight Board. She explained Commissioner Wexler and Mayor Cooper would give their fact findings back to the Commissioners, who would meet next Tuesday and draft a resolution on the final proposal to be sent to the Metropolitan Planning Organization (MPO) for their vote in support or not.

MAYOR RUZZANO said that at a prior meeting it was stated that 51 percent was needed to put it on the ballot. He noted that only the larger 3 Cities would be able to vote on it.

COMMISSIONER PEERMAN replied that it was for the City portion of ½ cent.

COMMISSIONER SIMONE clarified that it was not going for the infrastructure and was now only for transportation.

CITY MANAGER DOUGLAS E. SMITH noted that there was a separate discussion going on about the infrastructure, which he would provide information about when giving his report.

MAYOR RUZZANO said that other Commissioners from other Cities felt that it was taxation without representation, because only the 3 larger Cities were voting on it.

COMMISSIONER SIMONE noted that Commissioner Wexler brought that up during her discussion yesterday.

COMMISSIONER PEERMAN said that during the review of the new City Attorney's contract she mentioned reviewing the City Clerk's contract. She asked the Commission whether they wanted to discuss it as a Workshop. She noted that it pertained to some items that were not in his contract; however, they were in the other two Charter employees' contract.

CONSENSUS was taken and all agreed to bring it back for a vote at the next Commission meeting.

COMMISSIONER PEERMAN thanked everyone involved in the park dedication at Kaye Stevens Park.

COMMISSIONER TALERICO agreed that a great job was done on the park and statue dedication at Kaye Stevens Park. He wished newly retired Purchasing Director Pat Greenstein the best of luck, and congratulated Spencer Shambray for becoming the new Purchasing Director.

MAYOR RUZZANO asked for Item 4B and 4C under Consent Agenda to be pulled. He mentioned attending the Margate Association of Condominiums (MAC) meeting last month. He noted that someone from Broward Sheriff's Office spoke about fraudulent mailers going out to the seniors and asked that they be careful as they were very threatening. He noted that if seniors had any questions they should contact MAC. He said that one condo resident asked why he had to pay for a flood zone when he was located on the third floor.

CITY MANAGER SMITH said that he would get additional information to provide to the Commission; however, he noted that the determination was made at a level above the City.

MAYOR RUZZANO stated that the Kaye Stevens Park unveiling of the statue was awesome and he thanked everyone. He reminded everyone that the Margate College was coming up. He apologized to Commissioner Simone and said that she was correct about the Broward County Commissioners writing a check.

3) PUBLIC DISCUSSION

MARY LOU BELDON, 6801 NW 8th Court, said that she was a resident at that address for 50 years. She stated that she received "News of Broward Taxpayers", which stated on the back that it was low income seniors who maintained long term residency. She said that the Cities of Miramar, Oakland Park, Pompano Beach and Davie had all joined in. She hoped that Margate would also join this group because it meant a lot to a senior. She felt people did not realize that when spouses passed away, individuals automatically

lost their other Social Security check. She said that loss for her was over \$90,000. She noted that all the bills were the same and repairs were still needed, such as the roof.

MAYOR RUZZANO asked what the advantages of joining the program were.

CITY ATTORNEY EUGENE STEINFELD clarified that Ms. Beldon was referring to certain Cities that could vote to provide an additional exemption for Ad-Valorem taxes for low income seniors.

COMMISSIONER TALERICO noted that this issue had come up a few years ago; however, it was not feasible at that time because it was a substantial amount of money the City would have to absorb.

CITY MANAGER SMITH said that he would look into it and get updated numbers.

RICK RICCARDI, 4829 South Hemingway Circle, said that he was the former President of the Chamber of Commerce and would still be representing the Chamber of Commerce. He stated that the Chamber of Commerce Golf Outing was the same day as the Business of the Year Award, which would be a luncheon at Oriole Golf Course on Friday, April 29th. He noted that JM Lexus was the major sponsor with Northwest Medical Center as well. He stated that the CRA was sponsoring the luncheon and would also have a foursome. He stated that he was asking the City if they might consider having a foursome play in the Golf Outing. He noted that a foursome was \$400, \$100 per player. He also asked whether the City could donate 100 Koozies for the goody bags. He announced that the Margate Initiative for Community Action and Hope (MICAHA) was having a National Day of Prayer on May 5th at 6:30 PM at the Margate Elementary School. He noted that City Officials were needed to make some presentations. He stated that the Fellowship Foundation and the Recovery Community Organization not for profit organization, and was having a golf outing fundraiser April 16th. He stated that an event called, "Livestock" was being presented, which was a Pop Music Festival with approximately 7 bands. He said that the contact was livestockrock.com. He explained that it was for the benefit of the children at Tomorrow's Rainbow. He noted that it would be located at the farm with all of the animals and would take place from noon to 7:00 PM on May 15th. He added that David Scharf, of the Broward County Sheriff's Office, joined the Board of Directors of the Recovery Community Organization. He announced that a new Recovery Community Center opened on Atlantic Boulevard across from McDonalds, and the opening day and ribbon cutting would take place on April 23rd.

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, to have a foursome team for the Chamber of Commerce Golf Tournament and to donate the koozies from the General Contributions Fund.

COMMISSIONER PEERMAN asked that the Commission be informed after the tournament of how the team did.

CITY MANAGER DOUGLAS E. SMITH said that he could report back to the Commission.

COMMISSIONER SIMONE asked whether this donation would come under the new policy requiring a form to be filled out.

CITY MANAGER SMITH said that the City was actually purchasing participation in an event and was not a straight donation, but he could check the language.

The motion carried by the following vote:

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

Absent: 1 - Vice Mayor Bryan

ANTHONY CAGGIANO, 7856 NW 1st Street, commented on the proclamation regarding the Library system. He felt that for a Country to remain free, transparency and knowledge was critical. He spoke about celebrating and protecting the library system from those who would censor it. He added that the City should always find ways to increase the library funding and reach.

RICH ALIANIELLO, 7631 NW 23rd Street, stated that on NW 77th Avenue there was a "Neighbor Watch" sign that was leaning. He added that there was another sign on 76th Avenue doing the same thing and looked terrible and he asked that both signs be straightened. He asked whether notices could be placed on the water bill regarding Bulk Pickup because of the bulk trash being left outside when people did not know the Bulk Pickup dates. He stated that on March 24th there was a rain storm that knocked out power of 64 units in Margate, and he complained that Florida Power and Light took their time restoring the power. He said that he was told it would be restored at 9:30 PM, but did not have it restored until 3:00 AM.

COMMISSIONER PEERMAN informed Mr. Alianiello that he could call Public Works directly with problems such as the leaning signs.

SYDNEY KING, 2111 NW 76th Avenue, said that he sat on the Board of the Margate Initiative for Community Action and Hope (MICAHA). He noted that at their last meeting, a speaker from Fort Lauderdale informed MICAHA that there were between 300 to 600 children that were homeless. He stated that money was not needed; however, homes and foster care was needed. He suggested having a sit down with some City Staff to see if there was a way to do something for the children.

MAYOR RUZZANO said that it would be looked into and he would get back with Mr. King.

COMMISSIONER PEERMAN stated that she had no problem talking about it; however, there were probably a ton of legalities with regard to the Foster Program.

ARLENE SCHWARTZ, 7800 NW 1st Street, former Mayor, said that at the previous meeting Mayor Ruzzano suggested looking for funds to fund the President's Physical Fitness Resurrection for second graders at Margate Elementary School. She noted that previously an ordinance was put in place to collect impact fees for new construction. She said that with Toscana and Celebration being built, she asked whether the ordinance was looked at to see how much money the City should be getting; therefore, the City would have the money to fund school projects. She stated that the money was previously used for the School Advisory Board for small projects. She noted that the School Advisory Board was discontinued when there was no more construction taking place and money ran out. She noted that now there was major construction going on and money should go

for impact fees for the Education Fund and for the Parks and Recreation Fund. She said that when the ordinance was looked into and the City determined how much money it should be charging, the money should be shared with other departments, such as the Economic Development Department. She mentioned City travel, and said that as a matter of accountability and public trust, the paperwork should be kept. She noted that a former City Commission was handed a credit card, which he was not trustworthy with. She explained the process when she worked 35 years for the School Board and traveled. She stated that the paperwork might be an annoyance, but it would avoid being questioned.

COMMISSIONER PEERMAN stated that the Travel Policy was for the City employees as well as the Commission, and some of those employees could not afford to put out of pocket. She noted that she did not want to be held responsible or comparable to the past Commission. She stated that there was no issue with travel since she was Commission in 2011. She noted that the main idea of the Travel Policy was to give the employees the opportunity to travel, and she wanted to make it easier for them to do so. She stated that she did not want to hold on to the past and make it the future.

FRANK JOHNSON, 7705 Court at Oriole Gardens Two, where golf balls were flying over the housing and smashing cars and windows. He stated that in 2012, he sent a letter to the Commission about the golf balls and was told that nothing could be done. He said that last week the ball dented his car and he called the Police who took a statement, but said that nothing could be done because it was not a criminal act. He added that he spoke to the association, who also responded they could not do anything.

MAYOR RUZZANO asked the City Attorney about the law for living on the golf course.

CITY ATTORNEY EUGENE STEINFELD explained that basically, there was no liability for mistakes, unless it was intentional. He stated that the Civil Law did not recognize a cause of action for a golf ball that broke a window or dented a car. He said that the law stated that if you choose to live near a golf course, that was a risk the individual agreed to take on.

MAYOR RUZZANO explained that the City Attorney was saying that by Mr. Johnson living on the golf course he was accepting the matter.

MR. JOHNSON stated that association told him that he must go to the City, and he sent him a letter in 2012, and received no response.

CITY ATTORNEY STEINFELD said that Mr. Johnson could complain, but there was no cause of action and nothing he could do against people who hit the ball. He stated that the golfers would tell Mr. Johnson to sell his house and move from the golf course.

MR. JOHNSON said that he was moving, and that the association told the residents to stop writing about the golf balls.

CITY ATTORNEY STEINFELD reiterated that it was not a criminal act and nothing could be done about it.

COMMISSIONER PEERMAN noted that the owner of the golf course did adjust his tee slightly to help the people; however, the condo was built on the golf course.

MR. JOHNSON mentioned the association's homeowner's insurance, and said that they should pay.

COMMISSIONER PEERMAN said that Mr. Johnson needed to speak to his association about that, as well as handle it with his homeowner's insurance or car insurance, because the City could do nothing. She reviewed Mr. Johnson's documents and determined that in 2012, City Manager Jerry Blough provided him with the contact information of the Oriole Margate Executive Golf Course, and informed him that the City could do nothing.

CHARLIE ARTNER, 6631 NW 22ND Court, thanked the Mayor for the quick response to the letter he sent regarding a resident who was speeding on his street at 85mph in a 25 mph speed limit. He asked the Commissioners and the Police if there was anything he could do. He said that he called the Police on several occasions, but he was told nothing could be done unless he was actually caught in the act of speeding. He noted that there were children playing in a quiet, nice neighborhood, except for the bullying motorcycle driver.

MAYOR RUZZANO said that he received the letter and forwarded it to the appropriate Staff.

COMMISSIONER PEERMAN noted that Police Chief Dana Watson would speak to Mr. Artner about the situation.

4) CONSENT AGENDA

- A. ID 2016-161 MOTION - AUTHORIZATION TO ADVERTISE AN ORDINANCE TO PROVIDE PARKING STANDARDS FOR BOLLARDS AND WHEELSTOPS.
- D. ID 2016-190 RESOLUTION - APPROVING THE INDEMNIFICATION AGREEMENT WITH HANLEX MARGATE, LLC FOR TAPPING OF A WATER MAIN, CONSTRUCTION OF A WATER SERVICE, AND RELOCATION OF A FIRE HYDRANT AT 700 SOUTH STATE ROAD 7.
- RESOLUTION 16-190*
- APPROVED**
- E. ID 2016-193 RESOLUTION - ACCEPTING BILL OF SALE AND APPROVING THE ACCESS EASEMENT FOR MAINTENANCE OF WATER FACILITIES AT THE STRADA TOWN CENTER.
- RESOLUTION 16-191*
- APPROVED**
- F. ID 2016-195 RESOLUTION - ACCEPTING BILL OF SALE AND APPROVING THE UTILITY AND ACCESS EASEMENTS FOR MAINTENANCE OF WATER AND SEWER FACILITIES AT 8010 W SAMPLE RD, 7914-8032 W SAMPLE RD, AND 8038-8092 W SAMPLE RD.
- RESOLUTION 16-192*
- APPROVED**

Approval of the Consent Agenda

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

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

Absent: 1 - Vice Mayor Bryan

ITEM 4B WAS PULLED FROM THE CONSENT AGENDA

B. ID 2016-172 MOTION - AUTHORIZATION TO ADVERTISE AN ORDINANCE TO AMEND THE LANDSCAPING MAINTENANCE REQUIREMENTS OF THE LANDSCAPING AND ZONING CODES TO ADD VERBIAGE FOR "ENCROACHING ON PROPERTY OF OTHERS"

MAYOR RUZZANO said that this motion came about because a resident felt that bushes and landscaping from the neighbor's property should be maintained by that neighbor who installed it.

CITY ATTORNEY EUGENE STEINFELD explained that the Common Law read that there was no cause of action against a property owner for plants, roots or shrubbery that grew from one property owner onto the next property owner's property. He said that the Common Law allowed the property owner to cut at the property line, the growths that were intruding on their property, pursuant to City Ordinance, County Ordinance and State Statute. He stated that the property owner could not cut it in a way that killed the growth or was hat racking. He noted that this ordinance would reverse that and would basically say that if the vegetation intruded onto the neighboring property, the neighboring property owner could tell the property owner where the vegetation emanated from to trim the vegetation from the neighboring property owner's property.

COMMISSIONER PEERMAN noted that this was the motion to advertise.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that Staff drafted the ordinance with the Commission's direction, and ran it through the first two steps of the approval process. He noted that the first step was the Development Review Committee (DRC) and the second step was the Planning and Zoning Board (P&Z). He stated that with regard to shifting responsibility from the neighbor to the tree owner's property, Staff had concerns that a liability issue could exist because a neighbor was now required to go onto the other property to possibly climb a ladder and maintain vegetation. He said that some discussion ensued that in most cases, the two neighbors would most likely not be on great terms. He provided a scenario, which created a potential for an accidental slip and fall or other injuries. He noted that Staff evaluated that if the vegetation was growing onto the neighbor's property in such a manner that it was causing distress, the wish of the neighbor would be that the tree be cut on the property line; however, tree preservation codes did not allow that. He noted that the pruning of a tree had to be done in a manner not to constitute tree abuse, hat racking or kill the tree. He said that the DRC recommended that the Common Law was the better way, because the ordinance would cause more problems than it would solve, and an enforcement issue would ensue. He stated that following the DRC meeting, the P&Z Board also recommended denial of the ordinance, and agreed with moving forward with the Common Law.

CITY ATTORNEY STEINFELD said that only one City in Broward County had a similar ordinance, which was Deerfield Beach.

COMMISSIONER PEERMAN asked for clarification as to why the issue went further than the DRC after they recommended denial.

DIRECTOR ZISKAL replied that the DRC and the P&Z Boards were recommending bodies.

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Motion not be advertised.

COMMISSIONER SIMONE said that she was not in agreement with keeping the Common Law, because it stated that one neighbor could go onto the other neighbor's property.

COMMISSIONER TALERICO said that the neighbor could not go on the other neighbor's property.

DIRECTOR ZISKAL clarified that the Common Law stated that the responsibility for pruning the tree was divided at the property line. He added that the owner of the tree was responsible for trimming the tree on his property, and that the neighbor would be responsible for the portion encroaching on their property.

COMMISSIONER SIMONE felt that the person who owned the tree was responsible for trimming the tree, and that if the neighbors could not work out the issue, the Code should force the person who owned the tree to cut it according to the Code. She said that the neighbor needed to understand that if the branches went on their property, nothing could be done about it due to the Code. She felt it was not fair for the neighbor to pay for trimming the tree that they did not own.

MAYOR RUZZANO questioned whether this was a liability issue, and asked whether the City would be partly responsible for giving the owner the right to go on the neighbor's property per the Code.

CITY ATTORNEY STEINFELD said that the City would not be responsible, because the City was not involved in the action. He stated that there was no responsibility for the City to enact a law that put two other property owners in motion. He noted that the City would be sovereignly immune from any lawsuit pertaining to writing or enforcing a law. He explained that under the Common Law, the line had been drawn for natural growth. He said that a natural occurring growth was not a nuisance. He said that if a property owner thought the growth was interfering with his property, he had the right to cut it back to the property line.

COMMISSIONER TALERICO said that he was bothered because the neighbor would have to notify the tree owner in writing and grant tree owner the access to the property. He stated that the tree owner would then be responsible for all maintenance of the tree.

COMMISSIONER SIMONE said that she wanted to change the ordinance so that if neighbors could not work out the problem, Code would force the owner of the property to trim the tree according to the Code.

COMMISSIONER TALERICO disagreed and explained that his neighbor was a tree owner who cut the tree on his side of the property while the branches fell onto Commissioner Talerico's property. He noted that he had to remove the branches from his yard and pool, which was the problem.

COMMISSIONER SIMONE said that under the Common Law, that was allowed.

CITY ATTORNEY STEINFELD explained that the property owner only was able to cut the tree on his property; therefore, the limbs would fall on the neighbor's property. He verified that was the way it was now, and that Commissioner Talerico was arguing the opposite.

COMMISSIONER TALERICO said that only one City in Broward was doing this. He felt that this was working for Margate for years, and that this would cause problems with neighbor against neighbor.

COMMISSIONER SIMONE said that she wanted the ordinance to follow Common Law with a stipulation stating that the neighbor did not have to be responsible for trimming the tree owner's tree.

CITY ATTORNEY STEINFELD said that was not following the Common Law.

COMMISSIONER SIMONE reiterated that she wanted to change the law to state that the neighbor had the right to trim the branches coming onto her property, but if the neighbor did not have the means to do that, the tree owner had to do that.

CITY ATTORNEY STEINFELD spoke about purchasing the home while the tree was already planted.

COMMISSIONER SIMONE gave an example of purchasing a home without a tree and the neighbor then planted a tree that grew. She asked what would happen if she was 90 years old and could not cut the tree.

CITY ATTORNEY STEINFELD stated that the law could not make that decision. He said that whether the individual was 90 years old or 25 years old, the law said everybody had to cut the tree. He said that it would put neighbor against neighbor.

COMMISSIONER PEERMAN thought that Commissioner Simone wanted the owner of the tree to be responsible, whether 90 years old or 25 years old.

COMMISSIONER SIMONE agreed.

COMMISSIONER PEERMAN asked who would get the ticket for hat racking if she cut the tree from the property line straight up if hanging over into her yard.

CITY ATTORNEY STEINFELD said that was a legal question.

POLICE CHIEF DANA WATSON assumed it would be the person who did the cutting; however, he would confer with the City Attorney first.

CITY ATTORNEY STEINFELD stated that the Code read that the property owner would be cited, because of the nuisance on the property. He noted that if a contractor hat racked a tree in someone's yard, the contractor did not get cited, but the property owner was cited for having a hat racked tree.

COMMISSIONER PEERMAN agreed and reiterated that if she cut the nuisance part off her side of the yard and hat racked it, the tree owner was in violation of hat racking.

COMMISSIONER TALERICO noted that the discussion was whether or not to approve the motion for advertising.

COMMISSIONER PEERMAN clarified that the discussion was regarding the advertising, which she made a motion about.

An amendment was made by Commissioner Simone, which died for lack of a second, to change so that it was the responsibility of the owner of the tree to take care of their own tree.

CITY ATTORNEY stated that was exactly what this ordinance did.

COMMISSIONER SIMONE thought that it was the Common Law.

COMMISSIONER PEERMAN explained to Commissioner Simone that this ordinance gave the property owner without the tree the right to have Code tell the tree owner to cut the tree. She pointed out that there were many problems with the ordinance, such as liability.

COMMISSIONER SIMONE said that was why she was not advocating someone going on someone else's property. She stated that the tree owner needed to trim their own tree.

COMMISSIONER PEERMAN noted that the tree owner would have to come onto the neighbor's property; therefore, the neighbor would be liable. She suggested voting on this and then rethinking and possibly having a Workshop about it.

FRANK MESSANA, 7310 NW 1st Street, asked how the motion came before the Commission.

COMMISSIONER PEERMAN explained that an elderly resident came to the City with the problem.

MR. MESSANA asked who wrote the motion as it was now, and he suggested directing that it be written the way Commissioner Simone wanted it.

The original motion to not approve the motion to advertise the ordinance carried by the following vote:

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

Absent: 1 - Vice Mayor Bryan

ITEM 4C WAS PULLED FROM THE CONSENT AGENDA

- C. ID 2016-203 MOTION - AUTHORIZATION TO ADVERTISE AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, PROVIDING FOR AUTHORIZATION OF PURCHASES, BID AWARDS, AND CONTRACTS BY THE CITY MANAGER;

PROVIDING FOR APPROVAL OF CONTRACTS BY THE CITY COMMISSION; PROVIDING FOR NONAPPLICABILITY TO COOPERATIVE BIDDING, PROVIDING FOR SEVERABILITY; PROVIDING FOR RETROACTIVE APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.

CITY MANAGER DOUGLAS E. SMITH stated that this was a motion to advertise. He explained that when a Manager's authorization for Purchasing Level was previously put in place, there was no language reflecting the section of the City Code for non-applicability of bids being required if doing a purchase in conjunction with another cooperative bid or another governmental agency. He said that in addition to some other changes in the language, the proposal was to add the exception and make it retroactive to when the original change was made. He asked the Commission to support moving forward with those types of cooperative or other governmental agency piggyback purchases above \$50,000 for items already budgeted for. He asked for the Commission's support to continue to process purchases. He noted that when the \$50,000 threshold was put in, it was a change from the existing Purchasing Code. He added that he would be bringing back a full Purchasing Code update at a later point in time, and that this was only an interim provision.

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

CONSENSUS was given to continue piggybacking and all agreed 4-0.

The motion carried by the following vote:

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

Absent: 1 - Vice Mayor Bryan

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH stated that the new Starbucks on Atlantic Boulevard opened, as well as the Orion Gas Station at the corner of State Road 7 and Atlantic Boulevard. He said that the BB&T was in progress on Coconut Creek Parkway. He said that the Dollar General Site Plan was being approved and there were Development Review Committee (DRC) reviews on Floribbean Wholesale Seafood and a proposed Burger King on the east side of State Road 7 and Coral Gate Boulevard. He noted that with regard to the County's action on the Transportation Surtax, there was a meeting of Cities, which Margate had not attended. He stated that he received backup on Cities that would be taking the Infrastructure Surtax forward. He said that the City of Fort Lauderdale supported and passed the resolution. He explained that the Infrastructure Surtax had additional categories of expenditures that could potentially include the Public Safety vehicles. He proposed that Margate not take interim action and wait, because it was coming back to the County Commission next week. He congratulated Spencer Shambray on his promotion. He also welcomed Douglas R. Gonzales, incoming City Attorney. He noted that the Commission previously discussed the Channel 78 expansion and Staff met with the consultant and was waiting for a proposal on work needed for upgrading. He stated that NW 6th Court had a roadway repair near the new Fitness Park would be completed next week. He added that there was a sinkhole at SW 7th Street and SW 64th Terrace, which was currently barricaded. He said that the repairs would be completed by Monday and there was no damage to private property.

6) RESOLUTION(S)

- A. ID 2016-166 AUTHORIZING THE RECLASSIFICATION OF THE SYSTEMS ANALYST POSITION INTO THE TECHNOLOGY APPLICATION SPECIALIST POSITION AND TECHNOLOGY SUPPORT SPECIALIST POSITION WITHIN THE INFORMATION TECHNOLOGY DEPARTMENT

RESOLUTION 16-193

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

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

Absent: 1 - Vice Mayor Bryan

- B. ID 2016-174 ACCEPTING FUNDING AND APPROVING AN "INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE FOR DISBURSEMENT OF HOME PROGRAM FUNDS HOUSING REHABILITATION PROGRAM - FY 2015 FUNDING IN THE AMOUNT OF \$70,974.00"

RESOLUTION 16-194

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

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

Absent: 1 - Vice Mayor Bryan

- C. ID 2016-179 APPROVING THE ACQUISITION OF A FORD INTERCEPTOR UTILITY VEHICLE FROM DON REID FORD UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES CONTRACT (BID NO. 15-23-0904) IN AN AMOUNT NOT TO EXCEED \$28,000; PROVIDING FOR THE ADMINISTRATIVE PURCHASE OF ANCILLARY EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$6,000.00.

RESOLUTION 16-195

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

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

Absent: 1 - Vice Mayor Bryan

- D. ID 2016-187 APPROVING THE ACQUISITION OF A 2016 HARLEY DAVIDSON (HD) ELECTRA GLIDE POLICE MOTORCYCLE FROM DAYTONA HARLEY

DAVIDSON UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES BID NO. 15-23-0904 IN AN AMOUNT NOT TO EXCEED \$19,000, PROVIDING FOR THE ADMINISTRATIVE PURCHASE OF ANCILLARY EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$5,000.00.

RESOLUTION 16-196

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

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

Absent: 1 - Vice Mayor Bryan

- E. ID 2016-184** APPROVING A "BROWARD COUNTY MULTI-AGENCY HOMELESS OUTREACH TASKFORCE AGREEMENT" TO PROVIDE FOR DEVELOPMENT, COORDINATION AND IMPLEMENTATION OF HOMELESS OUTREACH EFFORTS THROUGHOUT BROWARD COUNTY.

RESOLUTION 16-197

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

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

Absent: 1 - Vice Mayor Bryan

- F. ID 2016-188** APPROVAL OF A PLAT AMENDMENT FOR INFANTE II PLAT

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

Yes: 3 - Commissioner Simone, Commissioner Peerman and Mayor Ruzzano

No: 1 - Commissioner Talerico

Absent: 1 - Vice Mayor Bryan

- G. ID 2016-192** RESOLUTION APPROVING AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF MARGATE FOR EMS COUNTY GRANT FUNDING FOR VIDEO LARYNGOSCOPY EQUIPMENT AND BACTERICIDAL INDUCTION CHARGED SPRAYER.

RESOLUTION 16-198

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

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

Absent: 1 - Vice Mayor Bryan

- H. ID 2016-197 APPROVING (1) 2016 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND MARGATE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; (2) THE 2016 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; AND (3) 2016 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND MARGATE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING FOR UPDATED POPULATION FIGURES.

RESOLUTION 16-199

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

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


Absent: 1 - Vice Mayor Bryan

ADJOURNMENT

There being no further business, the meeting adjourned at 10:02 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 6/11/16