



City of Margate

5790 Margate Boulevard
Margate, FL 33063
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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 Douglas R. Gonzales

City Clerk Joseph J. Kavanagh

Wednesday, June 15, 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 Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

MAYOR RUZZANO expressed condolences to the victims, their families and the LGBT community for the tragedy in Orlando. He said that as a husband and father of four children, that such an event made him realize this could happen anywhere. He also mentioned that life is too short to fill our hearts with hate. He also expressed gratitude for the brave actions of law enforcement personnel, firefighters and medical staff.

PLEDGE OF ALLEGIANCE

ID 2016-344 JACK BOOKER, 2ND GRADE

1) PRESENTATION(S)

A. ID 2016-348 FIREFIGHTER OF THE MONTH OF MARCH - MANUEL SANCHEZ

FIREFIGHTER OF THE MONTH OF APRIL - STEPHEN CATALANO
(Presented by Fire Chief Dan Booker)

B. ID 2016-368 RECOGNITION OF THE MARGATE FIRE EXPLORERS

C. ID 2016-374 MAYOR'S FITNESS CHALLENGE 2016 OVERALL WINNERS: ANJALI BEEPAT AND THOMAS RUZZANO

ATHLETES OF THE MONTH AND EMPLOYEE RECOGNITIONS WERE HEARD
PRIOR TO THE PRESENTATION RE: STATE ROAD 7.

ATHLETES OF THE MONTH

- E. ID 2016-327 SWIM: EVRETT RIDLEY, 6 YEARS OLD
(Margate Motion Swim Team)
- SWIM: SOFIA OCHOA, 6 YEARS OLD
(Margate Motion Swim Team)
- BASEBALL: SARAH BREWER, 19 YEARS OLD
(Challenger/Champion Baseball, Rays)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- F. ID 2016-328 MICHAEL J. BORRELLI JR., DEPUTY POLICE CHIEF - POLICE DEPARTMENT - 30 YEARS
- ANGEL JOSE MALDONADO, POLICE OFFICER - POLICE DEPARTMENT - 10 YEARS
- BARBARA DAHL, OFFICE SPECIALIST II - POLICE DEPARTMENT - 10 YEARS
- STEPHEN CATALANO, FIREFIGHTER PARAMEDIC - FIRE DEPARTMENT - 10 YEARS
- MANUEL E. SANCHEZ, FIRE CAPTAIN - FIRE DEPARTMENT - 10 YEARS
- DEBORAH A. SCHWEITZER, RECREATION ATTENDANT - PARKS & RECREATION - 10 YEARS

PRESENTATION(S) continued

- D.** ID 2016-386 STATE ROAD 7 MULTIMODAL IMPROVEMENTS CORRIDOR STUDY
(Presented by Demian Miller, Consultant for the Broward Metropolitan Planning Organization)

DEMIAN MILLER, Consultant for the Broward Metropolitan Planning Organization (MPO), explained that as part of the MPO's 2040 Long Range Transportation Plan, several roadways and corridors in Broward County were identified as strategically important for mobility. He stated that during the study, the roadways were prioritized, and that State Road 7 was one of the first looked at for improvements for both mobility and safety overall. He said that State Road 7 was looked at from the Dade County line to Sample Road. He explained that the Florida Department of Transportation (FDOT) previously did a study north of Sample Road. He said that the purpose of the study was to identify short or midterm improvements for congestion with a strong focus on bicycle pedestrian safety and mobility with access to transit. He explained that State Road 7 was the busiest transit route in Broward County with 20,000 riders a day. He noted that the study was about short term improvements to make roadways safer for all users with better mobility. He said that long term concepts were identified for critical intersections, and that there were two advisory groups; one statewide and one countywide. He added that all

communities along the corridor were met with for localized feedback at the beginning, middle and end of the study. He said that there was a website where the public could find out about the project, make comments and see complete surveys. Mr. Miller stated that surveys were also done in the field where 15 intersections were identified along the 20 miles. He explained that presentations were also provided to community groups, as well as telephone town hall meetings with over 200 people on the phones. He further explained long and short term improvements and lighting requirements. He showed two relevant projects at the north end of the corridor. He noted that the C-14 Canal had no crosswalk intersecting State Road 7 and that a recommendation for a pedestrian traffic signal was made. He explained that review of the City Center conditions indicated sidewalks next to the busy roadside and no bicycle facilities. He said that after meeting with Staff, a proposal was made to keep the roadway narrow to minimize the crossing distance to connect the two halves of the development and to create a buffer or protection between the sidewalk area and the roadway. He stated that the strategy proposed to accomplish those objectives without reconstructing the entire road, was to do a protective bike lane system behind a landscape buffer with a sidewalk area. He explained that the bicyclists and pedestrians had separate space while being protected from traffic, and that the roadway was not widened anymore. He added that there was also a proposal to continue the 12 foot sidewalk. He said that there was an objective to get the bus stops closer to the signals on Atlantic Boulevard, but that would create operational impacts on the buses. Mr. Miller said that one strategy identified was to allow the buses to use the right turn lane and proceed through the intersection stopping at the immediate far side. He noted that there were some suggestions about relocating the bus stops to accomplish that strategy. Mr. Miller stated that the next step was to present the MPO's Technical Advisory Committee and Citizen's Advisory Committee on Wednesday, and then to the MPO Board on the 14th. He said that when returning to program the projects in the community, and before they go into FDOT's Work Program or the MPO's Five Year TIP, the City would be asked to pass a resolution to support. He noted the FDOT and the MPO would be working with the City to make sure the appropriate level of community involvement outreach was done specifically regarding the proposed projects.

COMMISSIONER TALERICO mentioned a problem through the corridor with jaywalking, and he asked whether that would be addressed.

MR. MILLER replied that it was very challenging, but there were some strategies that could be tried. He explained that they could try to shift bus stop locations around to manipulate that, which could be tried at Atlantic Boulevard. He added that the signalized intersections could be made as good as possible. He noted that an additional traffic signal was proposed for the City Center.

COMMISSIONER TALERICO mentioned A1A, where there was a marked stop for pedestrians, and he questioned whether that worked.

MR. MILLER said that there were specific criteria for marked crosswalks. He noted that on State Road 7 there had to be a full pedestrian signal or a pedestrian hybrid beacon. He said that those types of things made traffic stop, which ran the risk of rear end crashes. He added that people did not only cross at one place; therefore, if putting in the crosswalks, there would still be random crossings.

COMMISSIONER PEERMAN said that she spoke with FDOT about getting a pedestrian light installed. She noted there were numerous areas where the stoplights were far from each other and people walked through. She said that FDOT directed her to the MPO. She felt that the pedestrian lights were the most logical solution. She added that there was no place to cross by Walmart and many have died.

MR. MILLER commented that six lane roadway corridors throughout the State had overrepresentation with crashes. He said that there were constraints with putting in crosswalks within the influence area of a major signalized intersection, such as near Walmart. He noted that it was too close to the existing signal at Atlantic Boulevard.

COMMISSIONER PEERMAN said that they were crossing at Denny's.

MR. MILLER agreed and said that north of Atlantic Boulevard was the influence area, which was a tough location because of the size of the intersection. He clarified that signals not only created an opportunity for people to cross more safely, but also helped to stratify the flow of traffic and provide better and cleaner gaps in traffic.

COMMISSIONER SIMONE mentioned the idea of a flyover for pedestrians, which she spoke about with the MPO. She said that she was provided a picture of Linear Park in Washington, which was a unique concept. She suggested modifying that for Margate and adding public artwork so that people would want to cross there. She hoped the crosswalk flyover was not being ruled out because she felt that if done properly, it could be an enhancement.

MR. MILLER stated that at this point, he had no recommendations for pedestrian overpasses in the project, because in general, they worked best when there were two strong uses paired on either side of the street and the roadway was constrained with no other options. He noted that Las Vegas had these; however, the road was walled off from the strip and people could not physically cross. He stated that pedestrians were adverse to going out of their way to go to the signal and going up and down, which was why there were mid-block issues.

COMMISSIONER SIMONE felt that they must be made pleasing, such as with a linear crossover with artwork and an area where people could sit for a minute.

VICE MAYOR BRYAN mentioned pedestrian control in Tallahassee.

MR. MILLER said that crosswalks could be made four different ways. He explained that crosswalks could have a flashing light 24/7, which was not very effective. He said that there were also crosswalks where the pedestrian pushed a button. He added that there were flashing beacons and different hybrid beacons like a railroad signal.

MAYOR RUZZANO asked what was involved to move a bus stop. He mentioned the bus stop on Atlantic Boulevard by Wendy's.

MR. MILLER said that at least 8 feet of depth in the right of way was needed, because the American Disabilities Act (ADA) required a minimum of 5 feet wide by 8 foot deep level landing. He said that Broward County Transit must be in agreement with the move. He stated that he would research the issue by Wendy's and provide a response back.

MAYOR RUZZANO asked whether bicycle lanes were actually requested by people.

MR. MILLER explained that his philosophy was to provide options. He noted that some bicyclists wanted to do vehicular bicycling and ride in a bike lane and follow the rules of the road. He noted that FDOT and Broward Complete Streets Policy stated that bike lanes were part of the complete street. He added that sometimes bicyclist ended up on the sidewalk rather than the street, which was not always adequate, which was why the 12 foot standard was proposed. He further explained that when bicyclists rode the sidewalk

against traffic they ran the risk of being hit by a car. He noted that bicyclists moving fast on the road were actually safer. He stated that the concern was when bicyclists rode against the flow of traffic. He added that the site triangles must be clear and not full of landscaping or signage. He said that he was not aware of a situation where a roadway was reconstructed just to provide bicycle lanes, but if the roadway was being widened, bicycle lanes could be included.

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

2) COMMISSION COMMENTS

COMMISSIONER SIMONE thanked Public Works for cleaning up the swings on Rock Island Road. She congratulated the Fire Explorers for their accomplishments. She spoke about the firework tents throughout the City. She understood that the Development Review Committee (DRC) approved the tents once, and thereafter, the same tent with the same conditions did not need approval. She stated that residents included wildlife that should not have to endure the effects of fireworks on the environment and health. She stated that she performed her own research, and that it was not her intent to take away people's fun, but for people with respiratory issues, COPD, Ashtma, Sinusitis, Bronchitis, as well as military veterans, pets and wildlife, fireworks were not fun and might seem like the end of the world. She felt that if the fireworks were not readily available, the residents and neighborhoods could be protected from the ill effects. She understood it was only one night; however, the fireworks were shot off days in advance of the holiday, as well as afterwards. She noted that research from Harvard University determined that particles from the fireworks tended to stay suspended in the air for days. She stated that the Clean Air Act permitted State and local governments to enact laws relating to the protection and control of outdoor air pollution. She mentioned what the neighborhoods looked like on the Fourth of July and New Year's Eve with the smoke blanketing the air. She stated that all fireworks contained carbon and sulfur necessary for burning, and that burning the fireworks released a large amount of air pollutants, such as sulfur dioxide, carbon dioxide, carbon monoxide, particulate matter, metal salts, aluminum, manganese and cadmium. She added that some fireworks contained toxic metals such as lead. She noted that the country of origin for many fireworks was China, and she did not trust China for her health or the air she breathes. Commissioner Simone continued that according to research from the Institute of Environmental Assessment and Water Research, metallic particles in the smoke emitted from fireworks posed a health risk particularly to asthmatics. She mentioned a resident in Tamarac that left her home and dog on July 4th and New Year's Eve to go to a hotel. She felt that a person should not have to leave their home to breathe clean air for the pleasure of others or to become a prisoner indoors to escape toxic firework fumes. She explained that fireworks polluted not only the air, but also the water. She said that there was a water soluble chemical called perchlorate used in fireworks. She mentioned the noise and litter involved with the fireworks, and that water fowl digested the debris as well. She said that the acceptable daylight noise levels for residential areas and schools were approximately 65 decibels; however, fireworks could exceed 140 decibels. She stated that firecrackers were 145 decibels, and that noise above 85 decibels could damage hearing. She added that 140 decibels could cause immediate nerve damage; therefore, were not considered safe for any period of time. She spoke about the effect of the noise on Veterans and those suffering from Post-Traumatic Stress Disorder (PTSD), and that the loud noise brought back memories of traumatic events. She noted that 7 percent to 20 percent of more than 2.5 million Veterans and troops who served in Afghanistan and Iraq were believed to have developed PTSD. She said that the Veterans were writing online how they dreaded the July 4th fireworks. Commissioner Simone proceeded to explain that the noise effected wild and domestic animals, as they caused fear, stress and anxiety. She noted that ears of animals were more sensitive than human ears, and could permanently affect their hearing. She said

that some animals were known to try to escape the noise by jumping fences, getting hit by cars, etc. She added that wildlife, nesting birds and other small mammal's parents abandoned their nests leaving babies behind because of panic and disorientation. She said they could no longer find their nests and flew into windows and buildings. She noted that following the fireworks, wildlife rehabilitators experienced an increase in orphaned birds, squirrels and other small animals. She provided some statistics involving those small animals and the effect of the fireworks. She asked that the fireworks availability be limited in the City. She realized people would go to other Cities to purchase the fireworks; however, she felt that the City would be taking a stand for what was in the best interest of the residents and environment.

A motion was made by Commissioner Simone, seconded for discussion by Commissioner Peerman, that the Ordinance be changed to not allow fireworks to be sold in tent stands.

COMMISSIONER TALERICO stated that there was a big difference between legal and illegal fireworks. He noted that the fireworks in the tents were not illegal and did not explode in the air causing all the debris. He felt that Commissioner Simone was referring to fireworks that were brought into the City illegally.

COMMISSIONER SIMONE clarified that she was referring to firecrackers as well.

COMMISSIONER TALERICO noted that firecrackers were exploding fireworks, which could not be sold in the City of Margate.

POLICE CHIEF DANA WATSON explained that there was a distinction between what was legal for sale and what was not legal for sale to the public; however, a lot of the things that were legal did make noise and produce smoke. He stated that the items sold in the tents did make noise and emit smoke; however, the sound level would not be equivalent to when the firework display was done for the City, which was not allowed to be sold to the public.

COMMISSIONER TALERICO asked whether Commissioner Simone wanted to stop the firework display as well.

COMMISSIONER SIMONE said that her next step would be to eliminate the City fireworks for those same reasons. She suggested replacing them with something safer for all the residents, such as laser and light shows that were being done by a lot of other Cities. She recommended using the money for something all residents could enjoy while remaining on the safer side.

COMMISSIONER PEERMAN agreed about the fireworks people used in the streets. She noted that due to the smoke, you could not see down her street following the Fourth of July. She noted that everything that could be purchased in the tents was used, such as bottle rockets that were on her roof. She said that she had no problem with the tents. She asked that the City's fireworks display not be discussed right now, because she did not want to confuse the two issues. She agreed that not selling the fireworks in Margate was a step for all the causes Commissioner Simone spoke about; however, she did not believe that would stop it. She noted that organizations used the sales for fundraising, but she questioned who was regulating what was being sold, because children and adults had blown their hands off with basic firecrackers. She clarified that roman candles, firecrackers, cherry bombs and bottle rockets could be purchased at the tents. She noted that roman candles shot stuff up. She noted that the neighborhood fireworks were

also being set off, and that not all the smoke was from Margate neighborhoods. She agreed that the City did not need to be part of the tent sales.

COMMISSIONER TALERICO understood; however, he felt that 95 percent of the fireworks being discussed were not sold at those stands. He noted that people spent thousands of dollars purchasing the illegal fireworks that caused the problems. He said that the stands could be closed but it would not put a dent into what the people were shooting off in front of their homes. He noted that it was hard to control because extra Police personnel would probably be needed to track down every individual shooting off the fireworks. He stated that people were still going to purchase fireworks at professional firework places, even if the stands were closed. He said that the fireworks needed to sign something stating that they were using the fireworks for agricultural purposes, such as keeping animals off their property; however, they should not be sold for entertainment purposes. He felt that the thing to do was to have the State Legislature ban the fireworks in the State of Florida. He said then the people would go to another State, because there was no way to stop it.

COMMISSIONER SIMONE said that people who did not purchase illegal fireworks would still purchase from the stand the items that caused smoke, etc.

COMMISSIONER TALERICO noted that those fireworks could be purchased at Publix and Winn Dixie.

COMMISSIONER SIMONE felt that not allowing the tents would make the fireworks less available.

COMMISSIONER TALERICO said that it was a large problem, and he did not know how it could be controlled.

COMMISSIONER PEERMAN asked whether the City was allowing the tents to sell the fireworks because an organization was using it as fundraising, and questioned why they were in Margate.

COMMISSIONER TALERICO said that the City would remove the organization's fundraising capability while letting the commercial enterprises flourish, when the people would just go to a store to purchase them.

COMMISSIONER PEERMAN agreed they should be banned in the stores as well, but that could not be done because the City of Margate was not a business. She asked what organizations were selling the fireworks.

ASSOCIATE CITY PLANNER ANDREW PINNEY explained that there were three sparkler sale fundraisers in the City. He noted that the Atlantic Baptist Church fundraiser was recently approved at the east end of the City on Atlantic Boulevard. He added that TNT Fireworks partnered with a Church in Hollywood was located in WalMart, and in Brunswick Lanes there was Holiday Charities and Promotions that partnered with the Alzheimer Center.

COMMISSIONER PEERMAN disagreed with having someone fundraise in the City of Margate for Hollywood, as well as for the Alzheimer Center. She questioned whether they were previously approved.

MR. PINNEY agreed. He clarified that the first to be approved was the Atlantic Baptist Church on Atlantic Boulevard.

COMMISSIONER PEERMAN felt that being a church, they might feel differently if Commissioner Simone's research was explained to them.

VICE MAYOR BRYAN asked whether this was the first year for Atlantic Baptist Church.

MR. PINNEY agreed.

COMMISSIONER PEERMAN said that it was stated that the two organizations being allowed to do the sales were not benefiting the City of Margate, and that would be an easy vote for her.

MAYOR RUZZANO noted that cigarette smoke was also harmful, but people could smoke right outside City Hall with the City not being able to do anything about it. He felt that if this was about health, he mentioned cigarette smoking last year. He noted that this was the first time he heard about the Alzheimer Center selling the fireworks, which he said he should have inquired about sooner. He stated that nobody was opposing cigarette smoke, which was more harmful.

VICE MAYOR BRYAN understood Commissioner Simone's statements regarding safety and public health and mentioned how every street following the fireworks had smoke and litter. She stated that she did not want to help the Alzheimer Family Center or another organization in Hollywood, and she felt that Atlantic Baptist Church could probably be talked to; however, she was torn and on the fence right now. She stated that Commissioner Simone's research was logical with regard to respiratory problems; however, she agreed with Commissioner Talerico that the people would just go somewhere else to get the fireworks.

MAYOR RUZZANO questioned whether the City could stop a business from outside of Margate from selling fireworks in Margate.

CITY ATTORNEY DOUGLAS R. GONZALES explained that the City could craft an ordinance that would allow the City to limit the number of entities that could sell, and then through the Development Review Committee (DRC) process the City could select the entities it wanted.

MAYOR RUZZANO asked whether the Alzheimer Family Center owed the City money and whether something could be added to the ordinance about owing the City money.

CITY ATTORNEY GONZALES said that something could be placed in the ordinance stating that if the City was owed any money, no approvals would be given until all sums had been paid up, which was standard in a lot of Cities.

MAYOR RUZZANO questioned whether the City would open itself up for a lawsuit if stopping someone from selling when it allowed others to sell.

CITY ATTORNEY GONZALES agreed that it could if the ordinance language was not drafted carefully. He noted that there was a Margate entity looking to sell the fireworks for the first time this year and added that Kiwanis also sold fireworks in Margate. He stated that the entities could be limited to two businesses, which would be the new Margate entity and the Kiwanis. He said that others that benefited Margate could be selected. He questioned whether there was a process available in the Code where the Commission could revoke the ability of an entity to sell out of a tent.

MR. PINNEY responded that Section 3.24, which regulated the outdoor events, there was a section about exceptions that gave the right to do it by letter, instead of going back to the meeting every year. He noted that there was some language that if they were found to be carrying on activities outside of what was approved at a previous meeting, the approval could be revoked.

MAYOR RUZZANO asked whether Publix and WalMart needed to come in for a permit.

MR. PINNEY agreed because they were being sold indoors. He noted that outdoor sales had to go before the DRC.

CITY ATTORNEY GONZALES read aloud the exception pertaining to not going through the DRC process. He read, "Any religious institution or charitable organization utilizing the same operator and location for an event that has previously received DRC approval, may petition for approval of any subsequent events in writing."

COMMISSIONER PEERMAN explained that the Code was passed because it cost the churches money to get the special exceptions. She stated that when Cokesbury Church did their pumpkin patch every year and the Kiwanis did the Christmas Trees every year, the City would not have to put them through the process to take money away from what they were raising money for. She asked whether it was a State law that allowed Publix and WalMart to sell fireworks.

CITY ATTORNEY GONZALES agreed.

COMMISSIONER PEERMAN said that if going through the City it became a City issue; however, she asked what was being done for the good of the residents by allowing firework tent sales in the City. She also questioned who regulated what was being sold in the tents. She noted that TNT was who was providing the fireworks for the Alzheimer's Family Center and wanted to know who regulated them.

MAYOR RUZZANO questioned whether using the fireworks purchased in Davie could be used in Margate.

MR. PINNEY clarified that he was not an expert on firework discharge. He said that the place in Dania Beach was previously called Neptunes, but was now TNT. He noted that he heard that was where to go for the big fireworks.

MAYOR RUZZANO questioned where those could be shot off.

CHIEF DANA WATSON said that he did not have the Statutes with him; therefore, he would not try to quote them; however, he stated that there were Statutes that clarified and designated who could sell fireworks and what kind they could sell. He said that people were signing waivers for agricultural reasons, which was how they moved in and out of what was legal and not legal. He stated that possessing the fireworks was not a crime; however, discharging the fireworks was illegal. He noted that every single street in Margate, Broward County and probably the State of Florida, people had fireworks and shot them off. He stated that there were 55,000 plus citizens in Margate with a finite amount of officers; therefore, there was no way to enforce the law in a just way. He noted that the issues were dealt with when complaints were received, and he added that it was a misdemeanor crime.

CITY ATTORNEY GONZALES read additional information from Section 3.24, "Any religious institution or charitable organization utilizing the same operator and location for

an event that has previously received DRC approval, may petition for approval of any subsequent events in writing. Any such petition must be received by the Economic Development Department at least thirty (30) days prior to the first day of each subsequent event. Provided that Economic Development staff has determined that all the requirements of section 3.24(B)(2) have been satisfied, the petitioner may proceed with permitting without reappearing before the DRC. However, if the conditions of approval have not been met or the event is found to be operating outside the scope of its approval, then any approvals of said recurring outdoor event held by a religious institution or charitable organization shall become null and void."

COMMISSIONER TALERICO asked whether petitioners that had applied or were in the process of applying could be denied for any reason.

CITY ATTORNEY GONZALES noted that there were various factors under Section 3.24 (B)(2) that the DRC took into consideration, but the statement did state that generally, (B) "Outdoor events shall be permitted in all nonresidential districts, TOC districts, and the commercial areas of PUD and PRC districts, with the approval of the property owner, subject to the following: (2) In seeking approval for an outdoor event, applicants must submit the following to the Development Review Committee." He further explained that there were certain reasons why a petitioner could be denied, such as not providing the required Hold Harmless Agreement or not having insurance. He further read, (h) Written documentation that the Margate Police Department has been contacted regarding the proposed event and a recommendation from the Police Department as to whether a special duty detail is needed; (i) A copy of current flameproof certificates for all canvas tents, awnings or canopies to be used for the event." He added that there were additional items the DRC shall consider, which he proceeded to read, (3) In granting or denying approval for an outdoor event, the Development Review Committee shall consider the following: (b) The relationship that the use may have as to any holiday or special event; (c) That the proposed event does not create a safety hazard for persons and/or property in the surrounding area;" City Attorney Gonzales summed up by stating that the DRC was limited in what they consider.

COMMISSIONER TALERICO felt that this year was too late to change, but next year would need an ordinance, because an ordinance could not be ready before the Fourth of July.

CITY ATTORNEY GONZALES agreed that two readings of the ordinance were needed. He noted that a lot of Cities had a Code provision that applied throughout the entire Code. He explained that it was a general provision indicating that if someone owed the City any money, they would not obtain or be given any permits, approvals or anything else sought until those funds had been paid in full.

COMMISSIONER PEERMAN said that the Alzheimer Family Center did not owe money, but the City did not want any involvement with them.

RICH ALIANIELLO, 7631 NW 23rd Street, accepted what Commissioner Simone said. He noted that years ago there was a petition to ban fireworks. He stated that the Fourth of July was Independence Day and a celebration of our independence; however, fireworks were illegal and breaking the law. He felt that if banned in Margate, people would just buy someplace else.

ARLENE SCHWARTZ, 7800 NW 1st Street, former Mayor and City Commissioner, remembered there was a time when the City did not allow anyone to do a sale without it benefiting the City of Margate. She said that people selling flowers on Valentine's Day

provided a percentage of the "take" to an organization within Margate. She suggested that the power of the press be used to state that the people in Margate support the organizations other than the Alzheimer's Family Center. She felt that people did not care where they purchased the fireworks, as long as they could purchase them. She suggested that the City Attorney research back to find the ordinance stating that the money from the sales had to benefit Margate.

The motion carried by the following vote:

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

No: 1 - Mayor Ruzzano

COMMISSIONER PEERMAN thanked everyone who attended the event last night and thanked the Mayor for his statement. She noted that currently the Democrats in the Senate were filibustering to have the No Fly, No Buy rule passed, which meant that if you were on a terrorist list or terrorist no fly zone list, you would not be able to purchase any type of gun.

COMMISSIONER TALERICO mentioned the garbage outside throughout the City that was left outside for two and three weeks for bulk pickup. He asked how that could be enforced.

CITY MANAGER DOUGLAS E. SMITH noted that bulk pickup was once a month and vegetative pickup waste was every week.

DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) DIRECTOR REDDY CHITEPU explained that he was working with Waste Management since the new program started. He said that because of the change, most residents were still not familiar with the waste and bulk pickups, and that the waste and yard waste were being separated. He said that the problem was seen the week of the bulk, because people were putting both outside mixed. He stated that Waste Management had been asked to start tagging the piles and language was developed to start that going forward. He noted that when Waste Management saw a pile that was not correct, they would tag the residents. He stated that there were administrative charges in the contract and had already put Waste Management on notice stating that if a pile was seen that was not tagged by Waste Management, it would be counted against them.

COMMISSIONER TALERICO asked what else could be done to stop people from putting things outside for a month.

DIRECTOR CHITEPU stated that DEES was working closely with Code Compliance, and that they had met and explained the contract to Code Compliance.

COMMISSIONER PEERMAN asked whether bulk would be picked up by Waste Management when the residents put vegetation on top of the bulk, such as a Palm Frond.

DIRECTOR CHITEPU said that if it was a Palm Frond or two, it would be taken; however, if it was a large pile of yard waste or a 50/50 mix, it would be tagged so the resident will become aware that it was the wrong way to put the bulk out. He noted that if it happened a second time, Staff would be notified and the City would step in.

COMMISSIONER PEERMAN suggested that the tag be left on the door and not on the bulk.

DIRECTOR CHITEPU said that it would be a door tag.

VICE MAYOR BRYAN asked whether the tags were being tracked.

DIRECTOR CHITEPU agreed that there was a system with a tear off at the bottom of the tag, which the driver would take back so Staff can be made aware.

MAYOR RUZZANO asked whether the tag stated the date that bulk pickup was, and informing the resident not to put the bulk out three weeks earlier.

DIRECTOR CHITEPU agreed that there was language on the tag for the driver to write on.

MAYOR RUZZANO suggested having Code Compliance provided with tags so if they see something they could tag as well.

DIRECTOR CHITEPU agreed that he could work with Code as well.

COMMISSIONER PEERMAN felt that if bulk was still outside on the third or fourth week of the month, it should be a Code issue and not a Waste Management issue. She questioned whether the contract stated that garbage cans were supposed to go on the swales for the automated trucks to pick up.

DIRECTOR CHITEPU agreed and stated that a sketch was shown indicating where the garbage cans needed to be.

COMMISSIONER PEERMAN stated that her garbage man took the can off the swale and put it on the street, emptied it and then dropped it on the street, which she was concerned would affect her garbage can.

DIRECTOR CHITEPU said that could be addressed.

COMMISSIONER PEERMAN said that she already took care of it.

DIRECTOR CHITEPU clarified that the requirement of the contract was that wherever the cart was it needed to be put back in the same location.

COMMISSIONER PEERMAN said that the swale was suggested because it would keep the garbage cans lasting longer.

DIRECTOR CHITEPU agreed.

COMMISSIONER SIMONE asked whether residents would be tagged if Palm Fronds were in the trash cans.

DIRECTOR CHITEPU said no and explained that if it was in the garbage can it would be picked up.

COMMISSIONER SIMONE questioned why, because she thought the purpose was because it was less expensive to separate garbage from yard waste. She said that

leaving Palm Fronds in the garbage defeated the purpose of why using this system.

DIRECTOR CHITEPU stated that as previously discussed, the City was not going to force residents to separate their trash, and that it was a volunteer program.

COMMISSIONER SIMONE questioned whether it was being monitored, because the reason for going to this system was because it was to be less expensive to separate the garbage. She stated that there was no advantage to the City changing to this system if the residents were not separating the garbage.

DIRECTOR CHITEPU said that it was being monitored and feedback was being received from Waste Management. He noted that a lot of separated yard waste was being picked up. He said that some residents might not be doing it; however, that was Staff's responsibility with regard to educating residents. He noted that there was one Staff member dedicated to the solid waste contract.

COMMISSIONER PEERMAN added that another reason for the system was to obtain the recycling credits when separating the garbage. She questioned how it would go against Waste Management if a mistake was made and if the City would receive money back.

DIRECTOR CHITEPU stated that in the contract there were administrative charges, and that when so many times were missed, there was a charge for it.

COMMISSIONER TALERICO wished everyone a Happy Fourth of July and noted that he would not be in town. He also wished everyone a Happy Father's Day.

VICE MAYOR BRYAN thanked Mayor Ruzzano for his eloquent presentation and gave her condolences to the family and friends of the people involved in Orlando, as well as to the Firefighters and Police Officers and the Emergency Staff performing the trauma work. She also gave condolences to Police Captain Palma for the loss of his Mother-in-law. She wished everyone a Happy Father's Day.

MAYOR RUZZANO asked whether Item 8A could be heard before the City Manager's report. He mentioned the tragedy in Orlando, as well as the 2 year old that was lost to tragedy in the Walt Disney World Resort. He told everyone to live each day to the fullest because you never know what will happen. He mentioned receiving both money and property from the Resource Recover Board (RRB). He explained that the property was referred to Alpha 250. He explained that the County wanted to do a \$100,000 study that they would pay for, to determine what the property was valued at and what it could be used for. He said that the County Commission voted it down and now wanted to spend \$200,000, with the Cities paying half, and that if the property was sold, the City would get back its \$100,000. He stated that the 20 plus acre property was currently worth \$6.5 million dollars. He thought the County might come back with the study stating that the property was not worth anything and they would then offer to buy it from the City. He noted that the City was part owner of the 26 plus acres, and he wanted the City to consider looking into whether the City could purchase the property, because he felt in the future the property would be worth \$20, \$30 or \$40 million dollars.

COMMISSIONER TALERICO asked whether the City could purchase property paying more than the assessed value.

CITY ATTORNEY GONZALES explained that the City could not buy property for more than the fair market value, and that an appraisal would be done.

MAYOR RUZZANO clarified that the County was currently stating that the property was worth \$6 million dollars.

COMMISSIONER TALERICO asked whether an appraisal was done.

MAYOR RUZZANO said that there was no appraisal done, but they went by the Broward County Property Appraiser.

COMMISSIONER TALERICO stated that appraisal value and fair market value were different. He questioned where the property was located.

MAYOR RUZZANO said that the property was in Pompano. He stated that the intent was for the County to sell it for as much as they could get and distribute it back to the Cities. He noted that the County had not made an attempt to sell the property and there was not even a sign on the property; therefore, he felt that the County wanted the property, which the City was part owner of. He suggested that the City of Margate should purchase the property, and he felt when this conversation came out other Cities might agree to join Margate.

COMMISSIONER TALERICO suggested that maybe collectively something could be done.

MAYOR RUZZANO said that every City had to agree that the County proceed with the analysis of the property.

COMMISSIONER TALERICO noted that the property was owned by the RRB and he asked what the language stated regarding the property.

CITY ATTORNEY GONZALES said that it was required that all Mayors must agree. He further explained that the property was being held in trust for, but on behalf of the participating Cities. He noted that Margate could have an appraisal done themselves. He reiterated that the County wanted to do a study to determine the property's value and use costing \$200,000, and that the County wanted \$100,000 from the Cities. He stated that the issue was that once the study was done, the zoning of that property will not allow a transfer station or disposal of waste use. He noted that the City of Pompano Beach controlled that decision; therefore, regardless of the appraised value of the property, the next step would be to determine what the acquiring party wanted to do with the property. He said that a zoning change process must be gone through with the City of Pompano Beach.

COMMISSIONER TALERICO asked whether a court order could be obtained to keep anything from being done now. He said that if the City did nothing, the property could be sold.

CITY ATTORNEY GONZALES stated that the County would have to distribute the proceeds to the Cities, which was part of the RRB litigation settlement.

MAYOR RUZZANO clarified that the County wanted to purchase the property and then enter into an Inter-local Agreement (ILA) with the Cities.

COMMISSIONER PEERMAN clarified that the Cities wanted to purchase the property as an ILA and one idea was to open it as a recycling center.

CITY ATTORNEY GONZALES said that if that idea was selected, the tipping fees would

be much less than they would be if the County acquired the property.

COMMISSIONER PEERMAN agreed. She said that the property was part of the RRB's lawsuit and should not even be in the County's hands. She stated that the County did not want the property because they were losing money by having the property. She clarified that the Cities decided to get together and talk about the possibility of creating a new ILA and purchasing the property with the 26 Cities that were in the RRB. She stated that Margate could not afford the property, but Sunrise could buy it outright. She said that if making it a recycling center it could be built like Palm Beach.

CITY ATTORNEY GONZALES stated that a lot of emails were received and an email went out last night or this morning about an amendment to the settlement. He noted that as part of the amendment, 100 percent of the plaintiff Cities must approve. He clarified that it did not say Mayors.

MAYOR RUZZANO said that he was under the impression that the County wanted the property, and did not understand why they were spending money if they did not want involvement with it.

CITY ATTORNEY GONZALES agreed that was the direction it appeared to be heading in.

COMMISSIONER PEERMAN stated that the County was doubling the price of the study and they wanted the Cities to pay \$100,000. She said that they were involved with the study because they were in possession of the property due to the RRB litigation.

MAYOR RUZZANO asked whether the Commission would be opposed to having the City not go ahead with the evaluation.

COMMISSIONER PEERMAN felt that she did not have enough information to make that decision.

CITY ATTORNEY GONZALES read the email into the record as follows: "As I indicated in my prior update below, the County Commission was only willing to approve the proposed amendment to the settlement agreement if the Cities collectively paid half of the cost of the study. The Mayor group met and determined that they were willing to recommend a compromise to this issue, under which the County would pay the up-front cost of the study, up to \$200,000, and the Cities would repay half of the cost of the study out of the proceeds of the sale of the Alpha 250 property, if it is ultimately sold. However, if the County and the Cities end up agreeing not to sell the Alpha 250 property, then the County would not be repaid given that the Cities would be giving up the value of Alpha 250. Commissioner Furr is apparently supportive of this counter proposal and he is now placed on the Agenda for Tuesday."

COMMISSIONER PEERMAN asked whether it passed.

CITY ATTORNEY GONZALES said that he was not present.

COMMISSIONER PEERMAN said that the County did not own the property.

MAYOR RUZZANO said that the County wanted the property.

COMMISSIONER PEERMAN said that the County would have to pay the fair market value.

MAYOR RUZZANO stated that when the County received the property, he believed the tipping fee would go up.

COMMISSIONER PEERMAN said that the Cities did not have to sell the property to the County, which was why all of the Cities were getting together to purchase the property.

MAYOR RUZZANO felt that Margate should go into joint partnership with three other Cities to purchase the property, after which they would then have control.

COMMISSIONER PEERMAN said that Mayor Ruzzano was discussing having Margate purchase the property cutting out the other 25 Cities.

MAYOR RUZZANO agreed. He suggested making an offer to the Cities, but if they did not accept it, Margate would purchase it.

COMMISSIONER PEERMAN said that the Cities were agreeable to paying half of the survey out of the proceeds of the sale of the property, but if the property did not sell, the Cities would pay nothing.

CITY ATTORNEY GONZALES read the proposed amendment language that applied to the amendment of the settlement pertaining to the issue. He referenced Paragraph 7, "The County shall pay the up-front cost of the study and shall recover 50 percent of the cost of the study, which is called the municipal share, as follows if either of the following circumstances occur: A. They will recover their 50 percent if Alpha 250 is sold to a third party with the closing of the sale occurring within five years after the study completion date, then the County shall deduct the municipal share from the Alpha 250 sales proceeds before the County deposits the net proceeds of the sale into a trust account or B. If the County within five years after the study completion date, exercises its right under the settlement agreement to pay the net sales amount and retain Alpha 250, then the County shall deduct the municipal share from the net sales amount the County deposits into the trust account." He clarified that under two circumstances, Broward County received 50 percent of the cost of the study from the Cities if the property was sold to a third party or the County exercised its rights under the agreement and purchased the property. He further explained that the 50 percent the City would pay, up to \$100,000, the County would get to recover from the City by not paying it out as part of the sales proceeds.

COMMISSIONER TALERICO questioned who held the title to the property now.

CITY ATTORNEY GONZALES said that it was the RRB on behalf of the Cities.

COMMISSIONER TALERICO questioned why 26 Cities had to buy the property if 26 Cities owned the property that they could sell and receive the proceeds for.

CITY ATTORNEY GONZALES explained that the County did not want to sell the Alpha 250 now, even though the original settlement agreement said that the County would sell it while the 26 Cities would split the proceeds. He noted that the County now wanted to wait a year to have the study done to determine the worth of the property and what it could be used for, and that they would pay the cost of the study. He said that now the County retracted that and said the study would cost double; therefore, they were seeking funding for half from the Cities.

COMMISSIONER TALERICO asked what would happen if all the Cities said no.

CITY ATTORNEY GONZALES explained that the property would be sold to the highest bidder and the proceeds would be split.

MAYOR RUZZANO felt that the study would devalue the property and he felt the City had the chance to take control of the property.

COMMISSIONER PEERMAN noted that Pompano Beach was not going to allow it to be used for garbage. She understood that Commissioner Furr discussed with the Cities the Cities purchasing the property and using it for a recycling center and not a trash transfer. She explained that Broward County would always go into an ILA because there were \$10,000 people that were in unincorporated Broward County.

MAYOR RUZZANO stated that the City had the opportunity right now to purchase property at a steal. He felt that garbage companies would pay more than \$6 million dollars for the property. He suggested writing a letter to the other Cities stating that Margate wanted to purchase the property and they could be in or not in. He noted that currently Margate was the only City that had thought of this.

COMMISSIONER PEERMAN said that was what the 26 Cities were meeting about.

MAYOR RUZZANO disagreed and said that the Cities were meeting to go over the property to analyze it and to determine what it could be used for. He felt that the County was telling the Cities what to do.

COMMISSIONER PEERMAN stated that the County was making suggestions, but the 26 Cities were making the decisions. She reiterated that she wanted additional information prior to making a decision. She clarified that the County did not want Margate to pay \$100,000, and she asked when the County wanted the money from the survey.

COMMISSIONER TALERICO asked what would happen if all the Cities were not on board.

CITY ATTORNEY GONZALES explained that the settlement agreement, as it stood, did not give the County a year to have a study done, which was why the County wanted an amendment done. He reiterated that the 50 percent share would then be deducted from the sale proceeds if the property was sold to a third party or the County purchased it within five years of the study. He suspected that if 100 percent of the participating Cities did not agree to give the County a year to conduct the study, the property was going to need to be sold to the highest bidder and the Cities would split the proceeds from the sale of the property.

COMMISSIONER TALERICO said that was what he would support.

MAYOR RUZZANO said that if the property did come up for sale, possibly the City could talk again about purchasing the property.

COMMISSIONER TALERICO felt that Margate was not going to be the only City to say no.

MAYOR RUZZANO said that most Cities agreed.

COMMISSIONER TALERICO asked whether Margate would be the only one not to agree.

CITY ATTORNEY GONZALES said that it appeared at the meeting he attended, that most of the Cities were in favor of allowing the County to do the study, and the one year reprieve. He stated that at that point, there was no talk about the Cities paying for the cost of the study or half of it. He said that the proposal at that meeting was for a year to do a study that they would pay for; therefore, all the people who spoke at the meeting were in favor of granting that year. He further explained that the logic behind granting the year was because it was anticipated that the value was currently so low that each City's share of the sale proceeds if Alpha 250 was sold now, would be relatively insignificant.

MAYOR RUZZANO felt that Margate was a player in this issue and should make a stand on it because it would be a great investment.

COMMISSIONER TALERICO said that there was no way the City could spend \$6 million dollars to purchase the property. He noted that it would first have to go to referendum.

CITY ATTORNEY GONZALES said that as long as the City was paying up to fair market value, the Code would allow it. He agreed that if any bonds or financing was needed it would have to go to referendum.

MAYOR RUZZANO asked to go against the County now and see how the other Cities react.

VICE MAYOR BRYAN clarified that the discussion was with regard to Margate not being in agreement and the breach with the settlement that the County wanted to do.

CITY ATTORNEY GONZALES said that it was not a breach of the agreement, but that the agreement provided for the sale of the Alpha 250, and the County was requesting that the Cities give them a year. He noted that it had been over a year that the County had held it and their obligation was to sell the property under the settlement.

VICE MAYOR BRYAN said that something smelled fishy.

MAYOR RUZZANO said that the obligation was to sell the property, but there had not been a for sale sign on the property.

CITY ATTORNEY GONZALES clarified that the email asked that all participating Cities would need to agree with the proposed amendment that would provide the one year with recouping half of the cost of the study from the City's share in the two events that the property was sold.

MAYOR RUZZANO asked for a motion stating that Margate was not on board.

A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, that the City was not on board with the County.

COMMISSIONER PEERMAN clarified that if all the Cities did not agree, the 26 Cities could not buy the property.

CITY ATTORNEY GONZALES said that was correct, unless the other 25 Cities were willing to sell it to a City. He noted that was one scenario; however, another scenario could be for a future amendment for 80 percent of the Cities must agree.

RICK RICCARDI, 4829 South Hemingway Circle, said that the Mayor had a brazen, cool

thought for proposing to purchase the property for \$6.5 million dollars, which would give the Cities \$250,000 each and Margate would own the property. He said that he agreed with the Mayor.

ANTHONY CAGGIANO, 7856 NW 1st Street, felt that it was a great business move.

The motion carried by the following vote:

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

No: 1 - Commissioner Peerman

3) PUBLIC DISCUSSION

DAVID LEJA, 7015 NW 18th Street, said that prior to purchasing his home, he contacted various agencies and City Hall departments, and was assured that nothing would ever be built in the Florida Power and Light (FPL) easement. He said that he contacted FPL that told him no boats, trailers, campers, trees or any types of structures were permitted under FPL power lines. He noted that he had planned to install a garden, but was told access to power lines and poles might require driving onto the garden. He stated that he loved the view and quiet and openness of the easement and golf course. He said that he had no idea there was a dog park planned. He stated that everyone would have to deal with cars, doors slamming, people talking, radios playing and dogs barking all hours of the day, seven days a week. He mentioned fleas, ticks and other bugs due to the bushes. He felt that the park should be at the Sports Complex that had ample parking with overflow to commercial buildings. He noted that there was direct water and electric hookup readily available, as well as bathrooms, water, fountains and bleacher seating for people. He added that there was also land on Margate Boulevard and U.S. 441. He said that the roads and traffic lights at either location could handle the increase in traffic without affecting residential homes. He noted that traffic on Rock Island Road backed up from Royal Palm Boulevard to south of 17th Street every day with frequent accidents. He spoke about not being able to go south due to the median for leaving the dog park. He expressed concern with cars driving around the neighborhood to get out and unknown people driving around leading to increase in crime. He stated that this dog park was an unsafe idea. He asked who and how often the area would be patrolled and monitored, and who to call when problems arose. He mentioned the additional traffic on 18th Street, and said that it was a waste of \$400,000. He also mentioned annual maintenance repair costs. He stated that dogs did not need a fancy park to play in and do their business, and did not care where they were when having fun. He said that the Tamarac and Parkland dog parks ran east to west and both had plenty of separate parking with ease of getting in and out without disrupting local homeowners. He spoke about the smells traveling long distances because not everyone picked up after their dogs. He suggested moving the park to a commercial area. He finished by stating this was a terrible waste of money and a terrible location.

MAYOR RUZZANO thanked Mr. Leja for his comments and clarified that the project was approved for the Margate Sports Complex. He noted that there were public meetings held and residential input, and that Margate was trying to make the City better. He said that people were going to other Cities for dog parks.

COMMISSIONER PEERMAN said that when she moved here in 1996, there were plans for the easement on Rock Island to be a Linear Park, including a baseball field near Atlantic Boulevard, with a fishing pond by the Walgreens, and all along Rock Island Road there was going to be some sort of park. She noted that somewhere between 1986 and 1996, FPL changed its mind and things were now allowed to be built on the easement.

DAVID VALEO, 7005 NW 17th Court, asked whether the park had to be at that location.

MAYOR RUZZANO said that the plan was for that spot.

MR. VALEO said that he looked at other dog parks that were not near the houses, and he questioned why the City was putting the park next to the houses. He mentioned being at the last meeting.

MAYOR RUZZANO noted that the houses were down a little from the dog park in Tamarac. He clarified that the City approved a multi-purpose use field at the Sports Complex with a covered field and astro turf fields that could be used for multi-uses such as Soccer, football, etc.

4) CONSENT AGENDA

Items listed under Consent Agenda are viewed to be routine and the recommendation will be enacted by one motion in the form listed below. If discussion is desired by the Commission, the item(s) will be removed from the Consent Agenda and will be considered separately. Anyone wishing to comment on any item on the Consent Agenda should approach the podium now. Each speaker is limited to three (3) minutes.

- A. ID 2016-365 MOTION - APPROVAL OF CITY COMMISSION MINUTES
- B. ID 2016-371 RESOLUTION - ACCEPTING BILL OF SALE AND APPROVING THE UTILITY AND ACCESS EASEMENTS FOR MAINTENANCE OF WATER AND SEWER FACILITIES AT 5555 CELEBRATION POINTE LANE (CELEBRATION POINTE NORTH APARTMENTS).
- RESOLUTION 16-231
- APPROVED
- C. ID 2016-372 RESOLUTION - VACATING, RELEASING, AND ABANDONING A UTILITY EASEMENT AT 5555 CELEBRATION POINTE LANE (TRACT "A" OF CELEBRATION POINTE); CELEBRATION POINTE NORTH LLC, PETITIONER.
- RESOLUTION 16-232
- APPROVED
- D. ID 2016-388 RESOLUTION - APPROVING THE SOLE SOURCE PURCHASE OF REPLACEMENT PARTS FOR THE TELEMETRY SYSTEM FROM DATA FLOW SYSTEMS IN AN AMOUNT NOT TO EXCEED \$25,000.00 FOR THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES; PROVIDING FOR SHIPPING.
- RESOLUTION 16-233
- APPROVED

Approval of the Consent Agenda

ITEM 8A WAS HEARD PRIOR TO CITY MANAGER'S REPORT.

A motion was made by Commissioner Simone, seconded by Commissioner Talerico, 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

8) DISCUSSION AND POSSIBLE ACTION

A. ID 2016-390 JULY 4TH EVENT ALCOHOL SALES

MAYOR RUZZANO noted that this issue was discussed at the last meeting and was being discussed tonight to make sure all the necessary paperwork was handled.

CITY MANAGER DOUGLAS E. SMITH explained that the paperwork needed would be the alcohol sales permit, insurance certificate for the Community Redevelopment Agency (CRA) and the City and the alcohol Hold Harmless Agreement. He said that if the Commission decided to proceed, it could be contingent upon receipt of those documents, as part of the motion according to discussion the Commission may have.

A motion was made by Mayor Ruzzano, seconded for discussion by Commissioner Peerman, to allow them to sell alcohol at the Fourth of July event, providing all the paperwork was intact. The motion carried by the following vote:

Yes: 3 - Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

No: 2 - Commissioner Simone and Commissioner Peerman

5) CITY MANAGER'S REPORT

COMMISSIONER TALERICO left the Commission Chambers at 10:30 PM.

CITY MANAGER DOUGLAS E. SMITH said that the City had the opportunity to apply for the 2016, Cops Hiring Grant. He explained that the grant would provide up to 75 percent funding for entry level salaries and benefits for officers for a 36 month period with a 25 percent match requirement and a maximum federal share of \$125,000 per officer position. He said that the 36 month grant period would require the positions to be funded for at least 12 months. He requested a consensus to submit an application for 4 officer positions. He expected to hear back on the funding determination in September. He noted that if approved, it would come back before the Commission for final approval.

CONSENSUS was given and all agreed.

CITY MANAGER SMITH thanked the Finance Department, Financial Consultants PFM, City Attorney and the City Commission for approving the move forward with the bond refunding. He said that would now result in a net present value savings of \$4.5 million dollars and the interest rate was 2.85 percent. City Manager Smith stated that the concession area rehabilitation project of the Sports Complex had commenced and would include floors, walls, cabinets and counters being replaced or resurfaced. He added that the bathroom remodeling would follow the completion of the concession area rehabilitation.

COMMISSIONER TALERICO returned to the meeting at 10:33 PM.

CITY MANAGER SMITH said that the Margate/Coconut Creek Firefighters Benevolent

and the City were going to host a Blood Drive for the survivors of the tragedy in Orlando. He noted that the drive would be held on Monday, June 20th from 11:00 AM to 4:00 PM at City Hall. He said that information was available online. He stated that walk-ins would be accepted; however, the City was asking that those interested make an appointment to sign up ahead of time. He gave his condolences to those affected by the tragedy. City Manager Smith stated that the Community Bus System Route A ridership rose to 10.5 riders per hour during the month of May. He noted that the prior Route A ridership was 7.7 riders per hour in April and 6.6 riders per hour in March. He added that good improvements were seen on Saturday as well so that it might be possible in the future to receive funding for that route as well.

MAYOR RUZZANO questioned how long for the bond refunding.

CITY MANAGER SMITH said that it was a 20 year period.

COMMISSIONER SIMONE mentioned the Fourth of July and asked what refreshments were referred to in his email and if it referred to hot dogs, chips and coke again.

CITY MANAGER SMITH said that he had not heard anything different, and Staff indicated that was what was being done again.

COMMISSIONER TALERICO questioned whether there were going to be marching bands.

CITY MANAGER SMITH said that he would confirm with Director Jones and update the Commission.

VICE MAYOR BRYAN noted that she reached out to Stoneman Douglas for part of a marching band and that was being looked into.

6) RESOLUTION(S)

- A. ID 2016-359 APPROVING WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF THREE (3) BACTERIOSTATIC INDUCTION SPRAYERS FOR THE FIRE DEPARTMENT, FROM BYOPLANET, IN AN AMOUNT NOT TO EXCEED \$12,794.00.

RESOLUTION 16-234

A motion was made by Vice Mayor Bryan, seconded by Commissioner Simone, 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 2016-360 APPROVING WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF SEVEN (7) VIDEO LARYNGOSCOPES FOR THE FIRE DEPARTMENT FROM INTUBRITE, IN AN AMOUNT NOT TO EXCEED \$13,649.30.

RESOLUTION 16-235

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 2016-389 SELECTING THE FIRM OF _____ TO PROVIDE AUDIT SERVICES TO THE CITY OF MARGATE; PROVIDING FOR NEGOTATION OF TERMS AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A CONTRACT PURSUANT TO THE TERMS OF REQUEST FOR PROPOSAL (RFP) NO. 2016-10 - AUDIT SERVICES.

RESOLUTION 16-236

A motion was made by Commissioner Talerico, seconded by Commissioner Simone, to insert the name of Keefe McCullough. The motion carried by the following vote:

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

- D.** ID 2016-364 DESIGNATION OF ONE (1) VOTING DELEGATE AND ONE (1) ALTERNATE FOR FLORIDA LEAGUES OF CITIES' ANNUAL CONFERENCE ON AUGUST 18-20, 2016, IN HOLLYWOOD, FLORIDA.

RESOLUTION 16-237

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, to insert the name of Joyce Bryan for voting delegate (1) and Lesa Peerman as alternate. The motion carried by the following vote:

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

7) ORDINANCE(S) - SECOND READING

- A.** ID 2016-373 APPROVAL OF AN ORDINANCE TO AMEND THE REQUIREMENTS OF CHAPTER 35-STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, SECTION 35-14, TO REQUIRE ADDRESSES ON ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS BE DISPLAYED IN A CONTRASTING COLOR TO THE SURFACE TO WHICH IT IS AFFIXED.

ORDINANCE 2016-5

A motion was made by Commissioner Simone, seconded by Vice Mayor Bryan, that this Ordinance - 2nd Reading be approved on second reading. The motion carried by the following vote:

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

8) DISCUSSION AND POSSIBLE ACTION (continued)

- B.** ID 2016-391 PROPOSED LOCAL GOVERNMENT INFRASTRUCTURE SURTAX ON ALL AUTHORIZED TAXABLE TRANSACTIONS OCCURRING WITHIN BROWARD COUNTY, FLORIDA.

CITY MANAGER DOUGLAS E. SMITH noted that he attended yesterday's County

Commission meeting where there was support from the County Commission for a compromise on the surtax issue, which would be a ½ penny transportation and ½ penny infrastructure concept. He said that an email update received from the City of Weston, included that the City would keep all of the infrastructure money and the County would get the transportation money, with the Cities being willing to commit no less than 13 percent of the infrastructure surtax to transit, transportation or mobility type projects. He stated that there would be a 30 year sunset, which was not in the previous resolution passed by the Cities, as well as an Oversight Board set forth from the County transportation ordinance that passed a few weeks ago. He added that these would have to be two separate ballot questions; one for the transportation and one for the infrastructure. He said that there would potentially be an agreement stating that if one of those failed, they both failed, which he felt would help everybody jointly together by selling this as a package. City Manager Smith further explained that the next thing to happen was a County Commission meeting next week on the 23rd. He added that an Inter Local Agreement (ILA) needed to be drafted, and that Cities would have the opportunity to support that ILA along with rescinding the previous ballot measure that was passed. He noted that ballot language for the new items would need to be written up. He stated that the deadline for the Supervisor of Elections was initially June 20th; however, at yesterday's meeting a County Commissioner mentioned that the Supervisor indicated the deadline as noon on the 24th. He noted that at this point, there was no action that the Commission had to take this evening, and that they could wait to see what happens at the County meeting next week. He added that following that, the Commission could have a special meeting to determine the course of action for the compromise or any other action. He explained that the action was needed by enough of the percentage of Cities to change the balance.

CITY ATTORNEY DOUGLAS R. GONZALES noted that the resolution that he was previously directed to do was never sent because the parties had continued to try to negotiate the terms of the surtax.

COMMISSIONER SIMONE understood that if the County agreed to the current proposal they were asking the Cities to rescind their ordinance. She was not sure how she felt about that and did not want to be the first City to jump on board with that because she had concerns about the proposal being addressed. She felt that she needed to see the ILA to find out what it actually contained, because 13 percent to transportation was mentioned and the ordinance read that it was to supplement or augment the County system. She clarified that the City had to put in 13 percent so the light rail could be done, and that she was not in agreement with the County. She stated that putting in 13 percent to work on the City's transportation was a different story. She noted that would not be known until seeing the ILA. She added that she did not like the Oversight Board. She said that 911 had the same thing and hired a consultant, which was not working for the City. She did not think the Oversight Board was needed. She said that she did not know whether she liked taxing the people for 30 years. She stated that if all the Cities were on board and rescinded, she would not hold back from rescinding Margate's; however, she was not sure how she would vote.

COMMISSIONER PEERMAN questioned whether the original had no sunset, but it was now 30 years.

COMMISSIONER SIMONE said that she was not sure, because some County Commissioners wanted 10 years and no more than that, while others wanted 25 years. She guessed they settled on 30 years.

CITY MANAGER SMITH agreed that 30 years was the current proposal. He said that if it

was going to continue, there would be a reauthorization or revised proposal.

MAYOR RUZZANO asked when the ILA came into play.

CITY MANAGER SMITH assumed that it would be drafted by the County Commission next week. He said that when the backup was available he would distribute it to the City Commission. He added that when the backup was available the exact language could be looked at. He said that based on the attachment on the prior Agenda, that was a proposed amendment that was put on at the request of Commissioner Wexler, there was reference to the percentage. He said that it firmly committed that at least 13 percent would be spent on those transportation type projects, but it would be based on all approve municipal projects countywide. He said that the City needed to look at whatever was actually written into the ILA.

MAYOR RUZZANO noted that the meeting was next week to discuss the ILA, and he questioned when the City would be meeting.

CITY MANAGER SMITH noted that Commissioner Simone mentioned a wait and see type of approach. He said that if the Commission preferred, they did not have to be the first City and could schedule a tentative meeting as soon as next week, following week or the next Commission meeting.

MAYOR RUZZANO asked whether the ILA must be reached before it went to the ballot.

CITY MANAGER SMITH said that the County might only need enough percentage of Cities to make the change.

MAYOR RUZZANO said that this was going out to get on the ballot, and the County wanted their ½ cent for transportation while the City wanted its ½ cent for infrastructure; however, the County still wanted 13 percent of the City's 100 percent. He stated that he would tell the County that the City wanted 40 percent of its transportation tax, which was why he felt Cities should tell the County they wanted 40 percent of the County's ½ cent and 100 percent of the City's ½ cent. He noted that he was tired of being bullied by the County.

COMMISSIONER PEERMAN agreed and noted that when the City put in their ballot question, the County changed the wording to the ballot question. She said that the County was setting everybody up for failure.

MAYOR RUZZANO noted that the ½ cent would be over \$4 million dollars a year for Margate.

COMMISSIONER TALERICO remembered the prior 17 City Coalition that fought the County all the time and had a lot of clout. He suggested possibly joining forces again.

CITY MANAGER SMITH clarified that he did not know if the 13 percent requirement discussed meant that the City had to give the money to the County, and that it may be incorporating it into a project in the transportation nature. He said that there was previously discussion about a ½ penny ½ penny sharing; however, that did not move forward. He stated that this issue evolved quite a bit recently; however, it was good to see some interest and compromise on the County side. He said that there was a lot of hard work put into this, and that if it did come to fruition for everybody reaching an agreement, that would positive for inter-governmental relations.

MAYOR RUZZANO asked what the County's ½ cent was equal to.

CITY MANAGER SMITH did not have that information available.

MAYOR RUZZANO said that he wanted to see how much of that money went west of I-95.

COMMISSIONER PEERMAN said that previously the County wanted the Cities to specifically say that 25 percent of their ½ cent was going to transportation and the City said no. She added that the County wanted specific numbers, and the City said no. She said that the County, at one time, also wanted control of the 25 percent, but again the Cities said no.

COMMISSIONER SIMONE stated that it should have been half for the County and half for the Cities, with no other stipulations they were trying to add in. She explained that when it was stated at the Metropolitan Planning Organization (MPO) meeting that the City wanted an infrastructure surtax and a transportation/infrastructure surtax, Tim Ryan stated that if the Cities got the 50 percent to do that, the County would withdraw its transportation, but that did not happen.

MAYOR RUZZANO said that the original 60/40 percent was a Florida Statute, and he questioned why it was not 60/40 now.

CITY ATTORNEY GONZALES replied that was for the infrastructure tax.

ARLENE SCHWARTZ, former Mayor and City Commissioner, suggested that Margate consider standing up and taking the lead by authorizing the Mayor to call other Cities and say no. She stated that the Mayor could use the court of public opinion to rile up the residents and make them aware of the raw deal they were getting. She hoped that Mayor Ruzzano would be authorized to meet with the other Cities.

COMMISSIONER PEERMAN stated that Mayor Stermer from Weston worked on this issue and managed to come up with a fair agreement that could get passed, though not perfect. She said that the main thing was that the people would decide whether to go with the surtax.

MAYOR RUZZANO asked if the Cities agreed on something for the future, would it have to go on the ballot.

COMMISSIONER PEERMAN agreed and said that was why the City's was going on the ballot.

MAYOR RUZZANO said that he was asking whether the County could change the wording and why it had to go to the County.

CITY ATTORNEY GONZALES stated that there were differences of opinion on that legally. He said that he believed that the infrastructure tax was for the benefit of the residents of the Cities and that the Cities, therefore, were responsible for drafting the ballot question containing within the 75 word limit, and proposing that to the Supervisor of Elections. He noted that was his opinion.

CITY MANAGER SMITH questioned whether the Commission was supportive of the tentatively scheduling a special meeting for next week based on the actions the County may take. He noted that if not needed, it could be cancelled.

COMMISSIONER SIMONE asked whether the Commission was in agreement to cancel the original and go with them.

COMMISSIONER PEERMAN agreed to have it read .5 for the County with 100 percent .5 for the Cities, with the Cities minimum of 13 percent, and that the Cities choose their own transportation project out of its own money. She said that she was not against having an Oversight Board because she wanted to know what they were doing.

COMMISSIONER SIMONE said that the Oversight Board would be approving or not approving the City's projects.

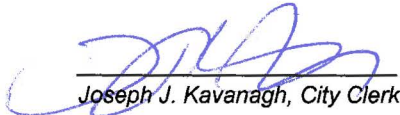
CITY MANAGER SMITH said that he would have to look at the language; however, it was likely that would be for all projects. He noted that the members of the board were to be elected official, former elected official, former City Manager and that board might even be appointed by an independent group. He said that the specifics would be looked into. He noted that the next County meeting was going to be on Wednesday and not Tuesday and he suggested possibly having the special meeting on the 22nd or 23rd.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:18 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 7/12/16