



City of Margate

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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, July 6, 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 (arrived at 10:00 P.M.)

City Clerk Joseph J. Kavanagh

Note: Pompano Beach City Attorney Mark Berman acted as City Attorney on behalf of the City of Margate until Mr. Gonzales arrived.

PLEDGE OF ALLEGIANCE

ID 2016-399 CUB SCOUT PACK 836, CUB MASTER BEN DUGGAN

1) PRESENTATION(S)

No Presentations.

2) COMMISSION COMMENTS

COMMISSIONER SIMONE congratulated Ashley McCarthy on her promotion to Police Lieutenant, as well as Gregory Giacomino on his promotion to Police Sergeant. She also congratulated the new Receptionist, Thomasina Perry. She asked for a consensus to hold a Workshop on July 13th to go over the Rules and Procedures at Commission meetings. She explained that for the first time in 38 years, the City had a new City Attorney, and she felt it would be prudent to review and make sure everything was being interpreted the same way. She added that it would be a benefit for staff and for the City Commission.

CONSENSUS of 5-0 was given to proceed.

COMMISSIONER SIMONE asked the City Manager for an update on the Art Wrap for the control boxes.

CITY MANAGER DOUGLAS E. SMITH said that the item came up at the CRA meeting, which he had not attended. He stated that he would coordinate with the CRA and report back to the Commission.

COMMISSIONER PEERMAN thanked the Director of Parks and Recreation Mike Jones and staff for the parade and fireworks. She was happy to be able to use today's technology to watch the fireworks because she could not be present. She introduced the visiting City Attorney Mark Berman, who was filling in for City Attorney Douglas R. Gonzales who would be here soon. She referred to Public Hearing Item A, and felt that because of how it was written, each of the categories needed to be done separately.

A motion was made by Commissioner Peerman that each item under this Item Public Hearing A be done separately.

COMMISSIONER PEERMAN explained that because of how it was written as a resolution, she stated that it would have to be read to make a motion to not exempt whatever grouping it was, and then hopefully one of the Commissioners would make an amendment to fix it. She noted that during the last discussion regarding Veterans, nobody made a motion to exempt the Veterans; therefore, it was also under this item to not exempt the Veterans. She asked that she would make the motions and hopefully the Commission would fix them.

MAYOR RUZZANO said that he was told that the Commission could make a motion for categorizing three of them, and he questioned why it was being changed.

CITY MANAGER DOUGLAS E. SMITH said that was up to the group to decide how to handle a particular item. He said that it could be done either way.

CITY ATTORNEY MARK BERMAN said that it should be whatever was easier for clarity so the Commission knew what they were doing and the public was clear as to what was being done. He stated that it might be better to handle each one individually, but it was within the Commission's discretion. He noted that procedure could be discussed now, and the item would have to be discussed later on in the Agenda.

COMMISSIONER PEERMAN stated that there were four groups.

MAYOR RUZZANO understood and said that he wanted to reconsider the whole item and get rid of it because he was against it and still was against it. He said that it could be discussed on the Agenda, but when he spoke with the City Attorney and City Manager he was told that the Commission did not have to independently vote on this.

COMMISSIONER PEERMAN said that she was asking that the Commissioners separate each group; the institution that covered the non-profits and churches; the government that covered government; nursing homes that covered nursing homes; and Veterans that covered the Veterans. She noted that the amendment that would have to be made was going to be different for each group.

MAYOR RUZZANO reiterated that the prior discussion two meetings ago was for each to

have the fire assessment with no exemptions.

The motion carried by the following vote:

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

A motion was made by Commissioner Peerman to take \$1,000 from the Resident Project Fund to give to the Allstar Broncos who were going to Texas to play for the championship to help with their expenses. The motion carried by the following vote:

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

COMMISSIONER PEERMAN asked that the City Clerk notify the team, because they were not aware. She said that she was told to let the residents in Paradise Gardens III know that tomorrow night there would be a street light study in the neighborhood. She stated that the front porch lights must be turned off for the study. She noted that it would be 14th Street, 14th Court, 14th Place, 15th Street, from 69th Terrace to 70th Terrace. She added that they would also be doing 69th Terrace and 70th Terrace from Margate Boulevard to 15th Street. She said that from 7:00 PM to midnight, residents needed to turn off the front porch lights off to allow Public Works and a lighting engineering company to do the study. She stated that it might be extended, and at that time, the residents would be notified.

VICE MAYOR BRYAN noted that it was currently behind the clubhouse area and not on her side until notified. She clarified that it was not all of Paradise Gardens III.

COMMISSIONER PEERMAN mentioned a letter received from the Baseball League, which she did not understand. She noted that the money was given back to the City, which was given to the league for uniforms. She read the letter that stated, "Unfortunately did not meet the Commission's expectations." She thought she was the only Commissioner that was asked about the shirts.

MAYOR RUZZANO explained that the City gave the Baseball League a donation and in return they would purchase the shirts with the new Margate logo on it. He said that when the shirts came back they looked nothing like what was discussed. He stated that at that time, he decided that because it was not what the City was paying for, and if the league was not going to supply the product, the City would not pay for it. He noted that the league then adamantly stated that they were giving back the check. He said that after several emails back and forth, the league then decided to give back the \$7,500 the City gave them last year. He noted that he spoke with the 13 board members of the league and determined that the letter came from only two or three board members and the new board members were not aware of the letter. He explained that the City was trying to partner up with the league; however, there were some board members that did not want City involvement, which he did not understand. He felt that the letter was almost a threat; therefore, if the City took the money back it would appear they were doing the wrong thing. He did not think the letter was approved by all board members. He said that if the Commission wanted to take action and give the board a last chance. He stated that if the Commission wanted to give the money back, he would want a vote by the board entirely.

COMMISSIONER PEERMAN said that she did not want the issue to come back to the kids. She did not care if the money came back or not. She did not like that the letter stated nobody from the board was present and the City was unwillingly forced into making large donations to the league. She noted that when the evening started the Commission was giving \$500, but when the parents spoke they wanted more. She stated that the Commission wanted to help the team, and this letter took away from that, which bothered her.

MAYOR RUZZANO said that he was bothered by it also.

COMMISSIONER TALERICO asked whether the money was sitting and not being used for the purpose it was intended.

MAYOR RUZZANO said that the money for the shirts was given back to the City, but the \$7,500 was money that was given to the league last year; \$2,500 for each of the three teams. He added that the league was willing to give back the \$7,500 back.

COMMISSIONER TALERICO suggested having them give the money to the team that was going.

MAYOR RUZZANO agreed; however, he felt that would put those coaches in a bad situation. He agreed that it was intended for the kids.

COMMISSIONER PEERMAN did not like how the whole thing was handled.

MAYOR RUZZANO agreed and felt that nobody was going to know about the letter and when the money was given back, the City would appear to be the bad guys.

COMMISSIONER PEERMAN asked whether it had anything to do with the City wanting to look at the league's books.

MAYOR RUZZANO said that he could not speak for the league, but he would probably say yes.

COMMISSIONER PEERMAN asked whether the City did not get to look at the books if they take the money back.

MAYOR RUZZANO did not think the City could technically look at the books; however, the City could ask. He noted that the City had a partnership with the Baseball League.

CITY ATTORNEY BERMAN said that it could be asked.

COMMISSIONER PEERMAN said that the only reason it was asked was because of conflicting answers, and she did not feel it was a bad thing to ask to see the books. She did not believe the City had looked at their books.

CITY MANAGER SMITH said that the City had not looked at the books, but would get back in touch with the league about it.

COMMISSIONER PEERMAN asked whether the Bronco Coaches would have an issue if the City asked the league to give them the money.

MAYOR RUZZANO said probably, and he suggested sending a letter asking whether the

decision was voted on by the board, and that if it was a majority decision and the league wanted to give the money back, they should send the check.

CITY MANAGER SMITH said that he would take care of it and would coordinate dates and times for reviewing their financial information.

COMMISSIONER PEERMAN suggested getting someone out there as soon as possible.

COMMISSIONER TALERICO congratulated all those who received promotions and welcomed Thomasina. He stated that this would have been his last Fourth of July meeting as a Commissioner, but unfortunately, he was at a family reunion in Ohio. He said that he was sorry to have missed the parade and the kids. He wished everyone a safe summer and asked that they be careful of the children.

COMMISSIONER PEERMAN congratulated Mayor Ruzzano on his re-election.

VICE MAYOR BRYAN said that as a resident of Paradise Gardens III, she extended her sympathy to the family of Joyce Cox, wife and mother, who recently was found in the canal behind her home. She commended the residents, business owners, religious community and non-profit groups for their civic engagement. She mentioned the residents that served on the boards and committees and appreciated their dedication. She also thanked those who shared their thoughts, support, concerns and prayers with her in email and phone calls and stopping her when seen out in public. She appreciated finding out what was important to residents and what they cared about. She stated that the decisions she made on the dais were in the best interest of the citizens of Margate, and were made based on the best of her ability. She said that she did research, asked questions and listened to the opinion of others whether pro or con. She stated that sometimes quick decisions had to be made and she relied on her experiences, gut reaction and prayer. She believed that her fellow Commissioners made their decisions on what they felt was right for the citizens. She noted that they did not agree on everything, which was okay as part of the democratic process. She read the quote, "you can please some of the people all of the time, you can please all of the people some of the time, but you can't please all of the people all of the time." She loved the passion, concern and energy from the citizens, but wished that more would show up at the meetings. She stated that the July 4th celebration was great, with a great parade. She thanked everyone who participated. She commended the marching band that was great. She also thanked Parks and Recreation, the CRA, Police, Fire, Public Works, Administration and all the departments that helped for doing a fantastic job. She noted that the fireworks were incredible. She read aloud an email received from a resident of Fort Lauderdale, commending the Margate fireworks and events.

MAYOR RUZZANO agreed that the Fourth of July events were awesome. He asked if anybody had video of his daughter saying the Pledge of Allegiance. He wished everyone present would come to every meeting. He noted that the big project of the Downtown area was coming up with about 1,000 units going on the east side of the Swap Shop property. He stated that there would be a CRA meeting next Tuesday night at 7:00 PM, which he asked everyone to attend, because it was going to change the City. He asked to move Item 7A and 8A before the City Manager's report. He explained that after 3-1/2 years he was up for re-election and was really proud that he ran unopposed. He said that it was a good feeling knowing the residents felt he was doing the right job for them. He stated that any decisions he made were not personal, but he thought about the residents. He felt that the residents were his boss and he wanted to make them happy. He hoped to be here longer and thanked everyone.

3) PUBLIC DISCUSSION

JOHN YOKLAVICH, 603 South State Road 7 Unit 1-D, said that he walked for exercise along State Road 7 in the mornings and saw a lot of rubbish. He also mentioned the side streets and drains. He asked whether some program could be considered to keep up with the rubbish that was giving a bad image to the City. He suggested having students volunteer, such as High School students that needed community service for credits towards their diplomas. He asked that the Commission consider ways to keep the main stretch of State Road 7 free of rubbish.

MAYOR RUZZANO mentioned the Our Margate app that could be downloaded onto a Smart Phone, which would allow the taking of pictures to send to the City when something was seen, so it would be taken care of right away.

MR. YOKLAVICH wanted the Commission to also consider a spirit of volunteering.

MAYOR RUZZANO noted that there was an Adopt-A-Street Program, where streets were adopted and maintained.

MR. YOKLAVICH felt that what made the town was not the government, but the people, spirit and volunteering.

MAYOR RUZZANO stated that the City also had a Volunteer Program.

NORMAN GRAD, 7460 NW 18th Street, commended Parks and Recreation and whoever arranged the Fourth of July Parade. He believed that children were our future, and he was pleased to see many kids at the events. He said that it was good to live in a City with a walking Mayor, and referenced former Mayor Joseph Varsallone who always walked. He suggested limiting the speaking to allow everyone the opportunity to speak. He urged everyone to vote in August and November, as we all had the right to vote.

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 2016-396 MOTION - APPROVAL OF CITY COMMISSION MINUTES.

APPROVED

- B. ID 2016-411 RESOLUTION - DECLARING PROPERTY AS SURPLUS TO THE NEEDS OF THE CITY.

RESOLUTION 16-239

APPROVED

- C. ID 2016-413 RESOLUTION - APPROVING RESTRUCTURE AND RENEWAL OF THE

MULTIPLE AWARD OF BID NO. 2015-015 - AGGREGATES, TOP SOILS AND SAND (CO-OP BID) WITH FLORIDA SUPERIOR SAND, INC. AND SOIL TECH DISTRIBUTORS, INC. AS PER THE BREAKDOWN ON THE ATTACHED SPREADSHEET. PROVIDING FOR REASSIGNMENT OF ITEMS PREVIOUSLY AWARDED TO AUSTIN TUPLER TRUCKING, INC. PROVIDING FOR NON-RENEWAL WITH AUSTIN TUPLER TRUCKING, INC.

RESOLUTION 16-240

APPROVED

- D. ID 2016-414 RESOLUTION - APPROVING EQUIPMENT PURCHASE FROM FLORIDA GUN CENTER, INC., FOR THE MARGATE POLICE DEPARTMENT, PIGGYBACKING PEMBROKE PINES BID AND AUTHORIZING WAIVING OF BIDDING FOR NON-BID ANCILLARY ACCESSORIES; PROVIDING FOR SURPLUS; PROVIDING FOR FUNDING BY THE LAW ENFORCEMENT TRUST FUND IN AN AMOUNT NOT TO EXCEED \$28,424.85 AFTER TRADE-IN CREDIT.

RESOLUTION 16-241

APPROVED

- E. ID 2016-416 RESOLUTION - APPROVING A RENEWAL AGREEMENT FOR PARTIAL FUNDING OF FOUR (4) SCHOOL RESOURCE OFFICERS (SRO) FOR ASSIGNMENT IN ATLANTIC WEST ELEMENTARY, MARGATE ELEMENTARY, LIBERTY ELEMENTARY AND MARGATE MIDDLE SCHOOL FOR OCTOBER 1, 2016, THROUGH SEPTEMBER 20, 2017, UNDER THE FUNDING TERMS PROVIDED BY THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA.

RESOLUTION 16-242

APPROVED

Approval of the Consent Agenda

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

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

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH stated that the City still had its 5th Annual Academic Scholarship Program open. He noted that the deadline for submission was extended to July 28th, 2016, at 6:00 PM. He explained that the City would select one female and one male recipient, each of whom would receive a one-time \$2,500

scholarship. He noted that the scholarship was provided in partnership with Waste Management and applications were available on the website, City Hall and Parks and Recreation. He explained that the next phase of the Asphalt Rejuvenation was currently ongoing in the residential area south of the C-14 Canal. He stated that Calypso Cove was now open every day from 10:00 AM to 6:00 PM. He said that the slide renovation had the slides open and operational. He noted that there were several swimming programs available. He explained that the Learn To Swim lessons were four two-week sessions taught by certified Red Cross Water Instructors. He said that the cost was \$55 per session per resident. He added that there were also private one-on-one swim lessons available throughout the year. He said that the City also accepted vouchers from swim central. He noted that the website to register for that program was watersmartbroward.org. He said that for additional information, Calypso Cove could be contacted. He thanked the Commission, Parks and Recreation, all other departments and employees that were involved or participated, as well as residents, for their support of the July 4th event.

7) RESOLUTION(S)

- A. ID 2016-408 APPROVING A SUBDIVISION RESURVEY FOR COCONUT CREEK
AUTOMOTIVE LOCATED AT 5305 NORTHWEST 24TH STREET

RESOLUTION 16-243

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

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

8) DISCUSSION AND POSSIBLE ACTION

- A. ID 2016-417 CALYPSO COVE LIFETIME PASS

MAYOR RUZZANO noted that there was a near drowning at the Calypso Cove Water Park. He said that there were many people involved with saving a life. He explained that Christina Regina, 7 years old, discovered the body on the floor of the pool and notified a 13 year old, Rebecca Valbrun, who then notified the lifeguard. He suggested giving both girls a lifetime pass, plus one, for Calypso Cove so that the parent could take them to the pool and later in life, the girls could take their children to the pool.

A motion was made by Mayor Ruzzano, seconded by Vice Mayor Bryan, that each girl receive a Lifetime Plus One pass to Calypso Cove.

COMMISSIONER PEERMAN understood that Mayor Ruzzano already promised the Lifetime Pass to the little girl.

MAYOR RUZZANO clarified that he told her he would make sure that she would never have to pay in the park. He clarified that he would have paid for her to go to the park for her lifetime.

CITY MANAGER DOUGLAS E. SMITH noted that under the fee resolution, involving Parks and Recreation fees, which included Calypso Cove admission fees, waiving of the fees was to be approved by a motion of the City Commission upon finding that the waiver served a public purpose. He asked that the motion wording include with a public purpose.

An amendment was made by Mayor Ruzzano, seconded by Vice Mayor Bryan, to add that this was a life saving effort and service for the public with a public purpose.

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

The original motion as amended carried by the following vote:

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

6) PUBLIC HEARING(S)

- A. ID 2016-397 RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF MARGATE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF MARGATE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; APPROVING THE ASSESSMENT ROLL.**

RESOLUTION 16-244

COMMISSIONER PEERMAN said that the City Attorney had to read the sections as to not exempt each section and she would make a motion for each individually with someone else amending it.

CITY ATTORNEY MARK BERMAN read the first section not to exempt disabled Veterans.

CITY MANAGER DOUGLAS E. SMITH clarified that to change the current status, the Commission would vote to add the exemption.

COMMISSIONER PEERMAN disagreed and said that it was being done individually the way it was written with another Commissioner making an amendment to it.

A motion was made by Commissioner Peerman, seconded by Mayor Ruzzano, to not exempt disabled Veterans.

An amendment was made by Mayor Ruzzano, seconded by Vice Mayor Bryan, that the 100 percent disabled Veterans be exempt, including categories 3 and 6.

COMMISSIONER SIMONE thanked the Veterans and said that she honored and respected their sacrifices and service to the Country. She stated that because of their brave actions, we enjoy living in a free Country. She said that she had no problem with giving exemptions to the 100 percent fully disabled Veterans or the service connected Veterans, but she feared where the line would be drawn. She felt that the City was not in a financial position to give all people total exemptions.

An amendment was made by Commissioner Simone to give the 100 percent fully disabled Veterans and the service connected Veterans a 50 percent reduction in their Fire Assessment this year, which died for lack of a second.

VICE MAYOR BRYAN stated that people needed to represent who they were standing for, but they need to be respectful to the Commissioners whether in agreement or not. She asked that everyone be courteous to those speaking.

COMMISSIONER SIMONE asked the Mayor to enforce the Rules of Procedure, or she would call a vote for the Mayor to do so. She asked the City Attorney whether she had the right to ask for a vote of the Commission to have the Mayor enforce the Rules of Procedure.

CITY ATTORNEY BERMAN said that a point of order could be asked for, which was most appropriate.

GARY WILDER, 6943 NW 27th Court, said that he was a retired Marine who served 23 years in the Marine Corps. He explained that he was a Veteran's representative who helped them find jobs and he spoke about the City taking things away from Veterans. He mentioned being in Desert Storm and seeing his fellow Marines die and watching how the Veteran's Administration treated the Veterans. He said that to get a small exemption to help with homeownership should not be taken away. He stated that future Veterans would question what they were fighting for if they could not come home and be treated with some type of civility and respect. He asked that the Commission look at what was happening now, because there were Veterans currently in harm's way, with families having to apply for food stamps and welfare while in the military. He asked that the Commission rethink the opportunity to serve the community the right way so people would say the City of Margate was a beacon on a hill and be glad to be in this community.

COMMISSIONER PEERMAN thanked Mr. Wilder for his service and noted that Veterans never had an exemption of any percentage. She explained that the City was not taking away an exemption, because the Veterans never had one. She added that the recommendation of staff was to give an exemption that the Veterans did not have before. She noted that it was being discussed now because nobody previously made a motion to exempt 100 percent disabled Veterans.

MAYOR RUZZANO thanked Mr. Wilder and felt that this was the least that could be done. He said that if there was more that could be done, Mr. Wilder could let him know.

BRENDA MOSS, 22812 SW 56th Avenue, Boca Raton, stated that she was a 100 percent service disabled Veteran. She felt that it was an awesome thing to support the Veterans and give them the tax exemptions they needed. She noted that disabled Veterans lived on very tight budgets. She stated that both her sons were also serving.

The original motion as amended carried by the following vote:

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

CITY ATTORNEY BERMAN read the motion to not exempt government properties, including the City of Margate, Margate CRA, School Board and other properties.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Bryan, to approve not exempting the government entities.

An amendment was made by Mayor Ruzzano, seconded by Vice Mayor Bryan, that the City of Margate, the MCRA, Broward School Board, USPS and other government properties be exempted.

An amendment was made by Commissioner Simone, seconded by Commissioner Peerman, to exempt the government entities 80 percent. (The amendment and second were withdrawn after the following discussion)

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

VICE MAYOR BRYAN questioned how this would be enforced.

COMMISSIONER PEERMAN felt that if everybody was paying their fair share, the government should pay fair as well. She did not know if the School Board would pay; however, they should pay. She stated that other Cities had gone after the School Boards, and she felt that the Post Office should have to pay as well.

COMMISSIONER TALERICO questioned whether Commissioner Peerman was including the City of Margate.

COMMISSIONER SIMONE noted that the schools were included too.

COMMISSIONER TALERICO said that the City of Margate could be exempted.

COMMISSIONER SIMONE believed it was all grouped together and could not be done.

CITY ATTORNEY BERMAN said that Florida Statute exempted property owned or occupied by public elementary or high schools from paying special assessments; therefore, statutorily, they should not be assessed.

COMMISSIONER PEERMAN said that the Commission was told they could do so.

MAYOR RUZZANO felt that passing this exemption was ridiculous because charging the City itself did not make sense. He said that the City was supposed to be a partnership with the School Board or the CRA. He felt that the City should keep the good relationship

it had with these businesses.

CITY ATTORNEY BERMAN did not know how it would be collected.

MAYOR RUZZANO noted that according to City Attorney Douglas R. Gonzales, they did not have to pay it.

FRANK MESSANA, 7310 NW 1st Street Apt. 206, clarified that the City was going to assess the City property 20 percent. He said that it was taking money from the right pocket and putting it in the left pocket of the taxpayer. He stated that the City would be charging the taxpayer for property they already owned. He noted that the taxpayers were being taxed the 20 percent additional taxes to put back into the City. He said that the City could just raise the taxes 20 percent if doing it that way. He asked whether the City was going to foreclose on the School Board if they did not pay. He stated that the Commission needed to rethink the government entities.

MAYOR RUZZANO clarified that this included all government properties lumped together as one.

COMMISSIONER PEERMAN noted that not all the City's income was from taxes.

MR. MESSANA clarified that the money coming from tax sharing from the State, still came from the taxpayer. He understood that on one side the City was taking 20 percent less and putting it on the other side so taxes did not have to be raised, but it was not good for the residents.

STACY ANGIER, 1913 NW 79th Terrace, believed everybody on the dais had the best intentions and she respected them all. She noted that she recently met with the President of Temple Beth Am, who was also an attorney, and he pointed out subsection 170.201 (2) of Florida Statutes, which she read aloud as follows:

"Property owned or occupied by a religious institution and used as a place of worship or education by a public or private elementary, middle or high school, or by governmentally financed, insured or subsidized housing facility that is used primarily for persons who are elderly or disabled, shall be exempt for any special assessment levied by a municipality to fund any service, if the municipality so desires."

MS. ANGIER then asked whether the City so desired, because there were five on the dais, but a lot of people were present that did not desire that the exemptions be lifted. She said that she did not think the governmental would work because of collection issues. She stated that the community did not desire to see the special assessment exemption lifted. She noted that she was a 40 year resident of Margate and she and her husband worked in Margate for 26 years, as well as attended church here. She asked that the Commission think about what they were doing, because she did not agree.

THOMAS COONEY, Assistant General Counsel of the School Board of Broward County, 600 SE 3rd Avenue, Fort Lauderdale, stated that City Attorney Berman was accurate in stating that the School Board's property was exempt from taxation. He noted that this was already litigated with the Town of Davie, which took three years before being successful on final judgment. He said that he provided both City Manager Smith and City Attorney Gonzales with a copy of the final order, as well as case law that referenced this issue. He stated that if the assessment passed, the School Board had no choice but to resist, and that there would be 27 municipalities in the County that would have to be fought. He wanted to put on the record the objection and the basis for the objection as stated by

City Attorney Berman. He stated that the School Board also enjoyed sovereign immunity, which meant if there was no agreement with the City to pay these assessments any cause of action filed by the City against the School Board could not be based in contract and would be immune from any damages.

COMMISSIONER PEERMAN withdrew her second on the 80 percent. She asked where the water came from for the schools.

ATTORNEY COONEY said it came from the City, which the School Board paid for.

COMMISSIONER SIMONE withdrew her amendment on the 80 percent.

The original motion as amended carried by the following vote:

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

CITY ATTORNEY BERMAN read the next section to not exempt "for profit" nursing homes and assisted living facilities.

A motion was made by Commissioner Peerman, seconded by Mayor Ruzzano, to not exempt for profit nursing homes and assisted living facilities.

COMMISSIONER TALERICO said that he abstained from voting, because as an Audiologist, he did testing for hearing in nursing facilities in the area and received payment from the patients; therefore, he was concerned there could be a conflict of interest, which he would fill out the proper forms for. He left the dais at 8:22 PM.

An amendment was made by Commissioner Simone, seconded by Commissioner Peerman, to reduce the fee to \$.52 per square foot.

COMMISSIONER SIMONE explained that she wanted to do a buy down for the nursing homes this year at the institutional fee according to the consultant study that was done for a fair and reasonable method. She said that based on the calls of service, that cost would have been \$1.63 per square foot, and she recommended that it be reduced to the institutional fee of \$.52 per square foot. She noted that other Cities put their nursing homes into the institutional tax exempt group, but Margate had not done so because it would actually raise the institutional fee on all those people. She said that Margate had kept the nursing homes separate. She explained that the decrease would drop the notice that Brookdale received from \$316,000 to \$101,000 and would also drop Livewell from \$95,206 to \$30,000.

VICE MAYOR BRYAN stated that this was a hard discussion because she was personally involved with nursing homes with her church. She noted that she also had relatives in nursing homes. She understood the reason for the proposal because they were previously given a pass. She added that a large number of the calls for the Fire Rescue came from these organizations. She also understood that the rate would increase for the residents if this passed; therefore, she found it difficult. She said that if a business was making money and was not paying the fair share, it was not putting the City in a good position.

MAYOR RUZZANO agreed with the Vice Mayor that it was a difficult decision.

JOHN YAKLOVICH, 603 South State Road 7 Unit 1D, said that the figures sounded like a lot of money; however, the budget for the City was about \$102 million per year. He stated that this was quibbling a penny on a dollar, which society in general could afford. He said that this referred to old people and the elders should be respected. He stated that fair or not fair, this needed to be done even if it involved a cost to the taxpayers to respect the elders. He said that life was not and would never be fair. He added that it was unfair to help the non-profits, but the elderly would benefit from it; therefore, it should be done. He suggested leaving it the way it was.

COMMISSIONER PEERMAN explained that it was going from \$1.63 to \$.52 per square foot.

ZANEAR SMARU YANI, 5850 Margate Boulevard, Coral Plaza, thanked the Fire Department. He stated that it was a for profit company serving 140 elderly people from Margate and trying to provide the best care. He said that as an assisted living facility and not a nursing home, numbers were different. He added that there were a lot of needy people coming into the communities, and he invited everyone to come see that. He noted that not all of the people paid big money that was paid in other upscale communities for crazy profits. He stated that the facility wanted to pay its fair share, but in a reasonable manner. He felt that things needed to be worked out in a careful way with a financially reasonable increase that would not be objected to. He noted that the numbers being discussed could cause a hard time and cause the building to be shut down. He said that there were 78 employees, and that it was very hard. He asked that the Commission take his comments into consideration.

COMMISSIONER SIMONE clarified that it was \$95,000, which would go down to \$30,000 if passed.

COMMISSIONER PEERMAN asked whether Mr. Yani felt that was a reasonable amount.

MR. YANI said that he would have to look into last year's number to verify that.

COMMISSIONER PEERMAN said that last year there was a different rate because it was under a different grouping.

COMMISSIONER SIMONE believed that they were still under the nursing homes last year. She then clarified that they bought down to the commercial rate. She explained that this year she wanted to buy down to the institutional rate.

MR. YANI noted that most funds were private funds, such as Social Security, etc.; therefore, the funds being paid to the nursing home for Medicaid payments was not the same and the figures were much different. He said that he would be happy to share those numbers with the City for additional review.

CITY MANAGER SMITH said that in the 2015-2016, fiscal year the nursing homes were paying \$.20 per square foot, which was the same as the commercial rate. He stated that they were bought down to the commercial rate, and if bought down to the commercial rate under the new study it would \$.23. He noted that the current proposal was rather than buying them down to the commercial rate, they would be bought down to the institutional rate, which would be \$.52.

VICE MAYOR BRYAN asked about being invited to the establishment since she joined the Commission.

MR. YANI mentioned the Grand Opening.

VICE MAYOR BRYAN said that she would stop by.

MR. YANI said that the Commission was welcome and he thanked them.

COMMISSIONER SIMONE asked that everyone realize that the study done by an independent consultant based on the service calls for the nursing homes, said that a fair and reasonable method to charge the nursing homes was \$1.63. She noted that the Commission was actually helping, because it could be kept at the \$95,000; however, she felt she was compromising by bringing it down to the \$.52.

JESSE STEINWRATH, Brookdale Margate, 5600 Lakeside Drive, explained that in 2015, the fire assessment charge was \$22,000. He said that if this passed, that would turn into a tax of \$316,000. He noted that the Ad-Valorem tax total bill was just over \$200,000 before the fire assessment; therefore, if passed as proposed, the special assessment for the fire would be 150 percent of the actual property tax bill. He explained that in the past there was a square footage cap of 97,700 square feet per building based on Fire Rescue Services Resolution 12-330 dated May 15, 2013, Section 5, which stated that once a building was beyond a certain square footage, the fire service did not help any more than that. He added that last year's budget for the fire assessment was \$7.3 million, and that this year the proposal was \$7.7 million, which was a \$400,000 increase over last year or 6 to 7 percent. He stated that the Commission was proposing an eight fold increase, but he felt that 6 percent would be fair. He noted that a \$316,000 increase would cripple the community and there would be a likely chance that Brookdale would no longer be able to operate it. He asked that the Commission consider that for the residents.

COMMISSIONER PEERMAN clarified that the amendment was not for \$1.63, but was for \$.52.

COMMISSIONER SIMONE asked what the Brookdale property was worth, because she understood it was worth \$10 million.

MR. STEINWRATH agreed that the property might be worth \$10 million dollars, but the Ad-Valorem reflected that. He stated that this was not a tax based on value, but on the services. He said that it seemed ridiculous for this or any property especially when comparing to what was paid in prior years.

COMMISSIONER SIMONE reiterated that according to the study performed, the City could charge \$1.63; however, the City did not want to do that.

VICE MAYOR BRYAN stated that the City appreciated Brookdale and the Commissioners had been there many times for different events, such as 100th Birthdays. She noted that the facility was recently renovated with another Grand Opening, but realities had to be dealt with.

MR. STEINWRATH asked that the Commission consider that if increasing it by \$80,000, which was from \$22,000 to \$101,000, it was almost 1/4th of the total budget increase for this year. He said that for this one community, as well as other senior living communities in the area, Brookdale would be footing close to half of that increase, which he felt seemed unfair. He requested a copy of the study.

MAYOR RUZZANO appreciated what the nursing homes did in the City. He felt that it should be the same as last year and felt that there was no reason to increase it. He noted that the City was built with the citizens, and he did not care what the building was worth. He understood that it was capitalism and the business was here to make money. He stated that he did not want to see them leave; therefore, he did not think it was right to try to get more money from them.

MIKE RAYBOLD said that he worked for the Marrinson Group that owned and operated Margate Manor located at 1189 West River Drive. He explained that it was a 64 bed assisted living facility classified under nursing homes. He said that originally they paid \$7,700 last year and \$63,000 was proposed the next year, with a proposal to double what was currently being paid, which was an 818 percent increase. He noted that there were 2,144 people paying zero to the fire assessment with another 11,000 paying less than \$300; however, the nursing home category was being slammed. He stated that it would put people out of business. He said that they did not make large profits and he was happy to share that information with the City. He explained that they took care of many sick and elderly patients, some that were Veterans and some were disabled Veterans. He stated that if the City continued to increase his taxes and his rates, but he could not increase rates to those patients; therefore, he questioned where he would get the money from. He said that it was not equitable across the categories to continue to try and pass an 818 percent increase or even a 50 percent increase.

COMMISSIONER PEERMAN asked whether the Commission was asked last year to buy down the rate. She stated that if they were paying \$.20 per square foot instead of \$1.54 per square foot, the Commission probably gave them a break that year.

MR. RAYBOLD noted that when rescue took someone in an ambulance they charged the patient for that; therefore, they were actually paying for that and now Brookdale was being charged too.

COMMISSIONER PEERMAN clarified that if the insurance company did not pay for it and you live in the City of Margate, you would not get billed. She understood that the fire assessment fee did not include Emergency Management Services (EMS).

CITY MANAGER SMITH clarified that EMS Transport was removed from the study, and that EMS calls were factored out of the study, as well as some additional calls.

COMMISSIONER PEERMAN clarified that none of the calls in the study were for EMS services, such as ambulances, and were only for fire related services.

MR. RAYBOLD noted that Margate Manor had not had a fire.

CITY MANAGER SMITH said that he would have the consultant explain how the first responder part was handled. He noted that previously the nursing home buy down was done; therefore, this year it would be changed to not have that. He added that the square footage cap in the new study did increase to 179,446 now, which was a higher square footage that would come into play when applicable.

COMMISSIONER PEERMAN asked who did the buy down and whether it was this Commission.

CITY MANAGER SMITH said that was put in when the fire assessment was first started.

SANDI MELGAREJO, Consultant, replied that it was annually adopted every year; therefore, the Commission made that decision annually. She clarified that the Commission made the first decision this year, and that every other year they just continued with the exemptions as they were. She stated that they continued to exempt the institutional tax exempt, continued to exempt government and continued to buy down the nursing home from the actual nursing home rate. She noted that the City had a very high rate for nursing homes because they put a big burden on the fire department. She said that over 8 percent of the first responder calls went to nursing homes. She stated that the City chose to buy them down because of the public service they provided that the City may otherwise have to provide. She said that they were bought down to the commercial rate, and not to the institutional rate, which was higher. She reiterated that was an annual decision being made every year until this year when it was decided not to exempt any of them.

COMMISSIONER PEERMAN clarified that it went straight through every year whenever the City adopted its fire assessment. She said that everything done in the past just carried forward and the Commission just agreed to it without ever really looking at what was being agreed to.

MS. MELGAREJO said that it was an annual decision that was made by the City every year.

COMMISSIONER PEERMAN noted that the City got to this point because this year somebody asked who was exempt and what that cost.

MS. MELGAREJO agreed. She spoke about the first responder as requested by the City Manager. She explained that the special assessment was under the Home Rule powers. She stated that the courts went by case law and said that anything up to the level of first responder was not EMS. She said that anything above first responder was considered EMS; therefore, it had to be anything that was up to the level of first responder who was into the fire bucket. She stated that anything above the level of first responder went into the EMS bucket. She explained that she would then pull out the EMS cost and the EMS calls to develop the rates in a fair apportionment methodology based on the fire portion of the budget, the calls, etc. Ms. Melgarejo stated that this year the non-residential cap went up because the City had more apparatus. She said that the National Fire Protection Association's (NFPA) standards were looked at and based on their standards the non-residential square foot cap should go up from 97,000 square feet to the 179,000 square feet. She further explained that the square feet should increase because of the square foot cap based on additional capacity and fire flow available to put out the fires. She stated that the City had mutual aid and certain items were looked into when the study was developed, such as the apparatus, the fire flow and the capacity that the City had to put out a fire in a fully engulfed non-residential building based on NFPA standards. Ms. Melgarejo said that in the past, based on the fire flow that was available, it was 97,700 square feet; however, the fire flow and apparatus had been increased so the non-residential square footage cap should go up. She explained that those people who were getting a benefit for having the larger buildings were now going to be paying for that additional square footage. She further explained that those under the 97,700 square foot cap paid for every square foot they had.

MAYOR RUZZANO clarified that though there were no fires, the payment was required because the study stated that. He asked whether that was what the Commission was voting on.

MS. MELGAREJO said that the Commission was voting on the availability of the fire

services. She noted that calls were still made even when they were not for a fully engulfed call. She stated that over 8 percent of the responder level calls were going to nursing homes. She clarified that the EMS calls were backed out, but the first responder level calls were not.

CITY MANAGER SMITH asked that the difference between the first responder calls and the EMS transport calls be explained.

FIRE CHIEF DAN BOOKER clarified that first responders were the Fire Department, fire trucks and staff with EMT Paramedics. He noted that a lot of the time they responded to the nursing homes first because they were the closest unit. He said that the call might come in as an EMS call, but because the fire truck was closer, they would respond as first responders.

COMMISSIONER PEERMAN further explained that if the fire truck was closer than the ambulance, the fire truck would respond, which was what the fee was based on.

FIRE CHIEF BOOKER added that it also included the fire alarms, picking people up off the floor and things like that.

MAYOR RUZZANO asked whether the Fire Department was in need of money.

FIRE CHIEF BOOKER deferred to the Finance Director.

ARLENE SCHWARTZ, 7800 NW 1st Street, said that she was the former Mayor of the City of Margate who sat on the dais when the original fire assessment was discussed. She noted that the original fire assessment was for \$37. She said that there were discussions about making it \$225; however, the Commission absolutely knew who they were exempting. She stated that when she worked for the school system, free classes were given at the cost of the School Board. She stated that she, Commissioner Talerico and the other three Commissioners absolutely read the original fire assessment and understood what would not be collected. She was not sure it was worth taking \$1.9 million dollars when there were other things to look at. She said that she had lived in her house since 1982, and watched Margate grow, but taking money was not a proud moment. She stated that the nursing homes were not making a lot of money or servicing people with multi-million dollar pocketbooks. She said that they were mostly on Medicare and they provided a necessary service. She asked that the Commission vote with their heart and not with the study.

DANNY MARINO, 2600 NW 69th Avenue, did not understand why the City was following a study if it was a skewed number, because of using the fire trucks when closer instead of the ambulance. He said that the study was incomplete and incorrect.

COMMISSIONER SIMONE noted that this was a study that every City went through to determine what the fire assessment fee should be.

COMMISSIONER PEERMAN clarified that the fire assessment fee did not cover EMS services, such as ambulances, paramedics, etc. She noted that every one of the Margate Firefighters were EMTs; therefore, if they were closer to the call, they could go and give the same care as the ambulance.

MR. MARINO asked how much the insurance actually paid and what the ratio was when Margate citizens were not charged when the insurance did not pay. He questioned whether that would have been part of the study.

COMMISSIONER PEERMAN said that it would not be part of the study. She noted that the study was how many calls those groups had in a year of the people that were qualified under the fire assessment fee status.

MR. MARINO stated that if insurance was paying a majority, he wanted to know the percentage. He questioned whether the increase was equivalent to what was not paid.

COMMISSIONER PEERMAN stated that was not the reason why Commissioner Simone looked into the exemptions.

MR. MARINO said that if the reason was not because the City needed the money, it was dangerous because businesses could be put out of service.

VICE MAYOR BRYAN questioned whether the study was not arbitrary and the City had to participate in the study.

MS. MELGAREJO explained that the City had to be fairly and reasonable apportioned methodology. She said that the methodology that was used was approved by the courts and most recently upheld by the Fourth District Court of Appeal in the Desiderio Corporation versus Boynton Beach case. She stated that when the Fire Department went out to do a call they complete an incident for each call with codes stating what type of call it was and where it was. She said that the study looked at those codes and calls to determine which codes, based on the courts analysis of what constitutes first responder level and EMS. She stated that items such as rescue, medical assist, EMS calls and things with injuries were considered EMS; however, things like public services, fires, lock out and lock in, power down and person in distress were considered levels of first responder and stayed in the fire bucket.

VICE MAYOR BRYAN asked whether it was mandatory.

MS. MELGAREJO said that the study made it more defensible.

MAYOR RUZZANO questioned whether there were any repercussions or liabilities if the City did not go by the studies.

MS. MELGAREJO noted that if the court found that the way the City was apportioning was arbitrary, the City could get sued, lose and have to issue refunds. She clarified that the methodology did not say not to make the categories exempt, but it stated that it was a policy decision as to whether the City exempted the categories or not. She added that the methodology stated that if exempting the categories, justification was provided, as well as the amount of the buy down.

MAYOR RUZZANO asked whether this item could be made exempt.

MS. MELGAREJO recommended that the City not make it exempt, because there was no public purpose and the City could get sued because the City was using public funds to pay for private services.

MAYOR RUZZANO asked what the minimum was it could be set at.

MS. MELGAREJO said that a policy decision was needed and she did not know if there was a legal threshold.

MAYOR RUZZANO did not want to make a policy decision if it was illegal.

MS. MELGAREJO stated that justification for spending public funds would be needed.

CITY ATTORNEY BERMAN responded that the City determined what a valid public purpose was based on the information it had. He noted that the Commission had the information as to what the study indicated. He stated that the Commission could determine whether they believe that study served the public and was in the best interest of the public, or if it was in the best interest of the public to continue as it was in the past. He explained that it could not be said they were illegal unless they could not be supported at all; however, the Commission had been discussing this issue and various aspects along with the people from the crowd. He noted that the Commission had to be able to support their determination and why they believed it served a valid public purpose.

MAYOR RUZZANO reiterated that the amendment was for \$.52.

The amendment failed by the following vote:

Yes: 2 - Commissioner Simone and Commissioner Peerman

No: 2 - Vice Mayor Bryan and Mayor Ruzzano

Abstain: 1 - Commissioner Talerico

An amendment was made by Mayor Ruzzano, seconded by Vice Mayor Bryan, to make it the commercial rate of \$.23 to accommodate the public service.

The amendment carried by the following vote:

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

No: 1 - Commissioner Simone

Abstain: 1 - Commissioner Talerico

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

COMMISSIONER TALERICO RETURNED TO THE DAIS AT 9:12 PM.

CITY ATTORNEY BERMAN stated that the next item pertained to the institutional tax exempt properties; religious, private schools and other tax exempt properties.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, to not exempt institutional.

COMMISSIONER SIMONE stated that the Commission meetings were business meetings open to all so the Commission could have a discussion. She said that every year the City must have discussions regarding fire assessment. She explained that as in meetings past, there were two meetings to make this determination. She said that the first meeting, in June, was to set the highest amount possible that the City would charge

for the fire assessment fee, thus the notices residents received in the mail. She explained that the City was required by law to do this. She stated that the second meeting tonight was where the Commission actually determined the fire assessment rates. She said that all the Commissioners cared about Margate and wanted what was best for their City. She understood passions and believed everyone was working towards the same goal to help the City. She stated that the Commissioners could agree to disagree, but anything personal was unprofessional. She said that her goal as Commissioner was to help the City on all levels, making sure the Commission was being fiscally responsible, spending wisely without waste, making sure residents and businesses were safe and provided with the best quality services to improve the lifestyle of all in the City, while living up to the standards that the residents expected and enjoyed. She noted that the mission statement said, "To partner with our community to provide the highest quality of services in a progressive and cost effective manner." Commissioner Simone explained that she spent an enormous amount of time with Staff going over the budget, the CAFR and weighing the pros and cons to achieve fairness and equality. She stated that she was not deaf to the concerns, financial burdens or public service given by the institutional tax exempt group. She noted that she did not disagree with some of them, but it was a balancing act to look out for the residents and the businesses at the same time trying to keep the finances of the City healthy today, tomorrow and in 10 years from now. She noted that the City had financial obligations and responsibilities to meet as everyone did as we live in financially troubling times. Commissioner Simone stated that the ultimate measure of leaders was not where they stood in times of comfort and convenience, but where they stood in times of challenge and controversy. She said that whether one agreed with her decisions or not, she hoped she would be respected as a leader who did her research, asked questions, had integrity, a willingness to compromise and tried to do what was in the best interest of the City as a whole. She stated that her willingness to compromise was what she hoped to achieve with this assessment. She explained that the notices were of significant amounts and she understood that it was a challenge to put the total amount set out in the notices in the budgets for this year. She said that the consultant was hired to conduct and update the fire assessment fees, and an objective of the study was to identify and recommend a fair and reasonable method to assess fire fees among benefited parcels. She stated that after weighing all the factors, she did not feel it was unfair or unreasonable to ask the institutional tax exempt group to pay something. She felt asking them to pay 20 percent was very fair and equitable this year. Commissioner Simone noted that it would bring Abundant Life from \$63,000 down to \$12,120; Cokesbury United Methodist from \$10,000 down to \$2,000; Atlantic Baptist from \$5,000 down to \$1,000; The Church of God from \$3,000 down to \$600; Temple Beth Am from \$24,000 down to \$4,800; Hebrew Academy from \$16,800 down to \$3,200; Faith Baptist from \$20,000 down to \$4,000; Prince of Peace from \$4,000 down to \$800. She stated that the City was going to be in a budget shortfall this year and would have to go into the reserves. She said that Margate was a 50 plus City with the growing needs of a 50 plus City. She noted that every year it became more a challenge to come up with substantial methods to balance the budget. She stated that the argument for having the fire assessment fees were that everyone would pay their fair share; however, that was not true. She said that homeowners that paid City taxes were paying twice; once in Ad-Valorem and again with fire assessment; therefore, taking on the burden of paying for others. She noted that many were struggling to make ends meet. Commissioner Simone explained that the City was being prepared for the future with significant improvements to the City, and the City had a deep obligation to provide the highest level of public safety to the residents, which caused a financial burden. She noted that it was not a one-time cost, but future reoccurring expenses. She said that an additional \$25,000 exemption off the property tax of seniors with a certain income level passed the first reading from the County Commissioners, which may potentially be an additional budgeting challenge for Cities to deal with. She clarified that property tax was the main revenue source for the

general budget. She stated that assessed value of residential units remained below the Broward County average. She added that the fire assessment fee went into the general budget to fund fire services. She stated that residents paid school taxes whether they had children attending or not, and those taxes were hopefully used to improve the schools. She pointed out that better schools in a community increased property values and attracted people to that community. She noted that more people amounted to more revenue, which leads to more services and improvements a community can have and offer. Commissioner Simone said that for Margate, the more people and businesses attracted, the more revenue would be made to benefit all in the City. She noted that the money collected from the fire fees went into the general fund for fire services. She stated that the fire assessment revenue did not cover all expenses for fire services; therefore, to make up the shortfall, money would be taken from the general fund leaving less money to do other things. She said that if roads, parks, playgrounds, landscaping and fire stations were in need of maintenance or needed new construction, there would be less or no money to do that. She stated that if lacking in police or fire personnel and people felt unsafe, people would go elsewhere and businesses will dry up. She stated that working in partnership and supporting each other was paramount to the success of the City and made a community strong, vital and attractive. She said that it should not be a tradeoff, because Margate did not have the incoming revenue the same as some surrounding Cities. She explained that to get the money the City would have to cut back, eliminate services, increase fire assessment fees or Ad-Valorem taxes. She asked that the institutional exempt group continue being an important part of the community by helping the City grow, keeping and improving the services needed and helping to maintain the standards by paying something. Commissioner Simone clarified that she did not want to shut down the churches. She noted that the Cities and Counties were asking voters to dig into their pockets and consider taxing themselves an extra penny sales tax for infrastructure and transportation needs. She noted that the City recognized the great many things the institutional tax exempt groups provided for the community of Margate. She stated that Margate did give back to those organizations, such as waiving of fees for car shows, waiving additional days for carnivals and sponsoring golf tournaments done by the City and the CRA. She felt that the goal to help the City was unified. Commissioner Simone further explained that the City with limited income revenue, was trying to be progressive by building a positive image for the community, attracting new business, encouraging improvements to existing businesses, providing exceptional recreation and cultural opportunities and continuing to provide the highest quality services in a cost efficient manner, which was difficult to continually achieve without added revenue. She believed the responsibility fell on all of the City.

An amendment was made by Commissioner Simone, seconded by Commissioner Peerman, to give an 80 percent exemption.

THE FOLLOWING IS A VERBATIM TRANSCRIPT:

MAYOR TOMMY RUZZANO: Alright, this is gonna open up for discussion here. You guys ready? Alright. First, Joanne when you're talking you say we. This is not we this is what you want. Okay? Second of all, the numbers you've been giving out, all those numbers in the beginning, it's not what their, Abundant Life is gonna go down to, it's what they're gonna go up to. Every number you gave, they're paying zero right now, so they're not going down to anything. You guys are all going up to something, alright? We refinanced a bond this year. It's gonna save the city \$3.5 million dollars over 20 years, number one. Number two, property taxes went up this year, so we're gonna get more money in from property taxes. Number three, I told you guys to be here next Tuesday. We bought a piece of property. We paid \$35 million dollars for, plus. We want to give it to

a developer for \$10 million dollars. Totally against it and I'm totally against the project, so there's \$25 million dollars we could make up. You know there's a lot of ways to make money in the city without taking away from a 501C3, who is not out there to make money, but helps the city and helps the community. And I understand you did a lot of research on this, but if you really wanted to look into finance, you can look at some of the things that I've mentioned. But to take these people ...

COMMISSIONER JOANNE SIMONE: *Okay, Mayor, I'm gonna stop you right now. I'm gonna ask you not to make personal attacks and direct your comments towards ...*

MAYOR RUZZANO: *Personal attacks, you're the one that started, hold on Joanne. You said ...*

COMMISSIONER SIMONE: *Towards, uh okay.*

MAYOR RUZZANO: *...we. It's not we it's you, okay? So you started with the personal attack, I just backed myself up.*

COMMISSIONER SIMONE: *Mayor, I'm gonna ask you respectfully to please stop.*

MAYOR RUZZANO: *Stop what? Debating?*

COMMISSIONER SIMONE: *To please stop ...*

MAYOR RUZZANO: *What?*

COMMISSIONER SIMONE: *...directing your comments at me personally.*

MAYOR RUZZANO: *The first comment was we. You should say you, okay? I only rebutted what you said.*

COMMISSIONER SIMONE: *I believe I said once time, we.*

MAYOR RUZZANO: *Okay. That's, I only said ...*

COMMISSIONER SIMONE: *Okay. Uh, forgive me for saying we.*

MAYOR RUZZANO: *That's fine.*

COMMISSIONER SIMONE: *I.*

MAYOR RUZZANO: *Okay. Alright so if you, 501C3 is out there. I appreciate what you guys do. If you guys are gonna have to cut your service and pay tax, which I don't believe in, you're gonna have to cut your service into something you guys are doing, whether it be the food pantries you do, whether it be the helping out of the citizens you do. You guys are a 501C3. You're not out there to make money. You're here to work with the city and like our logo says is together we make it great, okay, so I am for this. When this hopefully fails, I will make a motion for a zero exemption or an exemption totally, but let's see how this plays out.*

END OF VERBATIM TRANSCRIPTION.

COMMISSIONER TALERICO said that the property and the CRA was another issue, and he asked that not be discussed right now. He noted that the 20 percent exemption

amounted to \$51,800 in the budget, which was a dollar a person per year that would be gained. He said that was not a lot of money and felt that the total zero exemption was fine and he would rather go to zero, because they did a lot of work. He also mentioned congregations diminishing.

COMMISSIONER PEERMAN felt that all churches should pay taxes and she did not think asking people to pay their fair share was wrong. She said that original reason for the fire assessment was because there were condominiums, etc. that were not paying taxes.

COMMISSIONER PEERMAN withdrew her second and left the dais at 9:47 PM.

An amendment was made by Commissioner Talerico, seconded by Vice Mayor Bryan, to 100 percent exemption to apply to the institutional tax exempt properties.

COMMISSIONER TALERICO mentioned people paying \$225 a year for a fire assessment fee for their home, and spoke about the utilization was for the fire rescue with regard to a House of Worship. He said that in years past there was no fire assessment fee because the City was in a better financial situation. He reiterated that it was not much money and would not make that much of a difference. He understood everyone paying their fair share, but felt that it was not enough.

VICE MAYOR BRYAN noted that she originally said no to this resolution, because the City was so proud of what the churches and synagogues did for citizens in Margate. She also understood what Commissioner Simone was saying; however, she did not feel it made a lot of sense because of the amount. She suggested doing what was being done, but to caution people that the City did not have a huge amount of money. She said that the City needed to think about the future. She stated that she did not want to tax the churches and was passionate about this issue. She said that the churches also gave back to the City, which was appreciated. She felt that Commissioner Simone was concerned about Margate's future. She said that not everybody was going to agree; however, she asked that everyone be respectful.

MAYOR RUZZANO thanked the residents for all of the emails and felt that he addressed all of them.

CITY MANAGER SMITH clarified Commissioner Talerico's motion as 100 percent exemption would be applied to the institutional tax exempt properties.

COMMISSIONER TALERICO asked that everyone control their emotions and did not want to see fighting and bickering back and forth. He mentioned the problem hearing when on the dais.

BISHOP RICK THOMAS, 7955 Royal Palm Boulevard, Senior Pastor of Abundant Life Church, agreed this was an emotional issue and he was disturbed about a representative of the City not receiving respect. He noted that he was in Margate for 40 years and had been through a lot in Margate. He noted that he was bothered by the City making recommendations, but never talking to the people they would be making the recommendations for. He felt that if discussed previously, there might not have been a confrontation tonight. He said that using an outside source and not giving the constituents credit for having enough intelligence to respond was upsetting. He explained that he was not making money, and that it was costing him more money than it ever had.

He stated that he had no reserve because they just built the building. He said that people from all over that go to the religious institutions shopped in various places in the City. He noted that they spent money, which created businesses that put more tax money back to Margate. He thought the institutions had a relationship with the City and that they would talk to the institutions first. Bishop Thomas believed the Commission had the community at heart; however, the mistake was that they did not give the institutions credit enough to talk to them. He challenged the Commissioners to not neglect the religious institutions in the community. He stated that Margate was enriched with what the institutions provided, such as the drug rehabilitation, counseling and food programs he was giving to the City for free. He mentioned the City helping the Baseball Teams, which he agreed with; however, he wanted the City to discuss things. He felt that society lost sight of what communities were about. He spoke about the disabled Veterans and reiterated that the Commission needed to talk to the community.

COMMISSIONER SIMONE said that things were blown out of proportion. She explained that the first meeting required the City to set the highest assessed value, which was why the institutions received the notices. She stated that tonight's meeting was supposed to have the discussion with the institutions. She mentioned emails she received and she thought she was being fair to the churches having them pay something. She said that maybe this year was not the right time, but she felt a compromise could be started this evening. She apologized that it had not gone that way, though that was her intention.

BISHOP THOMAS reiterated that he felt some type of communication should have been done. He felt that he needed to attend more meetings to show support and to keep informed of the City's needs. He spoke about his disappointment with Commissioner Peerman.

C.J. WALTER, Cokesbury Church and Margate Initiative for Community Action Hope (MICAHA), thanked the Commission for allowing the institutions to come to the meeting, receiving the letters, suggesting a conversation. She thanked the City for understanding that churches provided most of the volunteers in a town according to surveys. She asked that on behalf of MICAHA, a forum be found for conversation because MICAHA's purpose was to improve the social fabric of the town. She thanked the City, because this issue brought churches and synagogues into the fold that had not been there.

CHARLIE ARTNER, 6631 NW 22nd Court, said that he moved to Margate 2 years ago and said that the Commission did a great job on a beautiful City. He agreed with Vice Mayor Bryan that churches gave back to the community with food banks, clothing, feeding homeless and taking care of the youth, which should be worth something. He noted that property taxes were paid and he did not feel it should matter whether he was picked up by an ambulance at his home or church, he was still paying \$225 for that service in his taxes. He stated that always heard from the mission statement that the City wanted to partner with the community; however, today he heard that the City wanted to financially strangle the community. He noted that none of the Commissioners took a salary cut in the last 5 or 10 years, but he personally took a 20 percent cut from his salary for 3 years to save a co-worker his workplace.

COMMISSIONER SIMONE noted that Commissioner Peerman took a lower salary than the rest of the Commission.

MR. ARTNER asked why the rest of the Commission was not taking a cut. He added that the churches supported the police and fire personnel.

COMMISSIONER SIMONE said that she was withdrawing her motion and going along

with the 100 percent exemption. She stated that she did stand up for what she believed was right for her community. She noted that next year this conversation would take place.

PASTOR BILL GORMAN, Faith Baptist Church, 6950 Royal Palm Boulevard, said that the church had been there since 1969, and he was there 11 years. He noted that in America, churches were always tax exempt because of the things discussed this evening such as, everything was free and their money was based on donations and membership. He spoke about all the services they provided to the City for free. He stated that the Lord answered prayers tonight, but he asked that the Commission study the State Laws and Constitution.

DANNY MARINO, 6812 NW 69th Avenue, noted that the future had consequences as well. He said actions had consequences and mentioned elections.

TODD ANGIER, 1913 NW 79th Terrace, thanked the Commission. He added that all of the Houses of Worship and non-profits in the City contributed to this community in a far greater way than dollars and cents. He stated that they made an impact in the City that the study did not take into consideration.

SYDNEY KING, President of Margate Lions Club, said that he moved to Margate 20 years ago. He said that tonight Margate remained a God fearing, charitable and friendly place.

VICE MAYOR BRYAN noted that Commissioner Peerman helped her, provided information and was always willing to go the extra mile. She stated that she loved her and respected her. She said that as a Christian, people needed to love one another, be the best they could be and care for people, even if in disagreement.

COMMISSIONER SIMONE said that she had faith that as believers, the churches would continue to do the good work they did in the community.

PASTOR MARK, Christ Fellowship, stated that the word of God says to pray for those in authority over us and he felt that the Commission needed prayer. He asked everyone to stand and proceeded to pray and asked that the leaders be blessed.

The amendment carried by the following vote:

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

Absent: 1 - Commissioner Peerman

A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, that all four categories be approved. The motion carried by the following vote:

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

Absent: 1 - Commissioner Peerman

An amendment was made by Commissioner Talerico, seconded by Mayor Ruzzano, to amend the rate resolution that includes everything discussed and

passed tonight. The amendment carried by the following vote:

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

Absent: 1 - Commissioner Peerman

ADJOURNMENT

There being no further business, the meeting adjourned at 10:29 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo



Joseph J. Kavanagh, City Clerk

Date: 9/26/16

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME TALERICO, FRANK B.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE MARGATE CITY COMMISSION	
MAILING ADDRESS 5790 MARGATE BLVD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY MARGATE		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY BROWARD		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED JULY 6, 2016		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, FRANK B. TALERICO, hereby disclose that on JULY 6, 20 16:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

PUBLIC HEARING 6A
RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS
IN THE CITY OF MARGATE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS
AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF MARGATE, FLORIDA FOR
THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; APPROVING THE ASSESSMENT ROLL.

MOTION - TO NOT EXEMPT FOR-PROFIT NURSING HOMES AND ASSISTED LIVING
FACILITIES

I do business with nursing homes in Margate. I am an audiologist and perform testing in these
facilities and I get paid by these patients.

7-11-2016

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.