



City of Margate

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

Meeting Minutes

Regular City Commission Meeting

Mayor Tommy Ruzzano

Vice Mayor Joyce W. Bryan

Commissioners:

Lesa Peerman, Joanne Simone, Frank B. Talerico

City Manager Douglas E. Smith

City Attorney Douglas R. Gonzales

City Clerk Joseph J. Kavanagh

Wednesday, July 13, 2016

7:00 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Douglas E. Smith
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 2016-441](#) BOY SCOUT TROOP 836

1) PRESENTATION(S)

- A. [ID 2016-436](#) CALYPSO COVE LIFETIME PASSES FOR HEROIC ACTIONS ON JUNE 18, 2016.
- B. [ID 2016-437](#) RECOGNITION OF CALYPSO COVE LIFEGUARDS FOR HEROIC ACTIONS ON JUNE 18, 2016.
- C. [ID 2016-412](#) CERTIFICATE PRESENTATION TO MARGATE COMMUNITY COLLEGE GRADUATES - SPRING 2016.
- D. [ID 2016-431](#) PRESENTATION OF 4TH OF JULY PARADE WINNERS
PRIVATE BUSINESS: LINE DANCE TO BFREE
NON-PROFIT: 2016 MARGATE PINTO ALL-STARS
MARGATE FAMILY: ROBBIE FLORY
- E. [ID 2016-435](#) OFFICER OF THE MONTH - MARCH - SERGEANT EFRAIN SUAREZ
OFFICER OF THE MONTH - MARCH - OFFICER TODD WOLOSH
OFFICER OF THE MONTH - APRIL - OFFICER MICHAEL SEPOT
OFFICER OF THE MONTH - MAY - OFFICER JAMES FRIEDLANDER

ATHLETES OF THE MONTH

- F. [ID 2016-442](#) BASEBALL: LOGAN BROWN-GALASKA, 7 YEARS OLD
(Margate Pony Elite Baseball and Softball, Pinto Marlins)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- G. [ID 2016-400](#) RYAN MCCARTHY, POLICE LIEUTENANT - POLICE DEPARTMENT - 20 YEARS

PAUL KOSTICK, POLICE SERGEANT - POLICE DEPARTMENT - 15 YEARS

TERRY MICHAEL BARNETT, POLICE OFFICER - POLICE DEPARTMENT - 10 YEARS

ERIC SCOTT WOMER, POLICE OFFICER - POLICE DEPARTMENT - 10 YEARS

JAMES J. WEAVER, CADD TECHNICIAN/UTILITY LOCATOR -
DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES - 15 YEARS

LEE ANN LUHRS, ACCOUNT CLERK III - PUBLIC WORKS - 10 YEARS

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

2) COMMISSION COMMENTS

COMMISSIONER SIMONE informed everyone that there was a new store located in Peppertree Plaza on Sample Road and U.S. 441 called Animal Lovers Society. She explained that it was a non-profit organization that raised money to help animals that were abused, neglected, needed homes or protection. She stated that they sold new and gently used antiques and unique repurposed furniture, clothes, jewelry and decorative items and accessories. She added that they had an outdoor patio café that served baked goods, small plate specials and an assortment of coffee and teas. She noted that items could also be donated to them to resell. She welcomed the new business to Margate. Commissioner Simone said that she did some research regarding fireworks. She explained that the United States (US) Consumer Product Safety Commission was an organization that provided data on non-occupational firework related deaths and injuries. Commissioner Simone said that according to their report in 2015, fireworks were involved in an estimated 11,900 injuries treated in the US hospital emergency departments. She stated that during a one month study between June 19, 2015, and July 19, 2015, an estimated 8,000 firework related injuries were treated. She noted that 67 percent of the injuries for the year 2015, were in that one month. She said that the injuries were to people's hands, heads, face, eyes, ears, arms, fingers and legs. She noted that some fireworks could injure people some distance away from where the fireworks were launched. She stated that the injuries were the highest in 2015, since 2000. She added that in 2015, the imports soared to 279.2 million pounds. Commissioner Simone said that according to the Consumer Product Safety Division, 230 people on average went to emergency rooms everyday with firework related injuries around the Fourth of July holiday. She noted that 42 percent involved children under age 20. She explained that the National

Fire Protection Association was opposed to consumer use of fireworks. She stated that sparklers were not illegal; however, they burn at 2,000 degrees, which was hot enough to melt metals and was as hot as a blow torch. She noted that glass melted at 900 degrees. She noted that last July 4th, a Texas 15 year old wrapped 180 sparklers with electrical tape that exploded in his face. She stated that he was now in a coma on a breathing machine and with an amputated leg. She further explained that metal shards went in his eyes and it was not known yet whether he was blinded. She stated that the sparkler bomb blew a 4 foot hole in the ground heard 4 miles away. She mentioned another sparkler bomb incident involving an Arkansas boy that was now deaf and has had two surgeries. She mentioned other incidents in Broward County as well. She showed pictures and two videos of a neighborhood.

Resident Mitch Pellecchia was escorted from the meeting.

COMMISSIONER SIMONE noted that the second video was taken for the noise, which lasted 1 minute and 36 seconds and resembled gun fire, which could be disturbing to some. She wanted a clearer message sent to keep illegal fireworks out of Margate. She felt that the Commission had a responsibility to protect the residents, as well as those foolish enough to have the "it can't happen to me" mentality. She stated that Florida Law prohibited fireworks flying through the air or exploding. She noted that in 2007, a moratorium was enacted prohibiting local governments from enacting any new law or regulations that did not already exist. Commissioner Simone asked for the Commission's support to request that the City Manager direct the Police Chief to increase the police detail during holidays when fireworks were traditionally used, such as July 4th, New Year's Eve and New Year's Day. She recognized that additional resources may be required to have otherwise off-duty officers placed on duty. She also asked for Commission support to have law enforcement enforce State and local laws during these times, including the arrest of individuals using fireworks illegally or using illegal fireworks with the confiscation of illegal fireworks from the tents and consumers, as well as enforcement of City Code with prosecution before the Special Magistrate. She noted that these things were already provided by law and ordinance. Commissioner Simone added that she wanted to revise the City's ordinance to require an annual permit application for the firework tent sales, which would go through the Development Review Committee (DRC) process every year. She stated that she also wanted to have the Code enforced for the maintenance of property and others to clean up the streets. She asked that with consensus, she would like the City Attorney to draft a resolution to be consistent with the four items mentioned. She noted this would not be creating new laws, but would be putting teeth into the laws that already existed. She encouraged everybody to read the 2015 report from the United States Department of Consumer Product Safety Commission.

COMMISSIONER PEERMAN agreed and gave her consensus.

COMMISSIONER TALERICO said that he was willing to discuss the matter; however, he would support Commissioner Simone bringing something back to discuss in a public forum.

MAYOR RUZZANO asked whether the fireworks sold at the corner stores were illegal.

FIRE CHIEF DAN BOOKER explained that the tent sales were strictly sparklers and hand held items that fizzed and popped. He noted that fireworks were considered anything that went into the air and blew up, such as at the City's fireworks show. He stated that anything that flew or exploded was illegal to shoot; however, it was not illegal to possess.

MAYOR RUZZANO agreed with beefing up the Fourth of July regarding illegal fireworks, and covering the neighborhoods to make sure they were not illegal. He mentioned the items sold at the tents and the sparklers.

COMMISSIONER PEERMAN noted that Margate could not ban the tents because it would be against the State moratorium. She said that all the City could do was make sure the tents were not selling illegal fireworks. She felt that if someone purchased a lot of sparklers at a tent and made a sparkler bomb, it should be considered a homemade firework and should be considered illegal.

FIRE CHIEF BOOKER noted that the tent sales for sparklers did go before the DRC and would be issued a permit from the Fire Department. He stated that they were inspected from the Fire Department to make sure the inventory list matched the State approved sparklers.

MAYOR RUZZANO asked whether any illegal fireworks had been found.

FIRE CHIEF BOOKER said that he had a long time ago, but it only happened once in the 15 years he was with the City.

MAYOR RUZZANO agreed that possibly something could be drawn up to have Code Compliance fine people if their property or their street was a mess from the fireworks. He questioned whether a resolution was needed.

CITY MANAGER DOUGLAS E. SMITH noted that Commissioner Simone asked for this item to come back as a resolution, but the City Attorney could discuss the aspects of that.

POLICE CHIEF DANA WATSON clarified that there was not a law against possessing illegal fireworks, but there were laws that controlled selling them and discharging them. He noted that discharging legally determined fireworks was a misdemeanor, which was a lesser crime that could require serving up to one year in jail.

MAYOR RUZZANO questioned whether something could be done where if someone was caught with illegal fireworks they could be confiscated.

CITY ATTORNEY DOUGLAS R. GONZALES clarified that the law permitted certain individuals to possess what would ordinarily be illegal fireworks for agricultural and fish hatchery purposes; therefore, to scare off birds and other predators. He stated that the mere possession of the fireworks did not constitute the crime, but it was the discharge of them when not using them for the agricultural purposes, that converted into a first degree misdemeanor.

POLICE CHIEF WATSON spoke about logistics of enforcing firework laws and ordinances on the Fourth of July and other special holidays. He explained that the City hosted many special events and it was a standing order in his department that if it was not a regular day off, the officers would not be given the day off. He stated that everyone was required to work on the Fourth of July due to all of the events throughout the City, as well as the amount of personnel needed to make the events, fireworks and festivities happen. He noted that there were regular personnel on their regular day off, but they could be called in on overtime to enforce. He stated that it was quite impossible to enforce it completely within the City, because the number of people needed would be absurd. He noted that some type of enforcement and education programs could be done. He explained that with regard to enforcement, he would designate specific personnel that

did nothing on those days but enforcement. He noted that would be a soft approach such as utilized with Code. He said that people needed to be educated, as this was a misdemeanor crime. He said that items should be confiscated and if there was a second offense, arrests should be made. He noted that as a misdemeanor crime, people could be arrested for discharging the illegal fireworks in their presence. He added that the State Fire Marshall had a requirement by legislature and law to formulate a list every year of what was legal and not legal, and personnel have that list in order to enforce the law. He explained that officers would have to identify what was being discharged, and if illegal a Notice to appear, which was like a citation, could be written. He noted that people were not usually taken to jail for a misdemeanor unless they were violent.

COMMISSIONER TALERICO asked whether he could shoot off fireworks in his back yard if birds were bothering his tomatoes.

CITY MANAGER GONZALES said that his property would have to be zoned as an agricultural use.

COMMISSIONER TALERICO felt that if wanting to fight the fireworks, the fight needed to start with the State; however, the State was not going to outlaw fireworks. He noted that people liked fireworks on the Fourth of July. He added that if the fireworks were banned in Florida, people would go to Georgia and bring it here. He said that it was a tough issue to deal with and enforce. He agreed that educating people about not using fireworks was important. He spoke about Code informing him to clean up his property after the fireworks, when he did not make the mess. He felt that it was tough to track individuals down because so many were doing the fireworks. He agreed with wanting something done and agreed to bring the item back for further discussion.

VICE MAYOR BRYAN agreed with bringing it back for discussion. She noted that this was hard for the victims and it was a tough situation that would cause more officers getting involved. She stated that it was not simple and she wanted to look into it more.

COMMISSIONER PEERMAN felt that people needed to be coded with a \$500 litter fine immediately. She noted that she asked for the police calls from July 2nd to July 5th. She assumed that the calls that said disturbances and noise were for fireworks. She mentioned dispatch times that were not bad; however, she expressed concerns regarding disturbance noise calls with a dispatch time but no arrival time. She noted that those bothered her because she received phone calls from people complaining. She was concerned because the calls were not responded to and noted that the location where a response was not received was the area of West River Drive and East River Drive.

POLICE CHIEF WATSON explained that the printout Commissioner Peerman had was a complete listing of all calls that came into dispatch at North Broward for Margate. He stated that sometimes Margate was already there on the scene and sometimes there was a delay. He noted that when a police call was received, Margate responded, whether it was within 3 minutes, 30 minutes or 1 ½ hours, depending on the severity of the call and what Margate had going on at that time. He said that a call like a disturbance noise call was considered low priority and might be held; however, he assured the Commission that all calls were answered.

COMMISSIONER PEERMAN noted that her information was from Broward County and not from Margate. She stated that there were a lot of calls on the list, which would indicate that the police were very busy. She felt that more than one person needed to be out there on the Fourth of July and the City needed to provide teeth, such as having the police give fines for litter. She asked whether a courtesy notice was needed for litter.

POLICE CHIEF WATSON said no. He agreed with having teeth; however, the police could not see who shot the fireworks off and littered. He stated that the police could not give a citation to people that might be innocent. He reiterated that it was a misdemeanor; therefore, the officer had to actually see the offense. He added that the officer would also have to prove who littered to charge anyone with littering. He noted that the day after the events, Code Compliance went out to clean it up or threaten the individuals with citations for City Code violations.

COMMISSIONER PEERMAN felt that the problem was that the City was cleaning it up and there were no consequences.

COMMISSIONER SIMONE disagreed with the Police Chief. She explained that she called about someone shooting fireworks in her neighborhood and no police were dispatched. She noted that the following evening the same person let off the fireworks again. She stated that it was two nights from the same people. She said that Coral Springs did not have a problem enforcing their laws and even put up electronic signs throughout the City announcing that illegal fireworks would be confiscated. She felt that Coral Springs was notifying their residents and Margate needed to start somewhere. She suggested putting a flyer in the Margate Matters Newsletter, such as was used in Longwood, notifying residents. She showed the flyer, which informed residents what could be used, what was not allowed, what protection was available and what trouble they could be in. She noted that the flyer indicated up to a year in prison, \$1,000 fine and court costs. She said that the flyer stated if it launched or exploded it was illegal, and included the Florida Fireworks Law, Chapter and Statute. She felt that the Margate residents needed to be educated, which would be their warning. She added that signage should be used throughout the City, as well as the flyer being placed in the mail. She wanted something done because a life was not worth not doing something and she wanted Margate to take a stand. She noted that she had provided information and statistics for the Commission to make a decision.

MAYOR RUZZANO mentioned Coral Springs putting up signs stating illegal fireworks would be confiscated, and he questioned whether the fireworks could be confiscated because they were not illegal until they were set off.

COMMISSIONER SIMONE was not certain of the specific language of the signage; however, she knew the word confiscated was included.

MAYOR RUZZANO questioned what else Coral Springs was doing.

COMMISSIONER SIMONE reiterated what she previously stated about Coral Springs and added that they were working with the State Fire Marshall. She noted that the State Fire Marshall was inspecting the tents and working with the City. She clarified that people were arrested in Coral Springs for setting off the illegal fireworks.

MAYOR RUZZANO said that everyone wanted to save lives, and that the Commission wanted something to come back for review.

COMMISSIONER TALERICO stated that staff needed to come back with information regarding what other Cities were doing. He suggested possibly having a workshop.

COMMISSIONER SIMONE stated that she was asking for a consensus to bring back a resolution.

CITY ATTORNEY GONZALES said that he would draft a resolution for the Commission to consider.

COMMISSIONER PEERMAN questioned how fireworks were legal in the City of Margate if there was no agriculture in Margate. She did not understand why they could not be confiscated.

CITY ATTORNEY GONZALES stated that they were not legal in the City; however, someone could be in possession and sign a waiver stating that they were shooting them off agriculturally to kill the birds. He said that the individuals would not have the illegal fireworks unless they obtained the waiver, which was left with the seller, so the seller was protected. He stated that unless they were seen setting off the fireworks in a non-agricultural area, nothing could be done.

COMMISSIONER PEERMAN asked whether Margate could require a copy of the waiver.

CITY ATTORNEY GONZALES said that could not be done now because there was a moratorium.

COMMISSIONER SIMONE mentioned that an accusation was made at the last meeting for which she apologized; however, she said that she should not have apologized as it was not warranted.

COMMISSIONER PEERMAN wished everyone a good summer. She reminded everyone of Margate Under The Moon.

COMMISSIONER TALERICO said that he signed the Developer Agreement today for the property across the street, which would be developed in the near future. He thanked everyone for their hard work. He wished everyone a safe summer. He reminded everyone of the Budget Workshop tomorrow.

VICE MAYOR BRYAN thanked the Margate Police Officers for the way they conducted themselves with the citizens. She also thanked the MICAH group for the luncheon they provided for first responders, Police Officers, Fire Department and other departments. She stated that she grieved for the 5 deaths of the heroes in Dallas, as well as the families of the men killed. She noted that she had family members who were Police Officers. She spoke about her family being of mixed culture and color and her values, which included being kind to people, be courteous and be respectful. She said that she was raised by her grandparents who had great values and were very stern. She stated that those values were also instilled in her children; however, these discussions were needed because racism was still here. She hoped that out of this, something meaningful would happen. She spoke about incidents involving African Americans and Police Officers. She mentioned how difficult it was raising children when they had to tell them not to put their hands in their pockets or wear a hoodie. She thanked everyone for listening and said that dialogues were needed. She noted that she was sad and broken.

MAYOR RUZZANO stated that there was hate in the world, which must be dealt with because all God's children bled the same color. He said that everyone must stick together and stop the division. He asked that Item 7E on the Agenda to be moved to a Discussion and Possible Action from a Resolution. He stated that Resolution 7B was coming up for the Employee Benefit Trust Fund (EBTF), which he wanted to discuss under Commission Comments. He noted that this was a benefit that was given up until 2010, and was then taken away. He wanted City Staff to look into the cost factor to have the people put back into the program from 2010. He said that many employees had

asked him how and what it would cost to bring it back. He mentioned a prior Workshop when selling beer on Sunday was discussed, and he asked whether there could be additional regulation of stores selling beer on Sunday.

COMMISSIONER PEERMAN stated that Coral Springs took the Blue Law away and everything could be sold on Sunday.

CITY ATTORNEY GONZALES said that he would look into how it was set forth in the ordinance. He felt that it was likely a limitation on when these things could be sold, which he would look into and prepare something.

CONSENSUS TO BRING IT BACK PASSED 4-1, with Commissioner Simone against.

MAYOR RUZZANO wished everyone a healthy summer and asked that children be watched around the pools. He noted that the Budget Workshop was scheduled for tomorrow at 6:00 PM.

CITY ATTORNEY GONZALES noted that at a Special Meeting held two weeks ago, there was a discussion on the procedures being followed regarding the powers of the Mayor under the written procedures, which he reviewed. He explained that the unwritten rule in Margate was that the Mayor controlled the Agenda and had the authority to withhold having items on the Agenda, to pull items off the Agenda and to put things on the Agenda that he/she desired. He recommended that in the future, the unwritten rules be included into the written procedures so that his successor would know the rules. He announced that on Monday, the Office of the Inspector General (OIG) in Broward County issued a final report regarding the issues concerning the Alzheimer's Family Center. He stated that the final report was identical to the preliminary report, which the City was allowed to comment on. He noted that attached to the final report was the City's brief comment. He stated that the report acknowledged that the investigation had been concluded, and that there were no recommendations against the City due to the actions of current administration terminating the agreement and trying to lessen the shortfall the City experienced as a result of the issues. He noted that although there was a finding by the OIG of gross mismanagement related primarily to the increasing debt owed to the City in 2012 and 2013, the OIG did not find any criminal activity by any former or current City employees or Elected Officials. He stated that the finding of gross mismanagement had to be lessened by the fact that the OIG also was very moved that the City took the actions it did and used it as a learning and teaching opportunity for both the City and other Cities concerning these types of situations. He added that the OIG indicated that the current administration conducted a detailed review of the accounting and cooperated thoroughly in the investigation conducted by the OIG. He added that the relationship was terminated with the center as a result of and part of the investigation. He said that the City entered into a settlement agreement that reduced the City's losses and may result in further reduction of the losses upon the subsequent sale of the property. He stated that the report was out and done and there was nothing else the City needed to do. He said that the report was final, the OIG had closed the investigation and the matter was done.

CITY CLERK JOSEPH J. KAVANAGH congratulated Mayor Ruzzano on his re-election.

3) PUBLIC DISCUSSION

JOHN YOKLOVICH, 603 South State Road 7 Unit 1D, noted that he lived in Applegreen where there were some activities regarding gunplay and gunfire. He thanked the Police Department for their prompt response and for capturing the culprits. He mentioned previously being disturbed on his morning walks by the rubbish up and down State Road 7. He said that the Mayor pointed out an app, which he used today and thanked the

Mayor. He noted that the parking lots around the CVS were privately owned, but more pressure needed to be brought upon the business owners regarding the parking lot being an eyesore. He felt that Margate would want to improve its image. He spoke about the Alzheimer situation and he felt that the Commission was made to look bad by the Staff. He wished everyone a safe summer.

COMMISSIONER TALERICO clarified that the current Staff was not responsible for the Alzheimer situation.

RICH ALIANIELLO, 7631 NW 23rd Street, stated that Commissioner Simone was in the right direction with the fireworks. He noted that Margate lost \$466,935, and questioned where it went. He said that he loved Vice Mayor Bryan and felt sorry for her people. He felt that people needed to be educated and cooperate with the officers. He wished everyone a good summer.

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 2016-430](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES.

APPROVED

- B. [ID 2016-427](#) RESOLUTION - APPROVING AN AMENDMENT TO THE AGREEMENT WITH ZENNER USA TO INCLUDE A UNIT RATE FOR REPLACEMENT BATTERY PACKS.

RESOLUTION 16-245

APPROVED

Approval of the Consent Agenda

A motion was made by Commissioner Simone, 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 explained that the Margate Academic Scholarship Program was open until July 28th for one male and one female recipient for a \$2500 Scholarship. He stated that information was available on the website, at City Hall and at Parks and Recreation. He noted that the City would be conducting a Chlorination process at the Water Treatment Plant from July 28th to August 18th, which helped with bacterial growth in the water main and helped keep the water safe for potable uses. He said that any question could be answered at the Department of Environmental and Engineering Services (DEES). He reported on an item discussed at a previous Commission meeting regarding the Traffic Control Box Wrap Concept. He noted that the CRA was gathering information from Dania Beach and West Palm Beach on their

programs. He added that the City also reached out to Fort Lauderdale. He said that City Staff and CRA Staff would meet with Fort Lauderdale regarding their program. He noted that there was permitting with Broward County and the Florida Department of Transportation (FDOT), but information was received on suggested vendors. He added that there was also a template for the correct format for applying to the boxes. He said that there was also a potential opportunity for grant funding as well. He stated that Staff would continue to work on that and bring back information. He passed out something he emailed to the Commission earlier today, regarding the Infrastructure Surtax Program moving to the ballot this fall, along with the Transportation Surtax that the County moved forward. He stated that the City could anticipate that there would be a coordinated educational campaign to come forward. He explained it could prepare things for concepts such as a joint website with interactive map, as well as a common format for printed materials that could be City specific but potentially have a uniform look. He mentioned resources through the Metropolitan Planning Organization (MPO), and that the City would be asked to contribute funding towards the Educational Campaign. He asked whether the Commission was in support of the City spending \$10,000 to \$20,000, and if so, the City would proceed with the campaign.

MAYOR RUZZANO asked whether it would be for both items.

CITY MANAGER SMITH replied that it would probably be a joint campaign going together.

MAYOR RUZZANO questioned whether the County would pay and fund its own advertising.

CITY MANAGER SMITH agreed that they could be part of that and could be asked to contribute as well. He noted that the list he passed out was updated and had a lot of items on it, but was seeking Commission support for using these types of projects and what would be submitted for promotional projects. He noted that these would be estimate numbers at this point, because the exact cost of the projects would be determined later.

COMMISSIONER TALERICO stated that the Commission was not allowed to advocate supporting or not supporting any of the issues, and he questioned whether the City could spend funds if someone else did it.

CITY ATTORNEY DOUGLAS R. GONZALES stated that they could only educate, but could not advocate.

COMMISSIONER TALERICO asked whether they could pay money to have someone advocate on their behalf.

CITY ATTORNEY GONZALES said no.

COMMISSIONER TALERICO asked what impact this would have on the tax situation if passed.

CITY MANAGER SMITH said that it would provide additional revenue to the City that could be used for infrastructure projects.

COMMISSIONER TALERICO mentioned taxpayers getting any benefit.

CITY MANAGER SMITH explained that they would benefit by the projects that came out of this. He said that the Commission might consider this when looking at the tax rate in

the future, if the funding was available on an ongoing basis.

CITY ATTORNEY GONZALES clarified that in lieu of using the Ad-Valorem tax dollars the City would get, the City would be able to use the infrastructure tax dollars instead to pay for some of the wish list items and other things that had already been in the works.

COMMISSIONER SIMONE was not sure how she felt about this. She stated that she did not want to spend a lot of money on a hope that voters would buy into it, which was what was being done. She said that she was not certain she could give her okay.

COMMISSIONER PEERMAN asked whether Commissioner Simone would give her okay to educate voters to understand what they would be voting on. She clarified that the City would be giving money to educating the voters and not the hope it would pass.

COMMISSIONER SIMONE stated that historically, this had not passed. She said that many people were comparing this to the School Board Bond that did not pass. She did not think the voters were going to take the bait twice.

COMMISSIONER PEERMAN clarified that what was being asked for was money to educate the voters to make a decision as an educated informed voter, which she was in favor of.

COMMISSIONER SIMONE noted that the City would not be providing the education, and that it was left up to another organization.

CITY MANAGER SMITH said that it was a coordinated effort. He stated that the MPO had resources in place from another effort they were doing, such as consultants that could potentially be used to help with this. He said that the general understanding was currently that the City would be asked to submit the City projects that could then be put into the materials that were developed. He stated that exactly what the group was and how it would be put together he could not speak of now; however, he noted that there was a meeting already with City Managers from all over the County talking about the funding aspect and the Surtax issue.

COMMISSIONER PEERMAN questioned how much it was.

CITY MANAGER SMITH said that one example mentioned was a \$.20 per capita, which would be \$11,000 for Margate; however, that total budget had not yet been determined.

COMMISSIONER PEERMAN asked whether Margate will know what it was getting prior to paying, and if it would be Margate specific things.

CITY MANAGER SMITH understood that there would be a Margate element, but he could check into that prior to putting money into it.

MAYOR RUZZANO noted that both had to pass.

CITY MANAGER SMITH agreed or both would fail.

MAYOR RUZZANO said Margate should let the County fund it and reap the benefits, and Commissioner Simone agreed.

VICE MAYOR BRYAN said that the public had to be educated.

COMMISSIONER SIMONE said that whether Margate gave the money or not they would still be educated from the MPO and the County.

COMMISSIONER PEERMAN said that people did not trust the County and would not listen to the County.

COMMISSIONER SIMONE said that the City was not going to be in charge of it, and that it was going to consultants; therefore, the City would have no control.

CITY MANAGER SMITH said that had not all been defined.

COMMISSIONER SIMONE stated that she could not give a decision on it.

CITY MANAGER SMITH said that he would check to make sure that it was Margate specific information. He stated that Margate would have to get a list of projects together.

COMMISSIONER PEERMAN asked whether the City could put a cap on for no higher than \$11,000.

CITY MANAGER SMITH suggested having \$20,000 as a cap.

VICE MAYOR BRYAN said that the people needed to be educated.

COMMISSIONER TALERICO questioned whether this would be on the November ballot.

CITY MANAGER SMITH agreed.

MAYOR RUZZANO mentioned all of the Margate Canals connecting and asked whether a bridge similar to Rock Island Road, by Atlantic Boulevard and Banks Road to incorporate the waterways throughout the City. He noted that he built several bridges like that one and they cost approximately \$4 million dollars. He stated that there was a berm at the end that would have to be opened up to lead to the C-14 Canal, but it would incorporate all the waterways to go into the Downtown area. He clarified that it would be a 7 foot clearance bridge.

CITY MANAGER SMITH mentioned a bridge rehabilitation that was on the wish list, and as long as the bridge fit within the project scope, an estimated project could be added. He questioned how much the \$20,000 investment would bring in per year.

CITY MANAGER SMITH said that \$3 million was previously mentioned; however, Staff showed him some statistics which indicated the \$2.9 to \$3 million range.

COMMISSIONER SIMONE said that she still felt that the City was educating on a hope that historically had not passed.

CITY MANAGER SMITH mentioned prior comments about litter on State Road 7, and noted that the CRA Landscaping Staff picked up debris on State Road 7, Atlantic Boulevard, Copans Road and Coconut Creek Parkway every afternoon along the medians. He stated that he sent an email out today regarding the Channel 78 project and thanked City Clerk, IT, Adam, Public Works and other Staff that helped with that. He stated that the City now had a vendor that he gave authorization to proceed with getting the project in place that will put Commission meetings on Channel 78. He said that was being looked into to complete by August. He introduced and welcomed Staff member Ellie Fernandez, Grants Manager.

VICE MAYOR BRYAN congratulated Coconut Creek High School for going from a D school to a C school. She noted that the graduation rate also increased 82%. She added that Margate Middle School went from a C to a B school.

CITY MANAGER SMITH said that if the Commission wanted further costs involved with the EBTF, an Actuarial Study would be needed, which was recently done.

6) PUBLIC HEARING(S)

A. [ID 2016-425](#)

ADOPTING THE ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR FISCAL YEAR 2016 AND ACCEPTING THE ANNUAL ALLOCATION OF \$338,937 IN FUNDING FOR THE HOME REHABILITATION PROGRAM AND ADMINISTRATION.

RESOLUTION 16-246

VICE MAYOR BRYAN stated that the plan was excellent; however, the summary said 4 homes, but the backup said 5 homes.

GRANTS MANAGER ELLIE FERNANDEZ explained that previously that was the expected number. She said that this needed to move forward to be submitted to Housing and Urban Development (HUD), and it was an expected number, but did not mean it was the actual number that would be held. She stated that in the future to amend the Action Plan to add more activities so as to be able to move forward and spend the money in all areas; however, that was to be determined. She stated that once the evaluation of the program was completed, she would be able to determine how to move forward and would be able to provide more of an accurate number.

VICE MAYOR BRYAN said that she was not asking for an accurate number, but was only pointing out the discrepancy.

MS. FERNANDEZ said that she would check into that and asked that the Commission keep in mind that the projects varied in amount, as well as how many people would benefit.

CITY MANAGER DOUGLAS E. SMITH said that the number could be checked into.

VICE MAYOR BRYAN said that the mistake was on Page 11 of the documents. She understood the Community Development Block Grant (CDBG), because she previously worked with the City of Newark.

MAYOR RUZZANO asked whether the money could be used for Veterans in any way.

MS. FERNANDEZ said that she would look into that, but it was usually more concentrated on low income people. She noted that there were programs that focused more on Veterans, which the City could look into in the future. She stated that this particular program focused low income, rehabilitation, first time buyers and items like that.

MAYOR RUZZANO asked whether first time buyers qualified for this.

MS. FERNANDEZ stated that the City had not implemented this in the past, but the City was trying to revise the plan. She noted that a lot of research and changes, as well as

revisions in policies and regulations were needed. She said that currently it was being left because there was a timeframe for submitting the documentation to HUD on August 2016. She stated that there would definitely be an amendment in the future.

MAYOR RUZZANO noted that he spoke with other Cities that used both CDBG and State Housing Initiative Program (SHIP) money for first time home buyers, disabled Veterans and disabled people. He spoke about the amount of money being disbursed and he felt the money could be better spent.

MS. FERNANDEZ clarified that a lot of changes were needed in the policies and regulations because those types of things could be specified so the City doing extra and giving more. She said that it was up to the City to have a solid policy to avoid this. She stated that the SHIP program came from the State and was more flexible.

CITY MANAGER SMITH said that any programs with the potential of first time buyers would be looked into and information would be brought back to the Commission.

COMMISSIONER PEERMAN clarified that these were the people on the waiting list for 8 years, and she asked whether new applications were being taken yet.

MS. FERNANDEZ said that once the City came to an agreement with the County, it would be added. She stated that she would have to make sure that the people that were on the list would be first served. She noted that she would be sending those letters out.

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

7) RESOLUTION(S)

- A. [ID 2016-387](#)** APPROVING AN AWARD OF AGREEMENT WITH PREFERRED GOVERNMENTAL INSURANCE TRUST ("PGIT") FOR EXCESS WORKERS COMPENSATION POLICY; PROVIDING FOR NEGOTIATION OF TERMS; PROVIDING FOR EXECUTION.

RESOLUTION 16-247

A motion was made by Commissioner Peerman, 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 2016-415](#)** AMENDING ARTICLE IV, CONTRIBUTIONS AND COLLECTIONS, OF THE WELFARE BENEFIT TRUST AGREEMENT FOR CURRENT EMPLOYEES AND FUTURE CITY RETIREES; PROVIDING FOR CONTRIBUTIONS AND COLLECTIONS; PROVIDING FOR ADJUSTMENT OF CONTRIBUTIONS, BASED UPON FUTURE ACTUARIAL EVALUATIONS, WITHOUT FURTHER COMMISSION ACTION.

RESOLUTION 16-248

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

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

- C. [ID 2016-422](#) AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF MARGATE AND THE MARGATE COMMUNITY REDEVELOPMENT AGENCY FOR THE USE OF OFFICE SPACE AT 6280 WEST ATLANTIC BOULEVARD, MARGATE, FLORIDA.

RESOLUTION 16-249

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

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

- D. [ID 2016-429](#) APPROVING AN AGREEMENT WITH GOLD COAST TRANSIT, INC. FOR SUPPLY AND MAINTENANCE OF BUS BENCHES WITH WASTE RECEPTACLES AND BUS TRANSIT SHELTERS WITH WASTE RECEPTACLES.

RESOLUTION 16-250

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

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

MAYOR RUZZANO REQUESTED (UNDER COMMISSION COMMENTS) THAT ITEM 7E BE REMOVED FROM RESOLUTIONS AND HEARD UNDER DISCUSSION AND POSSIBLE ACTION.

- E. [ID 2016-440](#) APPROVING THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE ET. AL. V BROWARD COUNTY*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, that the item be approved.

MAYOR RUZZANO explained that he still had a lot of questions regarding this issue. He said that a letter was received this week from County Commissioner Beam Furr, who stated that he wanted to do the study on the property, the County wanted to pay for it and the City's would pay for part of it. He stated that 26 Cities owned this property and he responded back to Commissioner Furr's email with the following questions:

1. *What is the ultimate goal of the study and what is the best result the study could bring back?*

MAYOR RUZZANO understood the 75 percent goal for County-wide recycling; however, if it was not achieved, there was no foul. He stated that it sounded like a public relations move to him.

2. *Has anybody spoke with the City of Pompano to see what the property can or cannot be zoned for?*

MAYOR RUZZANO explained that the property was currently zoned for nothing and Pompano was not part owner of the property, but it was in Pompano. He stated that if this property could be used for recycling or trash, the property would be worth more than it is now.

3. *What is the ultimate goal for the County and this property? Why are you initiating a study and why would you want to pay for it?*

MAYOR RUZZANO said that if they were going to initiate the study, they would get the results back that they wanted.

4. *Right now, are there any potential buyers for the property, and if so, how much were the offers?*

MAYOR RUZZANO stated that he had a lot of concerns with the property and it seemed to him that the County wanted it. He said that if they did want it, he wished they would be up front about it. He stated that the last thing he wanted to see was each City agreeing to sell the property, entering into an Interlocal Agreement (ILA) with the County after the County purchased it and being charged fees set from the County to dump or haul trash on the property. He wrote the email as his own personal questions. He said that the reason he pulled the item was because there were many questions about the property. He stated that he wanted to speak to Pompano to ask if it could be zoned for garbage. He said that if so, the County was holding that from the Cities. He felt that the County might want the property and would charge the Cities to use it. He noted that he did not want to enter into another ILA with the County, because the Cities wound up with the property because of an ILA that went bad. He noted that he did not always trust the County. He wanted to speak with other Cities to see how they felt about it, and he already spoke to the City Manager and the City Attorney. He asked that this item not be passed as a resolution until speaking with other Cities and finding out what was going on. He felt that it was possible the property was worth a lot more money than \$5.5 million dollars.

VICE MAYOR BRYAN agreed with the Mayor and gave her consensus.

COMMISSIONER PEERMAN said that the approval was for the first amendment to the settlement agreement, and she clarified that Mayor Ruzzano did not want to approve it. She asked why he wanted it as discussion and possible action and not a resolution.

MAYOR RUZZANO agreed that he did not want to approve it. He explained that he wanted it as discussion and possible action rather than a resolution, because County Commissioner Furr wanted each City to pass it by resolution.

COMMISSIONER PEERMAN believed that it had to be passed by all of the Cities; therefore, if Margate did not pass this, it was a dead deal.

MAYOR RUZZANO said that he did not want to pass it right now, prior to speaking to other Cities and possibly a garbage vendor. He felt that it was moving very quick and once it was approved tonight, the Commission could not go back on it.

COMMISSIONER PEERMAN explained that approving was only saying yes to not selling it immediately and yes to a feasibility study. She said that was all the amendment was. She further explained that in the agreement with the Resource Recovery Board (RRB) mediation, the County was supposed to sell the property. She noted that the County was asking that the Cities hold off selling the property.

MAYOR RUZZANO agreed, but did not think one City could sell it.

COMMISSIONER PEERMAN stated that one City could not sell it, but the County put in the agreement that all of the Cities that owned the property had to agree for the sale to be put on hold and the study to be done. She said that she did not understand why the Mayor wanted to change the item to discussion and possible action and why he did not just vote no.

MAYOR RUZZANO said that he did want to vote no, but he did not want it as a resolution, because there was no recourse to go back to it if passed.

CITY ATTORNEY DOUGLAS R. GONZALES explained that it was a resolution to approve an amendment to the settlement agreement. He clarified that County Commissioner Furr sent out an email indicating that he was the one on behalf of the County, who requested that the Cities hold off on the sale of the property so a study could be done. He said that by doing so, a resolution would have to be enacted to change the settlement agreement to allow the property to remain unsold for a period of up to a year or two, while the study was conducted, and with certain conditions within the amended settlement agreement pertaining to whether the Cities would have to pay for up to \$100,000 of the study or not. He said that earlier this evening he discussed the long standing unwritten rule in Margate that the Mayor controlled the Agenda and thus could remove items. He believed what happened here procedurally was that the Mayor removed the item so it was a discussion item, though he read the title of the resolution. He stated that the Mayor had removed the resolution; therefore, the Commission was not at a point where they were discussing to adopt or not the resolution. He noted that it was now just for discussion; however, somebody could possibly bring it back.

A motion was made by Commissioner Peerman, seconded by Commissioner Simone, to put the resolution back on the Agenda.

ARLENE SCHWARTZ, 7800 NW 1st Street, understood that Commissioner Peerman's motion to put the resolution back on the Agenda would allow County Commissioner Furr to change a judgment made in the case so it favored the County and would sit for another 2 years. She felt a study was not necessary when all that needed to be done was to call Pompano to ask what it was zoned for. She suggested allowing the Mayor to have the conversation with the Mayor of Pompano or the Northwest Council of Mayors, so as to not waste the City's money. She said that County Commissioner Furr was asking that a rule be broken. She suggested leaving it as a discussion and possible action to provide the Mayor the opportunity to discuss it.

COMMISSIONER PEERMAN explained that the RRB Mediation Board was the group of Cities that made this agreement with the County. She said that recently the Cities got together as a group, forming a Committee, which the Mayor was part of, to ask for the study. She said that other Cities already talked to Pompano, and it would never be a trash receptacle place like Mount Trashmore. She noted that the Committee was trying to do a recycling center, such as in Palm Beach. She stated that part of the reason for the feasibility study being asked for by the Cities was because it had Wetlands on it. She stated that the legal agreement had to be amended saying the County would sell the property within so many days. She noted that this would put a stop to that portion of the agreement. She stated that the County wanted to make sure all 26 Cities were in agreement, and if all 26 were not in agreement, they could not amend the legal agreement.

MAYOR RUZZANO clarified that Commissioner Peerman was not at the meeting when the proposal was made for the County to do the study, the County would pay for it and it would take up to 1 year. He said that it now came back where they wanted the Cities to pay for it and possibly take up to 2 years. He did not see what the rush was to be one of the first Cities to jump on this when the options were not known. He felt that the City should at least try to explore the options. He noted that Pompano was not even spoken to yet and he did not know what they were looking for.

COMMISSIONER PEERMAN noted that the County had a portion of the property and the deed and title was in the County, because it had to be that way for the RRB when they purchased it. She noted that they had 10 percent unincorporated. She stated that she was not on the committee and had begged them to come and talk to and explain the issue.

MAYOR RUZZANO agreed and felt it was disrespectful of them not to provide answers. He asked to wait to see what County Commissioner Furr answered, because there was no rush to this.

The motion carried by the following vote:

Yes: 3 - Commissioner Simone, Commissioner Peerman and Commissioner Talerico

No: 2 - Vice Mayor Bryan and Mayor Ruzzano

COMMISSIONER TALERICO referred to the fiscal impact on the bottom of the face sheet regarding the cost of the study.

CITY MANAGER SMITH clarified that the City did not have to pay an up-front cost, and that it would be deducted if sold under the conditions described.

COMMISSIONER TALERICO asked exactly what the implications were if this resolution was passed.

CITY ATTORNEY GONZALES explained that the implications were that the City of Margate would be the second City to have approved putting off for up to 2 years, the sale of the Alpha 250 property. He said that it would have indicated that it was willing to allow

the County to conduct the study, to which there was no up-front cost to the participating Cities, but that the Cities would pay up to 50 percent of the cost of the study up to \$100,000 in the event that the property sold within 5 years to a third party or the County purchased the property, in which case the Cities would be paying up to \$100,000 through a credit against the purchase price.

CITY MANAGER SMITH recommended that the City move forward with this.

MAYOR RUZZANO explained that the County had no play in this. He noted that they had first right of refusal to buy it. He asked whether the County could later decide to purchase the property, after the study came back. He felt that the City was going to get caught up and would be paying for this for years to come.

COMMISSIONER TALERICO asked whether there was any oversight on the City's part for the study, or can the County do what they wanted.

CITY MANAGER SMITH explained that in the amendment, there was a provision stating that a more detailed scope of the study would be developed by a working group consisting of 3 municipal staff members selected by the Mayors and 3 County staff members selected by the County Administrator. He stated that there would be City representation; however, not every City would be in the group. He noted that the only City that was known for sure that approved this was Miramar.

COMMISSIONER TALERICO mentioned tabling this item.

CITY ATTORNEY GONZALES stated that the sole consequence of tabling this item at this time was that it would be tabled until the next meeting, which would be in late August. He said that presumably, most of the other 26 Cities would have had meetings to discuss the item and decide whether to approve or not. He stated that the City would not lose anything but time.

A motion was made by Commissioner Talerico, seconded by Vice Mayor Bryan, that this item be tabled to a date certain of August 24, 2016. The motion carried by the following vote:

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

No: 2 - Commissioner Simone and Commissioner Peerman

ADJOURNMENT

There being no further business, the meeting adjourned at 10:31 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date:

10/20/16