



City of Margate

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Meeting Minutes

City Commission Workshop

Mayor Joyce W. Bryan

Vice Mayor Tommy Ruzzano

Commissioners:

Lesa Peerman, Joanne Simone, Frank B. Talerico

City Manager Douglas E. Smith

City Attorney Douglas R. Gonzales

City Clerk Joseph J. Kavanagh

Wednesday, October 19, 2016

5:30 PM

Commission Chambers

CALL TO ORDER

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

In Attendance:

City Manager Douglas E. Smith

City Attorney Douglas R. Gonzales

City Clerk Joseph J. Kavanagh

1) DISCUSSION AND POSSIBLE ACTION

A. [ID 2016-611](#) ALCOHOL SALES

ECONOMIC DEVELOPMENT DIRECTOR BEN ZISKAL noted that he performed some research of Sun Sentinel articles of other City's actions throughout the County. He said that he had a discussion with a Sun Sentinel reporter who advised him that the Oakland Park City Commission recently went through a similar discussion and their Staff provided a comparison report, which he obtained and handed out. He explained this discussion pertained to alcohol sales in the package for, but not in consumption on premises. He said that it referred to alcohol sales from Winn Dixie, Public or a gas station on Sunday mornings. He explained that until 4 or 5 years ago, the City prohibited the sale of alcohol in any form until noon on Sundays. He said that inquiries were received from establishments serving a full service brunch indicating they wanted to be able to serve a Mimosa or Bloody Mary with the brunch. He stated that at that time, the City agreed to amend the Code to allow those types of facilities to begin serving alcohol at 10:00 AM. He noted that the City made it clear that popcorn and peanuts at a bar were not considered full service meals; therefore, it only applied to the facilities with a 4-COP SRX alcohol license, which meant they had the space and license to serve full meals. Director Ziskal explained that he recently received inquiries from both residents and retail establishments asking the City to consider changing the rules for package sales on Sundays. He said that questions were received regarding people going to the beach, on a boat, to the Dolphin's game or other types of outdoor activities on Sunday. He noted that a Workshop was held, at which time it was determined that the City still wanted to maintain the noon regulation for Sunday sales. He stated that the retailers had now approached the City and indicated that Cities surrounding Margate were able to sell alcohol as early as 7:00 AM. He noted that Coral Springs recently amended their Code to

allow 7:00 AM sales, and that the City of Fort Lauderdale also amended the Code to allow 7:00 AM sales. He explained that retailers were expressing that the residents were happy to leave the City boundaries to get goods or services available in another City. He added that the Margate stores, Winn Dixie and Publix franchises, were underperforming or losing business from their gross revenues because shoppers were going outside of the City's boundaries. He explained that he spoke to a corporate beer buyer for Publix today, who indicated that historically across the board, week in and week out, Sunday was the largest sales day with most people doing their grocery shopping on Sunday. Director Ziskal said that currently 10 of the 31 Cities in Broward, including Margate, still had the noon rule. He noted that Coral Springs, Pompano Beach and Coconut Creek allowed sales before noon on Sunday.

COMMISSIONER PEERMAN did not realize how many Cities allowed the sales before noon. She said that she was in favor of amending the time, because she was not in favor of sending the residents to Coral Springs on Sundays.

COMMISSIONER TALERICO agreed.

COMMISSIONER SIMONE stated that she was against the change. She felt that people could plan and purchase prior to Sunday. She noted that Chic-Fil-A was closed on Sunday; however, she did not think that was hurting the business.

COMMISSIONER TALERICO asked what the down side was.

COMMISSIONER SIMONE stated that Sunday was the Lord's day and alcohol should not be sold before noon. She added that it did not keep the streets safe by selling alcohol prior to noon.

VICE MAYOR RUZZANO said that he was asked by restaurant owners and did not feel that there was anything wrong with it. He stated that those who wanted alcohol were going to go to another City to get it.

COMMISSIONER SIMONE showed an article from the Sun Sentinel stating that Coconut Creek prohibited alcohol sales from 12:00 AM to 8:00 AM on all days.

COMMISSIONER PEERMAN said that the times were from 8:00 AM to midnight on Saturday and Sunday, with Sunday hours from 9:00 AM to midnight. She noted that the package stores could not sell after 11:00 PM; however, some Cities were up to 2:00 AM.

COMMISSIONER TALERICO said that there were extenuating circumstances for everything. He stated that if someone showed him evidence of a direct correlation between this and people getting into accidents, he would agree to look into it further. He did not feel that it would make a big difference and he was in favor of it.

DIRECTOR ZISKAL clarified that the discussion was for package sales that applied to every grocery store and gas station, and that consumption on premises included bars and restaurants.

COMMISSIONER TALERICO said that years ago he was approached by the Carolina Club with regard to serving liquor on Sunday at events. He asked whether permission was needed.

DIRECTOR ZISKAL said that there was form to apply to the Commission.

MAYOR BRYAN said that she was Christian and went to church on Sunday; however, she did not think it was within her privy to deny people their living. She felt that people would get the alcohol wherever they wanted to. She said that the City needed to continue to help the businesses; therefore, she was in agreement.

VICE MAYOR RUZZANO clarified that it was for beer and liquor.

DIRECTOR ZISKAL agreed and stated that an ordinance would be drafted and brought back to the Commission and he asked for direction as to what time to start, either 7:00 AM or 9:00 AM.

COMMISSIONER PEERMAN asked when Publix opened on Sunday.

MAYOR BRYAN replied that Publix opened at 7:00 AM.

COMMISSIONER TALERICO asked whether this would have an impact on the Community Redevelopment Project across the street if it did not pass.

DIRECTOR ZISKAL said that it would have no bearing on the restaurants, and only pertained to package sales. He clarified that he would bring back an ordinance that allowed package sales to begin at 7:00 AM, 7 days a week. He further clarified that establishments that served a full meal brunch would still be allowed to start serving at 10:00 AM on Sundays, and anyone with a 2-COP, which was a regular bar or other establishment without a brunch, would still be allowed to serve at noon on Sundays.

VICE MAYOR RUZZANO clarified that the Code would stay from 7:00 AM to midnight, 7 days a week.

DIRECTOR ZISKAL agreed.

COMMISSIONER SIMONE asked why some of the neighboring Cities were not changing their times.

DIRECTOR ZISKAL said that he was not able to read anything pertaining to Cities that had not made a change yet. He noted that he only was able to find articles from Coral Springs, Fort Lauderdale and Oakland Park.

MAYOR BRYAN asked about North Lauderdale.

COMMISSIONER PEERMAN said that North Lauderdale had their times at 9:00 AM on Sunday.

DIRECTOR ZISKAL clarified that North Lauderdale was yes for package sales, but was still 1:00 PM for consumption on premises.

COMMISSIONER SIMONE said that Parkland was indicated as 7:00 AM to 12:00 AM; however, she had an article from Sun Sentinel stating that stores in Parkland must stop selling alcohol at 11:00 PM according to a new ordinance, which was recently passed by the Commission. She questioned how accurate the report provided was.

MAYOR BRYAN felt that predominantly, people were for it and the document could change frequently as things changed.

COMMISSIONER PEERMAN felt that the Commission should do what was good for the

City. She was not in agreement with letting business go to other Cities and wanted people to spend their money in Margate.

COMMISSIONER SIMONE would like to have the statistics with regard to how many businesses were hurting on Sunday.

MAYOR BRYAN noted that businesses were calling the City asking for help.

COMMISSIONER PEERMAN noted that she also heard complaints from residents.

COMMISSIONER TALERICO noted that bars and restaurants were indicated on the list from 7:00 AM to 2:00 AM.

DIRECTOR ZISKAL said that he saw no footnote distinguishing bars from restaurants; however, it appeared that it referenced all bars and restaurants; however, for Margate there were no indications for the brunch establishments.

DIRECTOR ZISKAL passed out a map and explained that there were 2 big regulations regarding alcohol. He noted that the first was the hours and the second was the location. He explained that the location referenced where a certain establishment could open in the City and how many alcohol licenses could be within a certain district of the City. He stated that the map indicated that the City was divided into 5 different districts. He said that within each district there were a certain number of beer and wine only restaurants that could locate there such as; full liquor restaurants, beer and wine only package sales and full liquor package sales, as well as certain civic clubs such as a Moose Lodge or Elks Lodge that had a different type of license. He noted that Commissioner Talerico previously brought up whether the prior discussion of time would impact the City Center, which he stated would not; however, this would impact the City Center. He noted that the boundary between District C and District D was U.S. 441, which cut through the City Center. He stated that posed a scenario that when the City Center was being developed, the allocations could run out. He noted that someone could be told that they could sell alcohol on one side of State Road 7, but not on the other side. He added that it would apply to package sales, as well as consumption on premises. He explained that any restaurants that the City was trying to attract when at conferences, etc., were going to at least need beer and wine sales as part of their calculation. He stated that this should be handled before breaking ground, as it would be really challenging to attract the types of restaurants wanted if they could not have alcohol sales. He proposed different options for consideration such as changing the districts. He stated that the City Center could be one area where more restaurants and bars with package sales could be and align the districts elsewhere. He stated that possibly the district concept was antiquated and the City did not want to turn anyone away. He suggested looking at what types of alcohol sales establishments the City wanted to regulate stricter than others. He asked the Commission to provide direction as to which way they wanted the City to go so research could be done to come back with a concept to either eliminate the districts altogether or to regulate certain uses tougher and build in distance separations. He noted that putting a prohibition on food consumption on premises alcohol licenses would hinder the ability to attract restaurants to the City, and that package sales of beer and wine did not provide that negative affect. He stated that grocery stores and gas stations sold beer and wine, but the City was not looking to restrict that. He recommended that the City come up with some restrictions for liquor stores, in order to avoid having full liquor sales cause proliferating the City's downtown area.

COMMISSIONER PEERMAN questioned whether the City could change how many liquor licenses were in the City or if it was governed by the State.

DIRECTOR ZISKAL stated that this was a City Code that could be changed.

COMMISSIONER TALERICO asked whether the Police Chief had any thoughts about impacts to his department if doing away with the districts.

POLICE CHIEF DANA WATSON said that he could not predict what would happen; however, with sales on Sundays there could be police related matters involving alcohol. He stated that getting rid of the districts could cause an impact; however, he did not want to hurt the upcoming downtown district. He noted that people would want to drink, as other downtown's had bar service.

VICE MAYOR RUZZANO agreed with eliminating the districts.

COMMISSIONER TALERICO agreed as well. He mentioned a Day Care facility.

DIRECTOR ZISKAL said that needed to be considered, because if going to a mixed use with residential in the middle of the downtown area, a Day Care facility would fit in perfectly.

COMMISSIONER PEERMAN also agreed.

COMMISSIONER SIMONE agreed with doing away with the districts.

MAYOR BRYAN also agreed.

B. [ID 2016-612](#) CIVILITY DISCUSSION

COMMISSIONER SIMONE felt that the Commissioners were all good people who wanted to make good policy making decisions; however, lately, civility towards each other and the public, as well as the public towards the Commission had gone out the window. She brought this discussion up tonight in an attempt to refocus the attention and be more aware of how others are treated. She stated that focus should be on issues and problems facing the City and not on those who would disagree. She felt that the Commission should lead by example, but instead the meetings have become embarrassments. She noted that rules had been approved, but were not followed or enforced. She stated that the Commission was not functioning as a cohesive unit, and that there was tension amongst the Commission, as well as tension from the public towards the Commission. She felt that factions were dividing the Commission and wasted time was spent battling instead of making good policy decisions. She explained that people had to feel safe in their communication on their perspectives. She said that if someone did not feel safe communicating, the democratic process broke down and those individuals would either not make comments, would change what they were going to say for fear of being ridiculed or harassed, or would not come forward for fear that their opinion was not the popular one. She mentioned that the rules that were adopted included words such as decorum, personal verbal attacks, loud, defensive, disorderly, threatening, insulting, abusive, foul language. She stated that the Commission shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to personalities. She said that if the Commission was not going to enforce the rules that were agreed to, they might as well be thrown out. She wanted to see what was happening at the Commission meetings stop now, because it was doing nobody any good. She noted that she had heard from the residents questions as to why the Commission could not get along. She thought that the public was afraid to get up and speak, and that sometimes the Commissioners were afraid to voice their perspective for fear of being attacked either by the public or the other Commissioners. She noted that

she saw more destructive passion rather than constructive passion. She asked to have the City Attorney draft a resolution similar to one he drafted in Miramar, which would specifically address the issues for this elected body, including an agreement that the Commission follow enforceable conduct for both the public and towards one another. She wanted the agreement to say that the Commission would strive to have professionalism and civility in carrying out the functions for which the Commission was elected. She felt that the Commission was falling apart and could not continue to act this way in the best interest of the residents.

COMMISSIONER TALERICO agreed with Commissioner Simone 100 percent. He noted that the rules were looser in the past and when he was Mayor he made the rules stricter; however, nobody followed the rules. He stated that the Commission had to police themselves. He said that the Mayor had to stop and call a recess when something was not right. He added that Commissioners could also request a point of order to stop the behavior. He mentioned that the public spoke with inexcusable language to the Commission, which should not be tolerated. He said that there was no excuse and that it was up to the Mayor and the Commissioners to stop it.

COMMISSIONER SIMONE said that there should be different points of view; however, the points of view should be allowed to be shared.

COMMISSIONER TALERICO said that he was in support; however, he felt that the Commission had to make it work.

VICE MAYOR RUZZANO asked for an example of a meeting.

MAYOR BRYAN felt that was unfair because Commissioner Simone was making a suggestion.

VICE MAYOR RUZZANO said that Commissioner Simone referenced the meetings lately. He asked Commissioner Talerico how many people he had thrown out and had arrested.

COMMISSIONER TALERICO said he had 5 or 6 people thrown out, but not arrested.

VICE MAYOR RUZZANO felt that people would say what they were going to say and the Commission could not tell them they could not do that.

COMMISSIONER TALERICO stated that the public would be walking away and saying nasty things and swearing.

VICE MAYOR RUZZANO said that it was not civil for one Commissioner to call another names at any time. He felt that Commissioner Simone was not receiving comments.

COMMISSIONER PEERMAN noted that Commissioner Simone received snarky comments from the Mayor when she suggested him giving up salary.

VICE MAYOR RUZZANO said that he did not want to get bashed by the Commission and mentioned Facebook.

COMMISSIONER TALERICO said that the discussion pertained to Commission meetings.

MAYOR BRYAN said that the Commission needed to get through the personality

conflicts or things would not work. She explained that Commissioner Simone mentioned having decorum and respect, which the Commission had gotten away from sometimes.

VICE MAYOR RUZZANO agreed, but felt that another set of rules of conduct was not needed; however, the Commission needed to respect themselves on the dais.

MAYOR BRYAN stated that she liked Miramar's rules of conduct better than Margate's. She felt that the rules must be followed and everybody must be respectful of one another.

COMMISSIONER PEERMAN disagreed because she believed that the Mayor ran and was in control of the meetings. She felt that the Mayor did not follow the rules by allowing and encouraging booing and yelling during the meeting. She reiterated that it was the Mayor's responsibility to enforce the rules.

COMMISSIONER TALERICO said that it was up to the Mayor to enforce the rules, as well as the Commission. He stated that if the Mayor did not enforce the rules, the Commission should call a point of order. He suggested leaving the rules as they were, but start enforcing them.

ITEM D WAS HEARD PRIOR TO ITEM C.

D. [ID 2016-609](#) THE ART OF CONSENSUS E-LEARNING SERIES

MAYOR BRYAN wanted to discuss a webinar State Representative Kristin Jacobs did, which she felt was important to speak about. She explained that Representative Jacobs worked on this for a long time trying to get the Florida League of Cities (FLC) to work with it. She said that it was called The Art of Consensus. She stated that it was about give and take, respect for someone else's opinion, listening and trying to assist with understanding what someone was trying to say. She explained that it involved sharing the stage, being gracious and teamwork. She noted that the webinar focused on listening to people and knowing your material, as well as bringing in your champions. She spoke about internal motivation with a unanimous or majority vote; however, the Commission only needed a vote of 3. She mentioned being flexible by being open to suggestions. She said that the basic items were issues, positions, interests and values. She summed up by stating that a year ago the FLC did a journey about collaboration to go beyond the City borders and get the Cities to collaborate. She stated that it did happen and 4 Counties came together with the Florida Regional Compact Initiative.

COMMISSIONER TALERICO noted that years ago, he went to FLC consensus classes. He said that this was a democracy and the majority ruled. He stated that he was on the short end of the vote many times in 22 years, but he just moved on and got over it. He said that there would always be another battle the next day and you might not always get what you want.

C. [ID 2016-610](#) DR. MARTIN LUTHER KING JR. DAY/TOGETHER WE MAKE IT GREAT DAY OF SERVICE

MAYOR BRYAN stated that the City had a great service day for Dr. Martin Luther King Jr. Day last year; however, this year she did not want to be involved full time. She asked whether the Commission wanted to do it again.

COMMISSIONER PEERMAN felt that it should continue each year and it should be put in the Budget. She said that the details should be figured out before the date. She noted that Mayor Bryan started it and she wanted it to keep going.

COMMISSIONER TALERICO asked whether former Commissioner Brian Donahue was involved in some type of community projects.

COMMISSIONER PEERMAN said that it never got off the ground.

COMMISSIONER TALERICO suggested that Mayor Bryan could spearhead the project as she was now going to be retired, because it was her passion.

COMMISSIONER PEERMAN reiterated that it should be in the Budget and it should be continued yearly. She felt that it should be left up to the City and Parks and Recreation to handle it, but have the Commission make sure it did not get passed over.

COMMISSIONER TALERICO asked that Mayor Bryan bring before the Commission anything else that came up that she was privy to.

VICE MAYOR RUZZANO suggested having Margate Middle students get involved.

MAYOR BRYAN said that there was a possible project with the Margate Middle School students with regard to landscaping. She noted that a tremendous response was received from the community. She noted that Abundant Life, Rise Academy, ATC and others assisted. She added that Adam and Alison also did a great job.

COMMISSIONER SIMONE asked about the Senior Center.

MAYOR BRYAN said that she already approached the Senior Center regarding a project.

NORTHWEST FOCAL POINT SENIOR CENTER (NWFPPSC) DIRECTOR KARIN DIAZ said that her project proposal was to enhance the patio with a butterfly garden, which would include furniture and umbrellas, as well as new plants. She noted that the citizens used the patio. She added that there was also an area between the Senior Center and the Community Center that was enclosed by a fence, which could be maintained or removed and a Zen Garden could be made with a walkway, benches and a water fountain. She stated that she would find volunteers to assist.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:42 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo



Joseph J. Kavanagh, City Clerk

Date: 12/15/16