



City of Margate

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Meeting Minutes

City Commission Workshop

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Commissioners:
Anthony N. Caggiano, Lesa Peerman, Joanne Simone

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

Wednesday, January 18, 2017

4:00 PM

Commission Chambers

CALL TO ORDER

In Attendance:

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

A. [ID 2017-010](#) 2017 STATE LEGISLATIVE PRIORITIES.

DAVID K. SIGERSON JR. ESQ, City Lobbyist, provided documentation for backup and said that this meeting was to discuss the Legislative priorities for 2017. He stated he would speak in general about the Topic Program and would then highlight some things he felt were important and specific to Margate. He explained that the program was one of the most comprehensive programs in the State. He said that it was divided into Tax Reform and Finance, Economic Development, Public Safety, Transportation, Environment, Housing, miscellaneous issues of interest to one or more Commissioners, and Funding issues. He explained that the Communication Services Tax issue would be front and center again. He expected that the Legislature would continue to whittle away at it as they did previously. He said that the money was taken from the State portion and not the local government portion up until now; therefore, the City was only indirectly impacted by the changes made. He noted that the money that went to the State went into the General Revenue pot to be distributed. ATTORNEY SIGERSON explained that the Local Business Tax Receipt (LBTR) issue was probably coming back. He noted that though it was not of interest to any City or County it was important to follow it closely because it could affect one City more or less than another City. He stated that everyone's Business Tax Receipts were structured differently with different categories and amounts. He felt that the reform might come in the limiting the number of categories, simplifying it and having a flat \$25 fee. He noted that would hurt Cities with a more sophisticated system structured around collecting a tax based upon how much effort and work it took to have the business and register it in the City.

MAYOR RUZZANO asked whether the State was looking to take a portion of that money.

ATTORNEY SIGERSON said that it was a proposal a couple of years ago, but he only knew of the \$25 fee this year.

COMMISSIONER CAGGIANO said that Legislation was looking to reduce money that the City took in; therefore, how did they expect the City to run its government if not taking in money.

ATTORNEY SIGERSON replied that Legislation did not care.

VICE MAYOR SCHWARTZ said that was called an unfunded mandate.

ATTORNEY SIGERSON clarified that Legislation was interested in reducing taxes and taking credit for it, while having the Cities figure out how to pay for it. He added that along with other Cities, Margate traditionally supported the Law Enforcement Services Assessment (LESA). He stated that if the Cities wanted to continue to have this as part of the priorities, it would be left to Margate to be the lead on the issue because North Lauderdale, the former lead, was not going to participate. He said that before the end of this evening he needed direction so he could find a House Bill sponsor. He stated that House members only received six slots, and those slots are closing up quickly. He noted that he already made a preliminary inquiry with a Legislator he knew personally, but had not yet heard back from his Staff yet.

COMMISSIONER PEERMAN said that this was like the Fire Assessment Fee but it was a Law Enforcement Assessment Fee. She stated that it was better because if you had a Law Enforcement Assessment Fee of \$20, the millage rate had to drop that amount, which was how the Fire Assessment Fee should be so the residents were not double taxed. She said that it would help Cities with high millage rates.

VICE MAYOR SCHWARTZ clarified that it was a revenue neutral dedicated source that could only be used for the Police Department, which lowered the millage. She stated that it was money being taken from the Budget specifically to only be used for the Police Department, but when added all together it came out the same tax wise.

COMMISSIONER PEERMAN disagreed because those who did not pay taxes were now going to pay; therefore, it was only revenue neutral for people who paid taxes.

VICE MAYOR SCHWARTZ asked whether there were other Cities interested in doing this in Broward County.

ATTORNEY SIGERSON said that there were other Cities, such as Lauderdale Lakes, that were supporters but did not take the lead.

VICE MAYOR SCHWARTZ asked whether North Lauderdale, as a lead City, had the support of the other Cities.

ATTORNEY SIGERSON said that the Cities would not put it as one of their priorities.

COMMISSIONER PEERMAN said that out of the 31 Cities there were a number of them that lobbied for it. She noted that it was not individually on their priority list; however, they supported others that did.

ATTORNEY SIGERSON explained that though the Broward League of Cities did not make it a priority issue, there was no opposition to it. He stated that the Broward Cities were generally looked at as being supportive. He noted that it started as a Local Bill that the Broward Legislative Delegation brought to Tallahassee. He said that other Cities and other parts of the State decided they liked it too. He stated that last year's House Sponsor was a Republican member from Sarasota County.

COMMISSIONER PEERMAN said that those who did not like this were the Real Estate Lobbyists because they did not like special assessments. She felt that it needed to be kept as a priority. She noted that it started with Broward County and now there were Cities in the northern part of Florida that liked having the option.

ATTORNEY SIGERSON said that the City did come close last year, but the only reason it did not get the final Committee Hearing was because the Bill Sponsor ticked off the powerful Chairperson.

VICE MAYOR SCHWARTZ asked how Coral Springs felt about it seeing how the President of the Broward League of Cities was a City Commissioner of Coral Springs.

COMMISSIONER PEERMAN said that they were not yet in favor.

ATTORNEY SIGERSON said that he did not recall how Coral Springs felt about it.

COMMISSIONER PEERMAN stated that the Broward League of Cities had their own priorities. She said that was the reason the Commission did not go to Tallahassee for Broward Days and that they did better when they went to Tallahassee on their own without the Broward League.

MR. SIGERSON said that when this became a State-wide issue instead of a local goal, the issue was shopped to the Florida League of Cities Policy Committee meetings. He noted that they were not allowed a third issue, but he had them endorse the issue as a Policy Committee meeting.

VICE MAYOR SCHWARTZ said that she would rather have the support of the Florida League of Cities rather than the Broward League of Cities.

MAYOR RUZZANO asked whether this issue came by the Commission as a resolution. He felt that if enough Cities were in favor, the Broward League of Cities should back the Cities up. He said that Cities that did not have the tax base and had people that did not pay their taxes did not care about this.

COMMISSIONER PEERMAN said that they should care because those who did not pay taxes were not paying for the Police Department.

VICE MAYOR SCHWARTZ said that the only City that should not care about this would be Parkland.

MAYOR RUZZANO asked how it would work if the City was with Broward Sheriff's Office (BSO).

MR. SIGERSON said that did not matter.

COMMISSIONER PEERMAN said that it would go to whatever Police Department the City had, whether it was BSO or its own Police Department.

MR. SIGERSON clarified that it was funds in the Budget to help pay for the Law Enforcement, though it would not be 100 percent. He noted that it was still listed as an option for the Cities and they were not required to do it.

COMMISSIONER PEERMAN asked whether the City wanted to sponsor it.

MAYOR RUZZANO agreed.

COMMISSIONER CAGGIANO said that he agreed.

COMMISSIONER SIMONE said that she was never in favor of it.

VICE MAYOR SCHWARTZ asked how many residents were considered low income and paid almost no taxes.

MR. SIGERSON said that 51 percent paid less than \$300 in taxes.

MAYOR RUZZANO asked whether the \$300 included the Fire Assessment.

COMMISSIONER PEERMAN stated that everyone paid the Fire Assessment Fee. She noted that in prior years, those condominium residents that did not pay taxes. She stated that now they came to the meetings and they were in support of the Fire Assessment Fee. She said that she spoke to the residents about this Law Enforcement Fee and they wanted to pay their fair share.

CITY MANAGER DOUGLAS E. SMITH clarified that there were 2,300 properties paying zero and 11,000 properties were paying less than \$300.

COMMISSIONER PEERMAN said that she was in favor of having Margate take the lead.

VICE MAYOR SCHWARTZ said that she was in support of taking the lead, but deciding later whether or not to use it.

COMMISSIONER PEERMAN said that she would see what the other Cities were interested in at the next Broward League of Cities meeting. She noted that somebody needed to sponsor it or it would die.

MAYOR RUZZANO asked whether it would say that it was sponsored by Margate.

ATTORNEY SIGERSON said that it would show as sponsored by the Legislature. He noted that if Margate allowed him to go forward, he would continue to with his inquiries, as well as contact various Legislators.

CONSENSUS indicated all were in agreement to sponsor.

ATTORNEY SIGERSON mentioned the unfunded mandates that all Cities worked against, and that he would continue to work against anything that came along with regard to unfunded mandates. He noted that there was a move in recent years to eliminate Impact Fees, which he did not want to see happen. He stated that the City traditionally was a supporter of the Minor Traffic Safety Act and Bills that would eliminate or restrict and make it an infraction to text while driving. He said that last year the Department of Transportation had a safety study indicating that distracted drivers was the emerging issue in terms of traffic safety.

MAYOR RUZZANO questioned calling on the phone.

ATTORNEY SIGERSON clarified that calling on the phone was not an infraction, but texting was the distraction.

MAYOR RUZZANO asked whether it was considered texting when stopped at a light.

VICE MAYOR SCHWARTZ felt that was still driving.

ATTORNEY SIGERSON explained that Legislation was passed several years ago; however, it was very complicated because of the exceptions. He said that there was a safety exception, such as when a car ran out of gas or if someone felt they were being followed and dialed 911. He noted that there were many exceptions to the Texting Law.

MAYOR RUZZANO mentioned that last year there was something in Legislature about the number of minor passengers.

COMMISSIONER PEERMAN read about the limiting of the number of minor passengers, which Margate had supported.

ATTORNEY SIGERSON spoke about the emerging issue regarding Medical Marijuana dispensaries. He said that one issue identified at a Workshop he attended was local zoning control and whether or not to allow that. He explained that the Workshop was in the Senate where the discussions were of the current state of the Law having to do with Charlotte's Web. He added that they also laid out various issues that would be confronting the Legislature because Amendment 2 passed and there would be a tremendous expansion of the number of people who would qualify to use Medical Marijuana. He stated that it would conservatively expand the number of recipients from 50,000 or 60,000 currently to about 500,000. He noted that a number of Cities were concerned about having the shops open up wherever they pleased; therefore, those Cities wanted some type of zoning control over where the shops were located. He noted that it was a new and emerging issue, which he said that the Commission could think about and decide whether they wanted to include it when voting on the package.

MAYOR RUZZANO said that it was very misleading as it mentioned Cannabis and then mentioned zoning.

COMMISSIONER PEERMAN said that it was a Home Rule issue.

MAYOR RUZZANO wanted to know who listed the supporters and non-supporters.

ATTORNEY SIGERSON said that it was based upon last year. He clarified that he recommended that the City would be supporting Legislation that would allow you to have zoning control.

MAYOR RUZZANO agreed and believed the City should delegate where the shops would go.

ATTORNEY SIGERSON agreed that it should have been worded better.

COMMISSIONER PEERMAN said that preserving the Home Rule would give the City the right to say where the shops could and could not go.

ATTORNEY SIGERSON explained that each year there were new designer and synthetic drugs. He said that the City traditionally was in support of giving the Legislature enhanced authority to classify things as quickly as possible. He explained that what would happen was that the Legislature would adjourn May 1st and then the chemical would be slightly changed and the new drug would be sold in gas stations, smoke shops, etc. for a whole year. He stated that in the past the City supported the Legislature being able to give the

Department of Health more authority to identify the drug and expand the chemical definition that covers some of the variations before they become street drugs.

MAYOR RUZZANO mentioned Crack and noted that Kristin Jacobs had a Bill trying to make it a controlled substance to get it out of the gas stations and into the Doctor's hands.

ATTORNEY SIGERSON was not sure if Kristin Jacobs re-filed that Bill last year. He stated that a pharmacologist he spoke with told him there was no legitimate use for it. He said that if Kristin Jacobs filed the Bill again this year, it would allow the City to support her on that Bill.

ATTORNEY SIGERSON stated that with regard to environmental issues, there had been moves for the government owned utilities to be regulated by the Public Service Commission (PSC). He felt that the City would want to oppose that, and that other Cities had opposed it coming under the regulation of the PSC because of the cost of going through a hearing. He said that the result would cause the increase of prices. Attorney Sigerson mentioned that the Fracking issue was defeated last year by a close vote in the Senate Committee. He explained that there was both a House and Senate Bill and a Senate Joint Resolution to make Fracking unconstitutional in the State. He added that a Bill was also filed to limit the use of the methodology regarding Fracking. He said that it would be an issue again this year and the Cities wanted the ability to prevent Fracking from occurring within the Cities. He noted that all Cities were joining together to oppose it. He explained that some Cities in Western Broward were concerned about it happening in the Everglades.

COMMISSIONER CAGGIANO asked how the Cities could stop Fracking if the State of Florida gave it the go ahead.

ATTORNEY SIGERSON said that the City could not stop Fracking then. He clarified that there was Legislation last year that was supposed to put a moratorium on the State issuing licenses for Fracking while a study was being done. He noted that many people were opposed to that because it would allow those Fracking to continue to do so. He said that the Bill was defeated as it would have set up a process for regulating Fracking rather than opposing it.

ATTORNEY SIGERSON mentioned the housing issue and said that the Sober Homes would come back to the Legislature. He said that Legislature would attempt to address it, within the context of the Federal Fair Housing Law. He noted that the Fair Housing Law limited what State and Local governments could do on the issue. He stated that in light of the more progressive prosecutions and other incidents that happened in the area of Rehabilitation and Sober Homes. He explained that Rehabilitation Facilities were not Sober Homes. He clarified that Sober Homes were places where people went after they left a residential treatment program and were clean and attempting to put their life back together. He noted that many Sober Homes were not regulated and were doing whatever they wanted.

COMMISSIONER PEERMAN stated that there was no supervision and there was no rehabilitation involved. She noted that Rick Riccardi and his organization were working with an organization trying to work with Tallahassee to come up with legitimate structure.

ATTORNEY SIGERSON stated that there were some legitimate operators, such as Rick Riccardi. He noted that State Law allowed operators to register with the State providing certain criteria was met. He explained that an opinion was recently given stating that the

Federal Fair Housing Act did not preclude Local governments from stepping into with some kind of regulation under certain circumstances. He noted that some circumstances were being clustered in a certain area or becoming a health or safety problem for both the participants of the Sober Home and the general residents. Also with regard to the housing issue, Attorney Sigerson explained that traditionally, there was support for the increased Sadowski Act funding for Affordable Housing. He stated that at one point, the Legislature took the entire Trust Fund and put it in General Revenue. He said that money was slowly being added back every year to put it back for what it was supposed to be spent for, which was Affordable Housing.

ATTORNEY SIGNERSON mentioned miscellaneous issues and said that the City benefited directly from the Indian Compact, which was in a state of flux because Florida did not renew the portion of the Compact that allowed for bank games at the Tribal Facility. He noted that the Court stepped in and said that they could have it until 2030. He said that the Governor and the Legislation would readdress the Gaming Compact issue. He noted that it was important to Margate because the pool of money from which Margate and other Cities drew as impacted Cities, would gradually become smaller unless they reauthorize and come to another agreement with the Tribe on the Black Jack and other bank games.

VICE MAYOR SCHWARTZ stated that the Tribe did it anyway and had Black Jack in the Coconut Creek Casino. She noted that they did not have Roulette.

ATTORNEY SIGERSON clarified that the Tribe had an interest in getting a deal; therefore, they were paying the State what they would have paid them had the State agreed to continue the Compact as it was. He said that the State was then taking the money and putting it in escrow.

VICE MAYOR SCHWARTZ stated that the assumption was that the State would eventually miss the money and come to terms, because right now the State was losing the money and the Tribe was doing what they wanted to do.

COMMISSIONER PEERMAN explained that this was the money that went to Margate, Coconut Creek, Coral Springs and other Cities. She asked whether the map had to be redrawn now that the Compact was null and void and was being redone.

ATTORNEY SIGERSON said that only one component of the Compact was not continued; however, part of the Compact continued. He noted that the State agreed to the bank games, etc. and would revisit it in five years.

COMMISSIONER CAGGIANO said that the Commission was concerned with how it was divided.

ATTORNEY SIGERSON explained that Governor Scott negotiated a Compact, but Legislature failed to agree to the Compact. He noted that the Legislature that would have ratified the Compact also reaffirmed that the Cities would get the revenue sharing; however, they had not changed the formula. He stated that the Cities never got to fight over that, because it never got that far.

VICE MAYOR SCHWARTZ felt that the Tribe wanted to legitimize what they were doing and work with the Legislature. She noted that the roads were impacted, and that if the hotel was ever built, the roads and hospital would be impacted. She stated that Margate provided Fire Rescue, and she felt that Margate would want to speak with the Tribe as Margate was providing all of the essential services.

ATTORNEY SIGERSON noted that he attended a Workshop last week pertaining to the House Committee on Tourism and Gaming Control. He felt that Margate needed to be involved.

COMMISSIONER CAGGIANO agreed that one issue was Margate was not getting the right piece of the pie, and another issue was that the State wanted to reduce the City's ability to have this at all. He referred to the impact to the road and mentioned Impact Fees.

ATTORNEY SIGERSON said it was like an Impact Fee, but was actually a profit sharing. He explained that even if Legislature did nothing, the City would continue to collect some of the revenue sharing, but it just would not be as much.

MAYOR RUZZANO noted that the City currently received \$90,000 annually, but there was some discussion about it being \$50,000. He noted that Coconut Creek received \$500,000.

COMMISSIONER PEERMAN added that Coconut Creek received \$1 million dollars every year. She mentioned that she recently read that there were going to be two more Casinos; one in Miami and one in Broward.

ATTORNEY SIGERSON said that they would need State authorization for that.

COMMISSIONER PEERMAN clarified that these were places that already voted to allow gambling in their County. She noted that the attempt was being made to get something on the West Coast.

ATTORNEY SIGERSON agreed that there were several other Counties that had referendums. He said that the legal significance of the referendums was dubious; however, the other Counties wanted slot machines like Broward and Dade County at the parimutuels. He explained that there were developers and large hotel owners who were in collaboration with Casino developers that wanted to bring full blown Casinos to Broward and Dade. He noted that they were referred to as Destination Casinos, such as in Las Vegas, Atlantic City and Biloxi. He stated that they were not currently allowed, but that was part of the Legislative discussion regarding negotiating with the Governor about the Compact. He noted that the Governor negotiated the Compact; however, the Legislature had to approve the Compact.

ATTORNEY SIGERSON noted that the CRA might become a big issue. He explained that there was Grand Jury report in Miami/Dade County that a lot of Legislators took note of. He said that there was always tension between the County and the Cities with CRA's, because the County had to write a check. He explained that there were accusations of mispending of funds in Miami/Dade resulting in the Grand Jury investigation and report. He stated that the report was dangerous to those Cities that had CRAs and had plans in place they were moving forward with or formulating. He clarified that the report stated that CRA money should be spent on affordable housing, which was not what the elimination of Slum and Blight was about.

VICE MAYOR SCHWARTZ mentioned issues she had regarding Charter School accountability.

ATTORNEY SIGERSON explained that last year there was Legislation to increase accountability; however, it did not go far enough based on what happened in Margate. He

said that Senator Ring filed a Bill that was strong and there were other Bills as well; however, all of the Bills were collapsed into one Bill. He stated that some of the ideas on accountability were accepted, but not everything. He said that on the House Education Appropriations Chair came from a family involved in the Charter School business; therefore, not enough got done.

VICE MAYOR SCHWARTZ originally felt that a Charter School was a unique way to deliver education, but not to make money or to relieve overcrowding.

ATTORNEY SIGERSON spoke about local project funding and said that traditionally there was support for the Northwest Focal Point Senior Center (NWFPSC). He said that the funding they received and used for senior transportation was part of the base Budget. He noted that when he began working here, it was pulled from the Budget and had to be saved. He added that it was then put back into the base Budget and was not singled out for review. He noted that periodically Legislature would do that Budget exercise. He stated that he continued to monitor it to make sure it was still in the base Budget. He stated that there were water projects that were on tonight's Agenda. He said that they were projects that got vetoed last year. He explained that the House Appropriations Chair for Agriculture and Natural Resources loved the projects, such as the re-piping project.

COMMISSIONER CAGGIANO asked who would work on the project if approved.

COMMISSIONER PEERMAN said that it would be Reddy Chitepu's project. She noted that all of the Budget wants and desires had to be in by February 7th this year.

ATTORNEY SIGERSON said that there was a whole new process on the House side, and that member projects now must be submitted in the form of a Bill. He added that the Bill then needed to get a hearing in at least one committee that it was referred to. He said that it was a whole different process than in the past. He said that he wanted the approval as soon as possible because the deadline for getting it in the system was February 7th, and he wanted to submit it next week when in Tallahassee. He mentioned Florida Recreation Development Assistance Program (FRDAP) Grant money and explained that there was a grant program run through the Department of Environmental Regulations with an agency that evaluated the program and produced a list, which was also an exception to the project even though it was rent money specific to Margate. He stated that the Department of Environmental Regulations ranked FRDAP Programs. He said that the list was then sent to Legislature, who could fund the whole list, part of the list or none of the list. He added that it could also be probated. He stated that it was necessary for him to be in Tallahassee to make sure that there was enough money to get to where the project was ranked.

ATTORNEY SIGERSON mentioned adding an issue regarding Ethics. He stated that one of the proposed Committee Bills that was discussed in a Workshop last week was for Local Government Ethics. He noted that he would be doing a more in depth evaluation of this issue. He explained that Bill last year proposed that Local Government Elected Officials be subjected to the enhanced disclosure. He also mentioned the issue regarding the Public Records Attorney's Fees.

COMMISSIONER PEERMAN explained that if someone did a Public Records Request for any pictures the City has of a bicycle.

VICE MAYOR SCHWARTZ asked whether the requestor had to have a reason.

COMMISSIONER PEERMAN said that they did not have to tell the City why they wanted

the pictures, and if the City did not produce the pictures in a timely manner because one person was trying to go through all of the pictures, the City would be sued. She added that if the City missed a picture of a bicycle, they would be sued. She noted that when they sued, they also got their Attorney fees paid for.

VICE MAYOR SCHWARTZ again asked whether there had to be a reason.

COMMISSIONER PEERMAN said that was a Public Records Request.

VICE MAYOR SCHWARTZ questioned whether the Judge would ask why it was important to have the pictures.

ATTORNEY SIGERSON said no.

COMMISSIONER PEERMAN said that it did not matter, and that they could ask for anything. She explained that the Cities wanted to have their City Attorney fees to be paid when the City won the lawsuit.

ATTORNEY SIGERSON said that the initial proposal coming from the City side was that the Judge be given the discretion not to award Attorney fees. He stated that the First Amendment Coalition was violently opposed to giving the Judge discretion; therefore, they came up with a compromised Bill that listed instances where a Judge could withhold awarding the fees. He noted that the targets were usually small Cities with maybe only one person dealing with Public Records.

COMMISSIONER PEERMAN mentioned the Chandler Brothers who went to many Cities in Florida and would then sue; however, a lot of Cities just settled.

VICE MAYOR SCHWARTZ said that she had heard of adults with disabilities going into places then filing lawsuits. She added that there were actually Law Firms that targeted places.

ATTORNEY SIGERSON noted that there were a couple of phrases that would be argued about with regard to how it was phrased. He said that the phrase "frivolous" was used for a while, but then changed.

COMMISSIONER CAGGIANO mentioned people asking City employees in the field rather than going to the right place to request the records.

ATTORNEY SIGERSON explained that one of the reforms was that the Public Records Request would have to be either made to the designated Public Records Custodian or would have to be transmitted to the Public Records Custodian.

MAYOR RUZZANO asked whether the Open Carry Law was coming up at all.

ATTORNEY SIGERSON said yes, as well as College Campus Carry.

MAYOR RUZZANO asked whether it would be all one Bill or separate.

ATTORNEY SIGERSON said that he did not know whether it would be one Bill or separate, and that it might be both.

MAYOR RUZZANO thanked Attorney Sigerson for his update.

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

B. [ID 2016-810](#) NAMING OF CITY PARKS AND ROADS.

COMMISSIONER SIMONE stated that there was no criteria for the naming of parks and roads. She felt with criteria, everyone would be on the same page and it would be easier to get a consensus with less conflict. She clarified that she was not requesting that the Commission come up with specific criteria; however, she wanted them to think about what criteria they wanted. She provided documentation from other Cities for the Commissions review.

COMMISSIONER CAGGIANO said that he had a problem with every item on the list. He asked how many parks and streets were named and renamed over the last decade.

COMMISSIONER PEERMAN replied that two streets were named in the last decade.

COMMISSIONER CAGGIANO stated that the Commission was wasting its time. He read from the backup provided that, "parks, open spaces and recreational facilities are controlled by the City Commission through a recommendation from the City Manager and Parks and Recreation." He noted that it was only for a recommendation and with no recommendation from the Commissioners. He said that it sounded as if the Commission was being controlled and boxed in by Staff to make a decision for them. He said that he was against it and he also read that, "Whatever theme was chosen should be a result of a relatively timeless name." He asked who would make that determination and that by the rules Commissioner Simone was looking to put into place, the Kaye Steven's Park would not have been named.

COMMISSIONER SIMONE clarified that she was not looking to put rules in place, but she was looking for criteria that the Commission liked for the future of naming parks and roads.

COMMISSIONER CAGGIANO said that the Pompano Beach backup provided stated that, "The City Commission may in its sole and exclusive discretion, consider the naming of public parks and facilities for individuals, but it shall reserve the naming of streets, roads and public ways or portions thereof, for individuals except in the most unusual circumstances." He agreed that it should be at the sole discretion of the Commission without having to discuss this every time it came up.

COMMISSIONER SIMONE mentioned having criteria for naming the upcoming Dog Park.

COMMISSIONER CAGGIANO suggested naming it the Margate Dog Park.

MAYOR RUZZANO said that he previously mentioned naming the Dog Park after former City of Margate employee Annette Daniels.

COMMISSIONER CAGGIANO read, "Historic names relevant to the park, open space and recreational facility. The City Manager can initiate the naming process whenever deemed necessary or in the best interest of the City." He stated that the City Manager should make suggestions to the Commission who should then make the decisions. He read, "A request for renaming a park, open space or recreation facility shall be submitted in writing to the Parks and Recreational Director." He felt that City Commission and City Manager should be added to that statement. He referred to Page 1 of 9, Category 1, Exhibit A, as follows, "The City Commission may consider renaming co-designation of the City street upon recommendation by any member of the public."

COMMISSIONER SIMONE said that she still felt that some criteria should be in place

before something came up in the future.

MAYOR RUZZANO felt that a criteria list was not needed and that it was not too tough for someone to suggest a name, such as how he suggested Annette Daniels.

VICE MAYOR SCHWARTZ noted that most schools were named after people who were not living.

COMMISSIONER CAGGIANO felt that someone did not have to be dead and that a problem was being made where there was no problem.

VICE MAYOR SCHWARTZ asked whether Commissioner Caggiano felt it would be better to consider this when something was going to be named.

COMMISSIONER PEERMAN said that she did not agree.

COMMISSIONER CAGGIANO noted that names were not changed, but names were added to the old name.

MAYOR RUZZANO felt that it would be difficult to put rules in place when the circumstances were not known.

VICE MAYOR SCHWARTZ felt that the first thing to decide was whether the person was living or deceased.

COMMISSIONER PEERMAN spoke about the Legacy Park that was originally going to be called David McLean Park. She felt that it should be named for someone deceased.

MAYOR RUZZANO disagreed and said that if something bad arose, a change could be made later.

PARKS AND RECREATION DIRECTOR MIKE JONES said that the Sports Complex fields had signs stating Robert Dorband Fields, as he was a 35 year employee of Parks and Recreation; however, it was never officially done through the Commission. He said that George McNeill put the signs up, but they were never formally dedicated; therefore, it was still considered the Margate Sports Complex.

COMMISSIONER PEERMAN said that the name of the Swale Park was Ed Greenwald, who was one of the first developers in the City. She noted that the Swale was on 6th Street, and that he was still alive at the time.

VICE MAYOR SCHWARTZ noted that George Mudd was alive for the ribbon cutting of the George Mudd Park. She said that he was the Deputy City Manager. She asked who David Park was named after.

DIRECTOR JONES said that he would have to research to determine that. He noted that he had drafted a policy because he knew the City did not currently have a policy or procedure. He said that the draft version required him to go through the City Manager with public input, and then to the City Commission for final set. He noted that his draft policy was suggested criteria, but not mandated.

VICE MAYOR SCHWARTZ suggested that the Commission be informed the next time a draft policy was done.

C. [ID 2016-811](#) KEYS TO THE CITY.

COMMISSIONER CAGGIANO said that he spoke with former Mayor Joseph Varsallone today and asked how many City keys he had given out for all his years of service. He noted that Mayor Varsallone said that it was possibly one key.

VICE MAYOR SCHWARTZ said that was incorrect, and that it was more than one.

COMMISSIONER PEERMAN noted that Mayor Varsallone was the individual who made the City get the keys.

COMMISSIONER SIMONE noted that Annette Daniels received a Key to the City, as well as someone named Mrs. Shuster.

VICE MAYOR SCHWARTZ noted that the one key she saw was so old it was peeling.

COMMISSIONER CAGGIANO noted that two were given in a decade.

COMMISSIONER SIMONE asked whether criteria for presenting the key to the City were needed.

MAYOR RUZZANO said that his criteria were that it was ceremonial and if someone wanted to give it, they should ask the Mayor who would agree to giving the key.

COMMISSIONER CAGGIANO felt that the criteria provided by Tallahassee were vague.

COMMISSIONER SIMONE felt that the words, tangible and immense bravery were not vague.

COMMISSIONER PEERMAN read, "The Keys to the City Program was one of the highest honors that can be given from the City of Tallahassee."

COMMISSIONER CAGGIANO read that, "Each year the Mayor awarded Keys to the City to deserving citizens, organizations, businesses and collaboratives that have had tremendous individual and collective impact."

MAYOR RUZZANO noted that the last two keys given were for Annette Daniels as the longest tenured employee in the City. He said that the second key was given to the biggest, private sector business owner in Margate, who employed over 1,500 employees a year. He said that the key was presented to her, because her husband passed. He stated that the key was ceremonial and the Mayor was ceremonial; therefore, it should be the Mayor's decision. He said that having criteria was a waste of time.

COMMISSIONER SIMONE understood; however, she felt that things were always cleaner if there were criteria, and that all controversy could be avoided.

COMMISSIONER CAGGIANO referred to Page 11, Oakland Park, Section 1 and 2, Line 9 through 21, and asked whether because National Salvation Army Month was in December, the City needed to vote on whether or not to give a plaque. He read, "Any certificate of plaque requested from a Commissioner or a Commission must be on the agenda and voted by a Commission in favor of presenting said certificate or plaque at the meeting prior to the meeting."

COMMISSIONER PEERMAN said that only applied if Margate wanted to adopt Oakland Park's rules.

VICE MAYOR SCHWARTZ noted that Coral Springs stated that they had public discussion on the merits, which she definitely never wanted to do. She felt that she did not want to debate giving something to someone in front of everybody.

COMMISSIONER CAGGIANO felt that this was a procedural waste of time for the Commission who had much more important things to do. He read, "The member of the Commission acting as the Mayor at any regular or special meeting of this body, shall only introduce an agenda item by its agenda number and brief title as listed in the agenda. No further explanation or comments shall be made by the Mayor at this time." He reiterated that the Commission was looking at time consuming unnecessary things.

COMMISSIONER SIMONE stated that if a plaque was presented to someone it should go through the City Clerk's office and the Commission should agree on it at some sort of meeting.

COMMISSIONER CAGGIANO asked whether Commissioner Simone wanted the Commission to agree with giving a plaque to everyone who received Student of the Month.

MAYOR RUZZANO asked about the plaque for the drowning child and questioned what he should have done as the information was received on Sunday.

COMMISSIONER CAGGIANO said that the rules would indicate he should not do it.

COMMISSIONER SIMONE clarified that it would have fine for the Mayor to go to the house and congratulate the child and invite the child to a Commission meeting to recognize them.

MAYOR RUZZANO felt that it was important for the Mayor to be the ceremonial leader during a specific situation.

COMMISSIONER CAGGIANO clarified that the Commission did not want the Mayor presenting a plaque unless they approved of it.

COMMISSIONER SIMONE agreed and felt that a plaque should not be presented without it going before the Commission.

MAYOR RUZZANO questioned whether the Commission felt it was okay for him to send a letter of recognition on City letterhead with his signature, or did the Commissioners names have to be on the letter as well.

COMMISSIONER SIMONE said no, but she felt that if the City had a Strong Mayor she would feel differently. She explained that because all the Commissioners names were on the plaque and the Mayor was a ceremonial position, the plaque should not be presented without it going before the Commission.

COMMISSIONER PEERMAN said that she would have preferred having the Mayor call the City Clerk to inform him. She stated that the City Clerk would have then come to City Hall.

COMMISSIONER CAGGIANO felt that would have been an abuse of power because it was Father's Day.

MAYOR RUZZANO said that he would not call anybody on Father's Day. He mentioned

having a new plaque that said, City of Margate, signed by the Mayor with all other names removed.

VICE MAYOR SCHWARTZ said that in prior years, when the Mayor signed the plaque the Commissioners names were typed. She felt that this topic was beyond petty at this point. She stated that as the ceremonial Mayor, he should not have to ask permission to present a plaque.

COMMISSIONER SIMONE questioned why every City had the documentation regarding the plaques.

VICE MAYOR SCHWARTZ disagreed with what the other Cities did; however, some Cities must have felt they needed the procedures. She spoke about Coral Springs being a planned City that had procedures for everything. She said that a plaque or a key was a feel good thing and she would not change the way it was.

COMMISSIONER SIMONE stated that the Commission was never informed about the matter and she added that she would have never done what the Mayor did. She said that she would have congratulated the child as the Mayor, with a plaque presentation being made later at City Hall.

MAYOR RUZZANO mentioned receiving a phone call about a child winning a tournament and going to the field to present him with a plaque.

COMMISSIONER SIMONE felt that it was the same situation and she would feel the same way.

COMMISSIONER PEERMAN explained that if the Commission was equal, why would the Mayor not text the other Commissioners to inform them and ask them to come out to support the presentation. She felt excluded, just the same as not being recognized as a Commissioner in the audience.

MAYOR RUZZANO said that if he did that, he apologized for it, but that he would never do that intentionally.

D. [ID 2016-812](#)

ALTERNATE MEETING TIMES FOR STUDENT & TEACHER OF THE MONTH AGENDAS.

COMMISSIONER SIMONE explained that other Cities did alternate the meetings. She felt that a business meeting should be exclusive of awards and presentations. She said that the meeting started at 7:00 PM and awards and presentations were given out; therefore, she recommended starting earlier prior to the business meeting.

VICE MAYOR SCHWARTZ said that Margate was probably the only City on the list that gave a Student of the Month every month. She stated that Margate was absolutely the only City on the list that gave a Teacher of the Month every month. She noted that some Cities gave awards to one Teacher a Month from each one of the schools. She added that some were only done quarterly and annually, but no Cities did it every month. She stated that it took 50 minutes to give the presentations and she felt that backing the meeting up would cause a problem for people who worked and could not get here on time with their children. She suggested that the presentations be done monthly and be done at 7:00 PM, and that the Commission go to the School's assembly to make the presentation in front of their peers where there would be a greater impact.

COMMISSIONER PEERMAN disagreed as a parent of a Student of the Month. She said

that it was extremely important for the student to come to the meeting with the Mayor and the Commissioners. She felt that it was important to get children involved in government.

COMMISSIONER CAGGIANO said that his daughter received Athlete of the Month once and he was ecstatic; however, he understood and spoke with many people who did not want to come to the meeting and wait 50 minutes for an item to be discussed.

COMMISSIONER PEERMAN said then the meeting should be started at 6:00 PM. She stated that Margate was spoken about in the highest regard for what was done at the School Board level for the Teachers and Students of the Month. She said that Margate did what other Cities did not do and many State Representatives and State Senators who sat through the presentations. She mentioned previously having the Taste of Margate when children could try all different foods they had not had before. She felt that giving it at school was just another school day, rather than coming here where there were important people.

VICE MAYOR SCHWARTZ agreed with giving the presentation here; however, she did not want to hear about the gifts in the bags. She felt it should only be read once. She noted that previously, only the 3 public schools were included, but not Charter Schools or religious schools.

COMMISSIONER PEERMAN noted that many of the religious schools were very active in the City.

MAYOR RUZZANO mentioned the bag and giving a gift certificate.

COMMISSIONER CAGGIANO did not like the reading of the gift certificates and would rather give certificates to Calypso Cove to make people aware of Calypso Cove.

COMMISSIONER SIMONE noted that all of the gift certificates were donations.

COMMISSIONER CAGGIANO suggested cutting the presentations down and doing them at 6:30 PM.

COMMISSIONER SIMONE liked that idea.

VICE MAYOR SCHWARTZ noted that the Cities on the list did no more than 5 of anything any night because they want to get to the business.

COMMISSIONER PEERMAN said that the Employee recognitions were moved so as not to be done on the same day.

All were in agreement to moving the presentations to 6:30 PM.

COMMISSIONER SIMONE also felt that introducing the whole families and friends could be eliminated,

VICE MAYOR SCHWARTZ agreed that it should just be the child being called up and photographed with the Commission.

CITY CLERK JOSEPH J. KAVANAGH asked what the expectation was to implement a new plan for Student and Teacher of the Month. He noted that time was needed to draft up a concept. He questioned when the Commission wanted to start the change. He felt that next month would be too soon, as notifications had to be sent out. He asked that

the Commission allow him to check to see if March was enough time to get back to the Commission.

VICE MAYOR SCHWARTZ stated that regardless of when it started, every individual gift was not going to be read.

E. [ID 2017-038](#) HOME OF THE MONTH CONTEST.

ITEM 6E WAS NOT DISCUSSED.

F. [ID 2017-023](#) WATER SHUTOFF PROCEDURES.

MAYOR RUZZANO mentioned that he received a phone call from a resident over the weekend regarding her water being shut off. He explained that the individual's elderly mother was being cared for and there were four cars in the driveway when the water was shut off. He asked how many people had their water shut off in a month.

COMMISSIONER CAGGIANO said that it was 600 to 800 a month.

MAYOR RUZZANO thought that it might be advisable to leave a notice giving the residents five days, but a cost would be involved for 600 to 800 residents. He added that he received a phone call from an individual who was making payments with his credit card, but had not renewed the card; therefore, his water was shut off after never missing a payment. He said that those were the types of residents he wanted to help. He stated that there were people who were paying their bill late every month, even with a late fee; however, they were paying the bill. He wanted to help those who were doing the right thing, but there was an incident where they could not pay or forgot to pay.

VICE MAYOR SCHWARTZ explained that water was shut off from Tuesday to Thursday, and that if the payment was made on Friday, Saturday or Sunday, the City was closed and nobody would know the bill was paid.

COMMISSIONER CAGGIANO said that he went to the Utility Billing office and learned that cutoffs were on Tuesday and Thursday, but there were penalties involved. He explained that the penalty for reconnection was \$40 with an after-hours fee of \$50.

VICE MAYOR SCHWARTZ asked how the City would know to come out after hours to reconnect.

COMMISSIONER PEERMAN said that the individual would leave a message and they would come out to reconnect.

COMMISSIONER CAGGIANO said that the fee of \$90 was a lot.

VICE MAYOR SCHWARTZ said that the resident had been told several times before that the shutoff would occur.

COMMISSIONER CAGGIANO felt that the City should advertise about the automatic withdrawals to pay for the water bill.

COMMISSIONER SIMONE noted that a lot of Cities made phone calls when the bill was late and asked whether Margate did that. She suggested that Margate begin to do that.

VICE MAYOR SCHWARTZ said that they were "robo-calls" and that Margate performs a

Code Red "robo-call" service.

MAYOR RUZZANO said that the City might want to focus on those who never missed a payment, but suddenly did. He suggested visiting the house in that case.

VICE MAYOR SCHWARTZ noted that she paid her bill online; however, she never did receive a bill in December.

COMMISSIONER PEERMAN noted that the reconnection fee was paid to the individual who came to the house to turn the water back on. She said that a lot of people did not have the money at that time. She stated that she had received many calls regarding that scenario.

VICE MAYOR SCHWARTZ said that 20 days was given from when the bill was due. She felt that after reading the information about the billing, Margate was better than a lot of other Cities.

COMMISSIONER PEERMAN felt that the City could determine repeat offenders, as opposed to those with a first time incident. She said that those could be provided a first time break. She explained that being closed Fridays had no effect, because the shutoffs would then take place at 5:00 anyway.


CITY MANAGER DOUGLAS E. SMITH suggested letting Staff discuss the concept being referenced tonight with regard to repeat offenders. He said that Staff would look into what would need to be done with IT to do something like that. He stated that suggestions and feedback would then be provided to the Commission.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:02 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo



Joseph J. Kavanagh, City Clerk

Date: 3/16/17