



City of Margate

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

Meeting Minutes Public Notice

Mayor Tommy Ruzzano
Vice Mayor Arlene R. Schwartz
Commissioners:
Antonio V. Arserio, Anthony N. Caggiano, Joanne Simone

City Manager Cale Curtis
City Attorney Janette M. Smith
City Clerk Joseph J. Kavanagh

Tuesday, July 21, 2020

18:00 Virtual Meeting - <https://us02web.zoom.us/j/81172319496>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1) PUBLIC HEARING(S)

- A. [ID 2020-262](#) PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS FOR A REASONABLE ACCOMMODATION REQUEST ON A COMMUNITY RESIDENTIAL TREATMENT FACILITY FOR VETERANS SUFFERING FROM POST-TRAUMATIC STRESS DISORDER AND SUBSTANCE ABUSE DISORDER, TO BE LOCATED AT 603 MELALEUCA DRIVE, MARGATE, FL 33063.

CITY CLERK JOSEPH J. KAVANAGH read a statement pertaining to the City's virtual public meeting pursuant to the Sunshine Law and Florida State Governor Ronald Dion DeSantis' Executive Order.

CITY ATTORNEY JANETTE M. SMITH read a statement regarding the procedure pertaining to the City of Margate's Code of Ordinances Section 3-30 Subsection 4. She asked the Applicant's Attorney, Mr. Kyle B. Teal, whether he wanted all the documentation submitted today as the completed application for consideration by the City Manager to be included in his decision making process.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY KYLE B. TEAL replied yes.

CITY ATTORNEY SMITH continued to read the statement.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL understood City Attorney Smith's interpretation of the City's Code. He informed that they were happy to grant some additional time but said that 45 days did not comport with the City's Code. He confirmed that it was the complete application and said that it was evidence of supplementary materials that respond to the City's memorandum recommending denial of a reasonable accommodation proposal. He said that 15 or 20 days was more durable and better for them with the timing of contracts as there was a number of things that his client was trying to do to open the facility and a further delay would complicate it.

A question and answer session ensued.

CITY MANAGER CALE D. CURTIS asked if 20 days was sufficient.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL confirmed yes.

CITY ATTORNEY SMITH said for the record, the City Commission had not had a shade meeting to discuss this Item during her time as City Attorney for Margate. She confirmed that this was their first meeting to respond to a reasonable accommodation that was submitted on June 8th, 2020 and repeated that under the City's Ordinance, Subsection 3-30, Subsection 4, the decision laid with the City Manager.

CITY MANAGER CALE D. CURTIS asked Attorney Teal to provide his presentation.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL said that he represented Margate Care for Heroes, a Quality of Life Corp. He informed that he would be presenting the reasonable accommodation application to open a Veteran's Care Facility at 603 Melaleuca Drive and joining him for this hearing was his client, Ms. Jimenez and Mr. Ron Lichtman, on behalf of Broward County Commissioner, Mark D. Bogan. He specifically requested that the City provide a reasonable accommodation for the applicant by treating her proposed Department Children and Family (DCF) Residential Treatment Level I and The Agency for Health Care Administration (AHCA) license as a group care facility use and provide a zoning verification letter and forms to that effect to the DCF and AHCA. He continued with his presentation and said that they had other presenters that were with them virtually at this meeting including Civil Rights and Attorney James K. Green who would talk about the history and applicability of a reasonable accommodation request under federal law. He said that Substance Abuse Service expert, Cathy Claud, Urban Planner, Wes Blackman and Dr Jairo Nunez and Dr. Emilio Mantero-Atienza, who both have extensive experience treating Posttraumatic Stress Disorder (PTSD) and substance use disorders would also be in attendance. He continued with his PowerPoint presentation referencing various Exhibits and introduced his colleague, Attorney James K. Green.

ATTORNEY JAMES K. GREEN explained briefly the history as to why they had reasonable accommodations. He addressed a few points in a memorandum submitted by the City Planner.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL continued to go through his PowerPoint presentation and alleged that there were deficiencies in the City Planner's analysis that was provided to them earlier that week.

ATTORNEY GREEN discussed how the Applicant had purely stated the protective roots that were at issue.

STATE OF FLORIDA SUBSTANCE ABUSE SERVICE DIRECTOR CATHY CLAUD commented on the operational characteristics and the need for accommodation.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL closed by thanking the City for hearing them today and for their consideration. He explained that it was a critical facility and that it was something that needed to be opened as it would do a lot of good, especially in this down economy with the global pandemic and that they had a prospective business that was ready and willing to open. He also said that he had got to know Ms. Jimenez through the years and that she had the business contacts and had opportunities for contracts. He also highlighted that it would bring jobs to the City of Margate and economic vitality and said that it would provide something that was very

much needed.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY had nothing to add to the record at this time but said that when he reviews the testimony, he may have further information to provide.

CITY MANAGER CALE D. CURTIS opened the hearing for Public Comment.

CITY CLERK JOSEPH J. KAVANAGH read an email from Teresa L. DeCristofaro of 7805 W. Atlantic Boulevard, Apartment 101 opposing the Applicant.

SUSAN BUTLER 1620 NW 66TH TERRACE discussed and read a statement on this Item and was concerned that the facility was to be located in a residential area and referenced the effects of PTSD.

ELSA J. SANCHEZ, 6930 NW 15TH STREET asked a couple of questions on this Item pertaining to rezoning and allegations made on social media.

MANNY LUGO, 1129 EAST RIVER DRIVE spoke in favor of this Item.

LESA B. PEERMAN explained that she was one of the Commissioners that voted on this Item to be a "Senior Assistant Living Facility with medical help." She also spoke about the process, rezoning and the need to receive more feedback from the residents.

Discussion ensued.

NATE de LEON discussed his experiences with drug addiction and also spoke of his brother who was a veteran.

LAUREN BERACHA, 6950 NW 14TH PLACE discussed this Item and referenced drug use and the location of the facility.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B discussed former Commissioner Peerman's comments.

DR. EMILIO MANTERO-ATIENZA spoke in support of this project and of his experience dealing with veterans in his career with PTSD.

APPLICANT MIRIAM ESTELA JIMENEZ discussed this Item and referenced the residents of Margate. She provided her career history and addressed negative social media comments.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL wanted to say something further and state his objection on the record but time was not permitted.

CITY ATTORNEY SMITH stated to Attorney Teal that it was not a formal but an administrative proceeding where they gave him the allocated time of 30 minutes.

Discussion ensued.

CITY MANAGER CURTIS thanked everyone for their comments and that they would take that information into consideration when rendering a decision.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:24pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

Joseph J. Kavanagh, City Clerk

Date: _____

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.

One or more members of the City of Margate advisory boards may be in attendance and may participate at the meeting.

The City of Margate's procedure for the virtual public meeting are as follows:

- Pursuant to Governor DeSantis' Executive Orders 20-51 and 20-52, in which the Governor declared a public health emergency and a state of emergency, there is a recommendation to limit public gatherings.
- On March 20, 2020, Governor DeSantis issued Executive Order 20-69, suspending the quorum requirements for public meetings held by a local government body, and the requirement that a local government body must meet at a specific public place.
- On June 23, 2020, Governor DeSantis issued Executive Order 20-150, extending Executive Order 20-69 regarding local government public meetings until 12:01 a.m. on August 1, 2020.
- Consistent with the authority contained in the Governor's Executive Orders, and in order to ensure the health, safety, and welfare of the City of Margate's residents and employees, the City of Margate finds that it is in the best interest of the City of Margate to hold this virtual public meeting.
- Therefore, the City of Margate will be holding this virtual meeting through the use of electronic communication. Members of the public are invited to join the City of Margate meeting by accessing the meeting through Zoom using Webinar ID: 811-7231-9496 or can call in via telephone by calling one of the following phone numbers: US: +1 312 626 6799 or +1 929 205 6099.
- A copy of the Agenda for this Virtual Meeting is posted on www.MargateFL.com and on the main bulletin board outside City Hall located at 5790 Margate Blvd, Margate, FL 33063.
- Any comments related to any item on the agenda can be submitted to the City of Margate via the following e-mail address: JJKAVANAGH@MARGATEFL.COM.

INSTRUCTIONS FOR PARTICIPATING IN THE CITY OF MARGATE'S REASONABLE ACCOMMODATION HEARING

TUESDAY, JULY 21, 2020 AT 6:00 P.M.

THROUGH THE CITY'S WEBSITE:

Go to www.margatefl.com

Go to "Agendas & Minutes" > Find the respective meeting date and click "Agenda Summary" to view the agenda items and see the Zoom meeting website address

THROUGH COMCAST CHANNEL 78:

If you are a Comcast/Xfinity customer, please go to Channel 78 to view the meeting.

PRIOR to the start of the meeting, email Public Comments to jjkavanagh@margatefl.com (all public comments that are three (3) minutes or less will be read into the record.)

ALTERNATE OPTION FOR VIEWING AND PARTICIPATING IN THE MEETING:**THROUGH ZOOM TECHNOLOGY:**

Instructions for Attendees\Participants:

Topic: "Virtual Meeting - Reasonable Accommodation Hearing"

Enter the following link to join the webinar: <https://zoom.us/j/81172319496>

Telephone:

Dial (for higher quality, dial a number based on your current location):

US: 1-669-900-6833 or 1-929-205-6099 or 253-215-8782 or 301-715-8592 or 312-626-6799 or 346-248-7799

Webinar ID: 811-7231-9496

To virtually raise hand and be acknowledged to speak:

1. Users who call in can dial *9 to raise their hand
2. If going through mobile (phone\tablet) app, to raise hand select "Participants", then see option to raise hand.
3. On the computer users should click "Participants" then see option to raise hand
4. Once you have been selected to speak, you will be prompted to unmute your device or stay muted.