



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 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

Wednesday, November 4, 2020

5:00 PM

Virtual Meeting

<https://us02web.zoom.us/j/84460406988>

Webinar ID: 844 6040 6988

CALL TO ORDER

ROLL CALL

Present: 5 - Commissioner Anthony N. Caggiano, Commissioner Joanne Simone, Vice Mayor Antonio V. Arserio, Mayor Arlene R. Schwartz and Commissioner Tommy Ruzzano

Commissioner Caggiano attended in person

Commissioner Simone attended via Zoom

Commissioner Arserio attended via Zoom

Vice Mayor Schwartz attended in person

Mayor Ruzzano attended in person

City Manager Cale Curtis attended in person

City Attorney Janette M. Smith attended in person

City Clerk Joseph J. Kavanagh attended in person

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR TOMMY RUZZANO asked for CONSENSUS for moving Items 8, 9 and 7 after Consent Agenda and that 6A would be the last item.

CONSENSUS was given by the City Commission.

CITY CLERK JOSEPH J. KAVANAGH read a statement pertaining to the virtual public meeting pursuant to the City's Emergency Ordinance 2020-6 and Governor DeSantis' Executive Order.

MAYOR TOMMY RUZZANO congratulated the City Commission incumbents on their

re-election. He also congratulated the new Broward School Board member, Debra Hixon.

1) PRESENTATION(S)

STUDENTS AND TEACHERS OF THE MONTH

CITY CLERK JOSEPH J. KAVANAGH thanked Office Specialist III Viveros for her great effort in coordinating this information.

Discussion ensued on how to utilize social media when information was being provided for Students and Teachers.

A. [ID 2020-382](#) ABUNDANT LIFE CHRISTIAN ACADEMY: VERONICA NINCO (Student); CINDY BUCKLAND (Teacher), (Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: XAVIER NIXON (Student); MARKIA D. CUNNINGHAM (Teacher), (Mrs. Shereen R. Reynolds, Principal and/or Dr. Latonya Cooper, Assistant Principal)

LIBERTY ELEMENTARY: CHRISTOPHER TURENNE (Student); RICHARD SAUER (Teacher),
(Mr. Matthew Whaley, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: MASSIMO MARTINEZ (Student); ALICIA TARDIF (Teacher),
(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: TYLER JONES (Student); DAVID BASS (Teacher),
(Mrs. Sabine Phillips, Principal and/or Assistant Principal)

PHYL'S ACADEMY PREPARATORY SCHOOL: NATHALIE DELVA (Student); YOLANDE GEORGE (Teacher), (Dr. Jan Codling, Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: YSAAC GUADALUPE MENDEZ (Student); STEPHANIE EDWARDS (Teacher), (Dr. Adriana Guerra, Principal)

WEST BROWARD ACADEMY: JEREMIAH JOHNSON (Student); ZANOVIA HANCHELL (Teacher), (Mr. Derrick Hugue, Principal and/or Assistant Principal Ms. Rossana Padron)

2) PUBLIC DISCUSSION

CITY CLERK KAVANAGH explained the protocol for submitting a Public Discussion.

PRINCIPAL DR. JAN CODLING congratulated Mayor Ruzzano for regaining his City Commission seat.

CITY CLERK KAVANAGH read an email submitted by Ronald Chee who congratulated the winners of the election.

CITY CLERK KAVANAGH read an email submitted by Tracy Van Winkle alleging events at an election site pertaining to elected officials.

MAYOR TOMMY RUZZANO responded to Ms. Van Winkle's comments.

ELSA J. SANCHEZ, 6930 NW 15TH STREET congratulated the re-elected City Commissioners. She discussed the behavior of the City Commission incumbents at Broward Community College (BCC) Polling Site.

TRACY VAN WINKLE responded to the comments made by the City Commissioners.

MAYOR RUZZANO responded to Ms. Van Winkle's comments and referenced children using foul language.

3) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO complimented all the Students and Teachers of the Month and was saddened that they could not be here in person. He was sorry that the Halloween Carpool Cinema event was cancelled due to the weather. He thanked the record number of residents who came out to vote.

COMMISSIONER JOANNE SIMONE highlighted the forthcoming unveiling ceremony for Army Sentry Dog Statue on November 7th at the Dog Park and the Veterans' Day Ceremony on November 11th. She thanked the residents who voted and said that they should continue to pray for their City and Country and also referenced healing and respect. She congratulated those who were elected in Broward County.

COMMISSIONER ANTONIO V. ARSERIO congratulated the residents and the incumbent City Commissioners on winning their re-election. He responded to the alleged accusations made in Public Discussion. He also congratulated Margate resident, Harold Pryor Jr. for winning the State Attorney race. He reminded residents about the current Hurricane season.

VICE MAYOR ARLENE R. SCHWARTZ thanked all her colleagues and congratulated those who ran for election. She also discussed the voting process.

MAYOR RUZZANO congratulated everyone, including newly elected State Attorney Pryor Jnr. He questioned if there would be a 2020 WinterFest event.

CITY MANAGER CALE CURTIS explained that he had discussed the WinterFest event with Parks & Recreation Director Jones and referenced concern pertaining to social distancing measures. He indicated that they would be putting together a program that would be appropriate and well deserved for the City but forewarned that it would be different to previous years.

MAYOR RUZZANO continued to discuss the election and provided suggestions for WinterFest.

Discussion ensued on the election including ideas for the WinterFest, adhering to the Centers for Disease Control and Prevention (CDC) guidelines and Tropical Storm Eta.

CITY CLERK KAVANAGH congratulated the City's incumbent elected officials and said that he looked forward to working with all the City Commissioners.

CITY ATTORNEY JANETTE M. SMITH echoed the City Clerk's sentiments and congratulated the three reelected incumbent City Commissioners. She said that last night, State Governor DeSantis issued Executive Order 20-276 which extended the original Order 20-52 for 60 days which also declared the State of Emergency due to Coronavirus disease (COVID-19) throughout the entire State.

MAYOR RUZZANO congratulated Parkland City Mayor Walker.

4) CITY MANAGER'S REPORT

CITY MANAGER CURTIS congratulated the three incumbent re-elected City Commissioners and he looked forward to continuing their path of progress and improvements in Margate. He repeated the forthcoming City events that Commissioner Simone previously highlighted. He said that the Coronavirus Aid, Relief, and Economic Security (CARES) Act Small Business COVID-19 Small Business Assistance grant program application portal would be open from November 9th – November 16th. He played a video of Southeast Park's grand opening that the City Manager's Marketing team put together and thanked them for compiling the same.

5) 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 2020-378 RESOLUTION - TO ACCEPT FEDERAL FUNDING FROM THE 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) GRANT PROGRAM MONITORED BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE). FUNDS WILL BE UTILIZED BY THE MARGATE POLICE DEPARTMENT FOR THE PURPOSE OF RESPONDING TO AND/ OR PREPARING FOR COVID-19 RELATED OPERATIONS. REIMBURSEMENT FOR APPROVED EXPENSES ARE NOT TO EXCEED \$168,393.00.

RESOLUTION 20-087

APPROVED

B. ID 2020-385 RESOLUTION - AMENDING AND UPDATING THE CITY'S LISTING OF SOLE SOURCE MANUFACTURERS AND PROVIDERS PREVIOUSLY APPROVED UNDER RESOLUTION NO. 19-047; AUTHORIZING WAIVING OF BIDDING AS REQUIRED FOR THE PURCHASE OF BUDGETED SUPPLIES, MATERIALS, EQUIPMENT AND PROJECTS FOR SO LONG AS THE LISTED VENDOR REMAINS THE SOLE SOURCE FOR THE ITEM(S) SPECIFIED; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 20-088

APPROVED

Approval of the Consent Agenda

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, to approve the Consent Agenda. The motion carried by the following

vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Vice Mayor Arserio, Mayor Schwartz and Commissioner Ruzzano

8) ORDINANCE(S) - FIRST READING

A. [ID 2020-384](#) AMENDING FISCAL YEAR 2020 BUDGET (ORDINANCE NUMBERS 2019-8 AND 2020-2) AND FISCAL YEAR 2021 BUDGET (ORDINANCE NUMBER 2020-4); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

This item was heard immediately after the Consent Agenda.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, to approve the Ordinance, First Reading. The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Vice Mayor Arserio, Mayor Schwartz and Commissioner Ruzzano

9) DISCUSSION AND POSSIBLE ACTION

These Items were heard after 8A.

A. [ID 2020-379](#) SPECIAL EVENTS FUNDING/DONATION REQUEST PROGRAM - JUNIOR ACHIEVEMENT.

MAYOR RUZZANO spoke on this Item.

GRANTS & GOVERNMENT RELATIONS MANAGER AT JUNIOR ACHIEVEMENT OF SOUTH FLORIDA, LINDA L. LYNCH said that they were very grateful for receiving funding in the past. She explained that they were going to continue their programs of providing Junior Achievement to the fifth grade students of the elementary schools in the City. She explained how COVID-19 had changed the program from onsite to a virtual platform and she requested funding to keep the students engaged by continuing the programs.

COMMISSIONER CAGGIANO put this Item into perspective to those that were listening and indicated that on average, it worked out at \$1.20 per child of 880 children.

MAYOR RUZZANO agreed with Commissioner Caggiano and spoke positively on this Item.

A motion was made by Commissioner Arserio, seconded by Commissioner Caggiano, that this Item, should be approved.

COMMISSIONER ARSERIO spoke highly of this Item and said that he was very impressed with this program.

The motion carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Vice Mayor Arserio, Mayor Schwartz and Commissioner Ruzzano

B. ID 2020-386 DISCUSSION AND POSSIBLE ACTION - SIGN CODE ENFORCEMENT

MAYOR RUZZANO explained that this Item was brought up at the last City Commission meeting and CONSENSUS was given to possibly extend the moratorium.

CITY MANAGER CURTIS explained the nature of this Item. He said that both he and the City Attorney believed that their hands were tied as it was an all or nothing moratorium and that they could not legislate on the content of the said sign. He said that their recommendation was to set an end date to this moratorium and with that date in mind, the staff could communicate with the businesses about what they have done and why it would end. He explained that in the Budget amendment that they approved in the previous Item, they had put in some additional funding that would go into the first phase of their Code re-write. He said that their Sign Code needed to be addressed, as it was outdated.

Discussion ensued on Sign Codes.

A motion was made by Commissioner Arserio, seconded by Commissioner Caggiano, to continue the Sign Code moratorium until December 31st, 2020.

Discussion ensued.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B explained that they should not try to create a temporary Sign Code until they actually had a Sign Code. He recommended that they should stop sending mixed messages out to Code Compliance.

Discussion ensued on signs in the City.

Discussion ensued on where the signs could be placed, extending the deadline date and allowing and regulating snipe signs.

The motion carried as follows:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Vice Mayor Arserio, Mayor Schwartz and Commissioner Ruzzano

7) RESOLUTION(S)

These Items were heard immediately after item 9B.

A. [ID 2020-389](#) CONSIDERATION OF A TEMPORARY USE PERMIT (TUP), TO ALLOW A SEASONAL SALES EVENT ON COMMUNITY REDEVELOPMENT AGENCY PROPERTY LOCATED AT 1423 NORTH STATE ROAD 7, FROM MONDAY, NOVEMBER 16 THROUGH MONDAY, DECEMBER 21, 2020.

RESOLUTION 20-090

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Caggiano, that this Resolution, should be approved. This carried by the following vote:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Vice Mayor Arserio, Mayor Schwartz and Commissioner Ruzzano

B. [ID 2020-396](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING THE AWARD OF BID NO. 2020-014 - FIRE STATION NO. 58 - DEMOLITION AND NEW CONSTRUCTION TO SISCA CONSTRUCTION SERVICES, LLC.; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PROJECT. TOTAL AWARDED PROJECT COSTS SHALL NOT EXCEED \$4,434,285.45, INCLUSIVE OF THE BASE BID GRAND TOTAL, ESTIMATED PERMIT FEES, CONTINGENCIES, AND INDEMNIFICATION. PROVIDING FOR RECONSIDERATION IN THE EVENT OF IMPASSE WITH THE CONTRACTOR RELATED TO CITY'S PROPOSED AND STANDARD AGREEMENT TERMS; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 20-091

A motion was made by Commissioner Caggiano, seconded by Commissioner Arserio, that this Resolution, should be discussed.

COMMISSIONER ARSERIO asked what the proposed costs were a couple of years ago.

CITY MANAGER CURTIS said he did not have the costs on hand but some were in excess of \$8,000,000.

Discussion ensued including displaying architectural renderings.

MR. ZUCCHINI questioned whether the design incorporated fan fold doors.

CITY MANAGER CURTIS said that the station would have the fan fold doors.

Discussion ensued including reference to energy efficient savings.

The motion carried as follows:

Yes: 5 - Commissioner Caggiano, Commissioner Simone, Vice Mayor Arserio, Mayor Schwartz and Commissioner Ruzzano

C. [ID 2020-125](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING FIRST AMENDMENT TO AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE FOR PARTICIPATION IN THE CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM AND FIRST AMENDMENT TO THE REGIONAL INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF MARGATE PROVIDING FOR COOPERATIVE PARTICIPATION IN A REGIONAL PUBLIC SAFETY INTRANET; PROVIDING FOR EFFECTIVE DATE.

A motion was made by Commissioner Caggiano, seconded by Vice Mayor Schwartz, that this Resolution, should be discussed.

CITY MANAGER CURTIS explained that it was an amendment to their E-911 Dispatch agreement that they have with Broward County. He anticipated that in terms of the service, it would not change significantly. He stated that as per Broward County's administrator, the goal of this agreement was to align performance standards and the engagement process with their operator. He said right now, they were just looking to get on board with the other cities that had entered into the agreement with the County and to ensure that they had Dispatch Communication services going forward, uninterrupted and operational. He indicated that as they evaluate their options for both, they would look at the Fire Department and Dispatch Services for other options.

Discussion ensued.

CHIEF OF POLICE, JON SHAW explained that as of January 1st, the first step was to combine the City with Coconut Creek and that they would be sharing a police channel. He said the County would be doing a study over the first few months of the year and they would be releasing a menu of options as they move forward to decide what the baseline and additional items would be.

Discussion ensued.

CHRIS CULVER, 6480 NW 11 St. discussed this Item and the future of the 911 Dispatch system.

MAYOR RUZZANO responded to Mr. Culver's comments.

Discussion ensued on the 911 Dispatch system.

MR. ZUCCHINI discussed this Item.

Discussion ensued.

CITY ATTORNEY JANETTE M. SMITH clarified that for full disclosure, she checked the 2013 agreement and that it was a one-year termination of 365 days and not 180 days as previously indicated.

The motion failed as follows:

Yes: 1 - Commissioner Caggiano

No: 4 - Commissioner Simone, Vice Mayor Arserio, Mayor Schwartz and Commissioner Ruzzano

Meeting went into Recess.

Meeting Reconvened.

6) PUBLIC HEARING(S)

A. ID 2020-387 PUBLIC HEARING FOR AN APPEAL OF A REASONABLE ACCOMMODATION DECISION RELATED TO A REQUEST FOR 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.

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, _____ THE APPEAL AND _____ THE DECISION OF THE CITY MANAGER DENYING A REASONABLE ACCOMMODATION REQUEST, BY APPLICANT MARGATE CARE FOR HEROES, FOR 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, PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 20-089

This item was heard immediately after 7C.

CITY ATTORNEY JANETTE M. SMITH explained that Buchanan Ingersoll & Rooney PC Attorney Kyle B. Teal was acting on behalf of the Appellant and Roberts, Reynolds, Bedard & Tuzzio (RRB&T) Attorney Rusty Roberts was serving on behalf of City staff. She also read names of other contributors. She advised that she had communicated with Attorney Teal. She explained that the objective of the appeal was to request the City Commission to consider whether the City Manager appropriately denied the request for a reasonable accommodation according to the Code under 33.30 Appendix A, Section 5, which she summarized.

Discussion ensued on the voting process.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY KYLE B. TEAL ON BEHALF OF MARGATE CARE FOR HEROES AND THE OWNER OF 603 MELALEUCA DRIVE thanked the City for hearing them and extended his congratulations to the incumbent City Commissioners on their re-election. He said that Attorney James K. Green, Traffic Expert, Tom A. Hall and Land Planner, Wes Blackman were there for the appeal and read a list of names who may speak during Public Comments. He started with a brief video highlighting the facility. He continued to present his case.

ATTORNEY JAMES K. GREEN P. A. discussed reasonable accommodations and how it was evaluated.

VICE MAYOR SCHWARTZ advised that the Lions Club burned down approximately three and half years ago. She also had difficulty in deciphering where the Bank of America branch was on the illustration.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL continued to present his case and questioned the City Commission whether the October 16th memorandum was considered.

MAYOR RUZZANO said no.

VICE MAYOR SCHWARTZ said no.

CITY ATTORNEY SMITH outlined the names of persons who could speak on this Item and advised that the Appellants went over their allocated time of 15 minutes to allow them to finish.

Discussion ensued including whether the Appellant could be granted an additional 15 minutes and the location of The Bank of America on the illustration.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL continued to discuss this Item.

COMMISSIONER CAGGIANO requested the facts and not the emotions.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL responded to Commissioner Caggiano's comments.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY wanted to make sure that the City Commission understood why they were here for a reasonable accommodation and spoke on the process.

RRB&T, PLLC ATTORNEY GEORGE (RUSTY) P. ROBERTS Jr. discussed this Item and read a statement on the same.

ATTORNEY GREEN P. A. conducted a brief rebuttal on the fundamental alteration argument.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL presented his rebuttal.

CITY ATTORNEY SMITH questioned Attorney Teal whether they were removing information that was provided to the City Manager in July 2020.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL responded to City Attorney's Smith's question.

Discussion ensued including a question and answer session between Vice Mayor Schwartz and Attorney Teal pertaining to the Notice of Appeal.

CITY ATTORNEY SMITH said for the record, the City Manager never asked for an extension and that by Code, Attorney Teal was given 45 days. She said that she wanted to check with Attorney Teal that he did have 45 days and that he responded within that

time frame.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL said that it did not matter.

Discussion ensued including a question and answer session.

CITY ATTORNEY SMITH advised that it would be at the City Commission's discretion if they wanted to hear the additional testimony.

MAYOR RUZZANO asked for CONSENSUS from the City Commission if they wanted to hear additional testimony.

CONSENSUS was not given.

Discussion ensued on the appeal process and therapy.

BROWARD COUNTY CRIMINAL DEFENSE LAWYER GABRIELA C. NOVO P. A. appealed to the City Commission for support for this facility which she explained would be very beneficial.

MANNY LUGO, 1129 EAST RIVER DRIVE explained that he would really like to see this facility approved and could not understand the hostility.

RANDY CLARKE prepared a statement on this Item.

CITY ATTORNEY SMITH queried a comment made by Mr. Clarke.

GUY W. DRAB concurred with comments made by Mr. Clarke and highlighted his experience of working with people around the community. He asked the City Commission to give serious thought for granting the appeal and reversing the decision.

LCpl JANOS V LUTZ LIVE TO TELL FOUNDATION, INC. VICE PRESIDENT MICHELLE COLEMAN explained that she had an opportunity to tour the facility and meet with some of the residents who provided feedback. She spoke in support of opening this facility.

COMMISSIONER CAGGIANO questioned Vice President Coleman on one of her comments.

LCpl JANOS V LUTZ LIVE TO TELL FOUNDATION, INC. VICE PRESIDENT COLEMAN responded to Commissioner Caggiano's question.

DR. EMILIO MANTERO-ATIENZA MD said that he would be proud to be the Medical Director of this facility once it was opened and spoke of his experience of working in those facilities.

VICE MAYOR SCHWARTZ questioned Dr. Mantero-Atienza.

CITY CLERK KAVANAGH read an email from Nina Culver which detailed her concerns on the owner and the facility.

NINA CULVER, 6480 NW 11 ST. spoke further on this Item and referenced fair housing.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL responded to Ms. Culver's comments.

CWB ASSOCIATES SENIOR PLANNER C. WESLEY BLACKMAN, AICP introduced himself.

LAUREN BERACHA, 6950 NW 14TH PLACE questioned if Attorney Teal was a Margate resident. She explained why she was against a Veterans Administration (VA) in a residential area.

TRAFFIC EXPERT TOM A. HALL made a point on the original traffic and parking analysis that was considered by the City Manager, which he said was wrong.

CWB ASSOCIATES SENIOR PLANNER C. WESLEY BLACKMAN, AICP informed that he issued a declaration dated July 21st, 2020 which was prior to the City Manager's Public Hearing. He alleged that he was refused to give a testimony this evening and said that the same was not new but was overlooked by the City Manager.

CITY CLERK KAVANAGH read an email submitted by Diane M. Eller who was against the facility being allowed in her neighborhood.

CITY CLERK KAVANAGH read a text message that was submitted by telephone number ending 8343 at T-Mobilemail.net that the Posttraumatic Stress Disorder (PTSD) rehabilitation treatment center should be in a business oriented strip mall and not in a residential area.

CITY CLERK KAVANAGH read an email submitted by Darlene Wilson of 6490 NW 11th Street who was against the consideration for accommodation regarding a rehabilitation facility in a residential neighborhood.

CITY CLERK KAVANAGH read an email submitted by Nancy D. Harker of 6104 NW 7th Street who was extremely opposed to opening the facility in this area.

CITY CLERK KAVANAGH read an email submitted by Edward A. DeCristofaro who had several concerns about the location and the owner and strongly advised that it should not be approved.

CITY CLERK KAVANAGH read an email submitted by Valerie Perry of 6812 Dogwood Lane who made comments about the owner.

Meeting went into Recess.

Meeting Reconvened.

MR. ZUCCHINI commented on this Item and advised that they should listen to the merits of the appeal.

MAYOR RUZZANO explained that Public Discussion was over and advised that he would give Attorney Teal and the City five more minutes respectively and that the City Commission could ask further questions thereafter.

BUCHANAN INGERSOLL & ROONEY PC ATTORNEY TEAL spoke further on his appeal where he did not believe due process was afforded and that they did not get a full and fair opportunity to rebut the various arguments that were made by the City. He also said that there was a misconception about the litigation, which needed to be addressed.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY responded to comments made on this item.

RRB&T, PLLC ATTORNEY ROBERTS Jr. explained what was requested in the application.

Discussion ensued including a question and answer session with the City Commission, Attorney Teal, City Attorney Smith and Attorney Roberts and consideration to holding a future Workshop.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Simone, to deny the appeal and uphold the decision of the City Manager. This carried by the following vote:

Yes: 4 - Commissioner Simone, Vice Mayor Arserio, Mayor Schwartz and Commissioner Ruzzano

No: 1 - Commissioner Caggiano

Discussion ensued about having Mr. Teal work with City staff to present a proposal for review at a future Workshop.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:09pm.

Respectfully submitted,

Transcribed by Salene E. Edwards



Joseph J. Kavanagh, City Clerk

Date: 1/21/21

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.

Per the unanimous approval of Emergency Ordinance 2020-6 on October 30, 2020, the City Commission finds that it is in the best interests of the City Commission, Boards, Committees, City personnel, and citizens and residents of the City to authorize the City Manager to provide for the City Commission, members of the various Boards, Committees, Magistrate, staff, and the public to be able to attend meetings electronically during a declared public health emergency, pursuant to the City's Charter, Chapter 252, Florida Statutes, Section 4 D of Governor DeSantis' Executive Order 20-52, and the City's home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes.

Consistent with the authority contained in the Emergency Ordinance, 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 their best interests 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: 844 6040 6988 or can call in via telephone by calling one of the following phone numbers: US: 1-669-900-6833 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.

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

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 - Margate Regular City Commission"

Enter the following link to join the webinar: <https://us02web.zoom.us/j/84460406988>

Telephone: Dial (for higher quality, dial a number based on your current location): US: 1-669-900-6833 or 1-929-205-6099

Webinar ID: 844 6040 6988

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.