



City of Margate

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

Meeting Minutes Regular City Commission Meeting

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

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

Wednesday, February 17, 2021

7:00 PM

Virtual Meeting
<https://us02web.zoom.us/j/88403701644>
Webinar ID: 884 0370 1644

CALL TO ORDER

ROLL CALL

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

Commissioner Caggiano attended via Zoom

Commissioner Simone attended via Zoom

Commissioner Ruzzano attended in person

Vice Mayor Arserio attended via Zoom

Mayor Schwartz attended in person

City Manager Curtis attended in person

City Attorney Smith attended in person

City Clerk Kavanagh attended in person

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

MOMENT OF SILENCE - INVOCATION

PLEDGE OF ALLEGIANCE

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.

1) PRESENTATION(S)

- A. [ID 2021-068](#) DOG PARK PLANT DONATION FROM HOME DEPOT STORE #0258
(Grant O'Donnell, Margate Resident and Home Depot Employee - Christopher Fraga, Home Depot District Manager - Claude Heron, Home Depot Store Manager #0258 - Fellowship Living & CEO Rick Riccardi)

- B. [ID 2021-069](#) PLANT & TREE DONATION FROM FIELDS FAMILY
(Fields Family - Bruce Van Der Meulen, Margate Resident - Christine Hunschofsky, State Representative)

MAYOR SCHWARTZ spoke on this Item.

VICE MAYOR ANTONIO V. ARSERIO spoke on this Item.

DISTRICT 96 - FLORIDA STATE REPRESENTATIVE CHRISTINE HUNSCHOFSKY spoke on this Item.

Discussion ensued.

BRUCE VANDERMEULEN, 2913 NW 68 LN spoke and read a statement on this Item.

COMMISSIONER RUZZANO spoke on this Item.

MAYOR SCHWARTZ explained that they had a Certificate of Recognition for resident, Peter Athos, who was 100 years old today. She thanked him for choosing Margate as his home and on behalf of the City, wished him a Happy 100th Birthday.

COMMISSIONER RUZZANO suggested that everyone who was age 100 in Margate should receive \$100 collectively from the City Commission. He referenced an email pertaining to businesses and homes and questioned Florida State Representative Hunschofsky whether the State was trying to get something passed where a business could operate from a residential home and the cities would have no say on it.

DISTRICT 96 - FLORIDA STATE REPRESENTATIVE HUNSCHOFSKY indicated that they had many preemption Bills going on and requested Commissioner Ruzzano to send her the Bill number. She also encouraged the City Commission to make contact pertaining to any other Bills which her office could track and that they were also in touch with the Florida League of Cities pertaining to preemption Bills.

Discussion ensued.

ATHLETES OF THE MONTH

- C. [ID 2021-072](#) BASEBALL: BRYCEN PLANTE, 12 YEARS OLD
(Margate Baseball, Margate Marlins)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- D. [ID 2021-044](#) DEBORAH NELSON, COMMUNITY SERVICE AID II - POLICE
DEPARTMENT - 15 YEARS

JOSEPH J. KAVANAGH, CITY CLERK - CITY CLERK'S OFFICE - 10 YEARS

2) PUBLIC DISCUSSION

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

JULIE JONES, 7871 NW 1ST STREET thanked City Manager Curtis, Building Director Nixon, Mayor Schwartz and to all those who were involved in the demolition of a condemned property at 7714 NW 1st Court.

MR. GRANT O'DONNELL, 3011 HOLIDAY SPRINGS BLVD., spoke about the golf course and referenced a discussion to meet with a builder.

3) COMMISSION COMMENTS

COMMISSIONER ANTHONY N. CAGGIANO thanked those who organized the Marjory Stoneman Douglas (MSD) High School remembrance vigil and thanked those who attended. He referenced Ash Wednesday and wished the Christian community a Happy Easter season. He also highlighted the Jewish celebration of Purim and spoke about Black History Month.

COMMISSIONER JOANNE SIMONE extended her thank you to all those involved in the plant donations, which she said was greatly appreciated. She congratulated Community Service Aid II Nelson and City Clerk Kavanagh for their dedication to the City and valued their service.

COMMISSIONER RUZZANO congratulated and thanked City Clerk Kavanagh for his Years of Service. He discussed the property that was demolished by the City and referenced former Chief of Police Bordenkircher.

Discussion ensued on the demolished property and placing a flag on the same in memory of former Chief of Police Bordenkircher.

COMMISSIONER RUZZANO thanked Legacy Closet's Margi Bre and Tabatha Miller for all the work they were doing in the City and referenced providing food and school supplies. He read a message from a resident requesting a Flag Box outside City Hall and asked for CONSENSUS from the City Commission to install the same.

Discussion ensued on a flag disposal box.

CONSENSUS was given by the City Commission (5-0).

COMMISSIONER RUZZANO referenced the Broward County Planning Council's postponement to vote on the City's Comprehensive Plan.

CITY MANAGER CALE CURTIS explained that they sent a letter to the Broward County Planning Council outlining their disappointment in them tabling that Item and requested whether they could either hold a Special Meeting or expedite it from the April meeting.

Discussion ensued on viewing the Broward County Planning Council meeting.

COMMISSIONER RUZZANO referenced receiving plants and suggested if they could put some on Atlantic Boulevard.

CITY MANAGER CURTIS explained that they received a number of plants that needed time for re-nourishment and advised that they had many ideas and areas on where to plant them.

VICE MAYOR ANTONIO V. ARSERIO thanked staff and those who were involved in organizing the memorial for the 17 MSD victims and said that it was a wonderful event. He also thanked Hunter Pollock for giving an incredible heartfelt speech and referenced Kodak Black's guest appearance and his pledge to a scholarship fund. He repeated his thanks to the Field family and suggested presenting them with a plaque at a future community planting. He referenced a previous City Commission meeting and sought an update on appointing a landscape or a Community Garden Committee.

CITY MANAGER CURTIS said he did not have a definitive plan and said that he would follow this up with Parks and Recreation Director Jones.

COMMISSIONER RUZZANO advised that his earlier conversation with Florida State Representative Hunschofsky referred to House Bill 403 that would allow certain types of businesses to operate from their home of residents.

Discussion ensued including the effects of House Bill 403.

MAYOR SCHWARTZ thanked Hunter Pollack and everyone who was involved and attended the day of love and remembrance on February 14th, pertaining to MSD. She thanked Director of Building Nixon pertaining for the demolition of a house in Margate. She spoke about Walmart and Sam's Clubs not increasing their vaccinations in West Broward and highlighted that Publix would not be vaccinating in the County or Miami. She said that she sent a letter on behalf of the North West Council of Elected Officials of nine cities and addressed it to Walmart for them to review their plan and include the 550,000 who they removed. She indicated that she copied the letter to the Broward County Commission.

COMMISSIONER RUZZANO congratulated his daughter, Alina, for her team winning the national championship cheer leading competition in Atlanta.

Discussion ensued.

4) CITY MANAGER'S REPORT

CITY MANAGER CURTIS thanked the Police Department in particular, Officers Phanor and Druzbik and everyone who was involved in the MSD vigil last Sunday. He provided an update on the Parks Bond at Vinson Park and referenced the installation of LED lights.

CITY ATTORNEY JANETTE M. SMITH congratulated City Clerk Kavanagh on his ten-year anniversary. She referenced drafting a Resolution and discussed the protocol pertaining to the landscape Committee.

VICE MAYOR ARSERIO discussed the proposed Committee and said that he would prefer this to be over a longer period of time and that he wanted to tweak the name of the "Landscape Committee". He explained that the intention of this was to oversee some of the plants going into parks and maybe reviving their community gardens.

Discussion ensued including the difference between a Committee and a Board and reviewing Beautification Boards in other cities.

CITY ATTORNEY SMITH said she would research creating a resident group for Landscape and/or Beautification as requested by the City Commission. She asked for CONSENSUS from the City Commission to move forward with foreclosure proceedings on the property located at 7714 NW 1st Court.

Discussion ensued on foreclosing on the said property.

CONSENSUS was given by the City Commission to have City Attorney Smith look into the foreclosure process for this property.

CITY ATTORNEY SMITH thanked the City Commission and said that she would start looking into the foreclosure but forewarned that it was not a quick process.

COMMISSIONER SIMONE thought that prior to the Coronavirus disease (COVID-19), Parks and Recreation Director Jones had a volunteer group of residents who met on a Saturday and were very active in planting at the Senior Center and different locations around the City. She recommended that they checked with Director Jones for the list.

Discussion ensued.

CITY COMMISSIONER CAGGIANO thanked the Fire and Police Departments for their participation in the MSD Remembrance Day and also their involvement in the incident.

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 2021-032](#) RESOLUTION - APPROVING LICENSE AGREEMENT BETWEEN THE CITY OF MARGATE AND THE MARGATE COMMUNITY REDEVELOPMENT AGENCY FOR DEBRIS STAGING.

RESOLUTION 2021-010

Approval of the Consent Agenda

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

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

6) RESOLUTION(S)

- A. [ID 2021-067](#) A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING EXPANSION OF CITY SPONSORSHIP OF THE REGISTRATION FEES FOR MARGATE RESIDENTS TO PARTICIPATE IN CITY OF MARGATE RECREATION SPORTS LEAGUES THROUGH THE 2021 FISCAL YEAR; PROVIDING FOR TWO REGISTRATIONS PER CHILD; PROVIDING FOR

EFFECTIVE DATE.

RESOLUTION 2021-011

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

Commissioner Ruzzano explained that when this Item was originally discussed, they spoke about budgeting \$100,000 for COVID-19 relief for families and said that only a third of the money was used which left some outstanding vouchers from the last fiscal year. He said that for the new fiscal year budget, this should be re-opened and allow previous applicants to reapply for one per child.

Discussion ensued.

An amendment was made by Commissioner Ruzzano, seconded by Commissioner Ruzzano, to change the effective program date range to January 1, 2021 to December 31, 2021; to allow one registration per child and to change the time period to calendar year.

The amendment carried by the following vote:

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

The original motion as amended carried by the following vote:

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

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. [ID 2021-060](#)** A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, APPROVING WITH CONDITIONS A SPECIAL EXCEPTION USE TO PERMIT A COFFEE BAR WITH DRIVE THROUGH WITHIN THE TOC-G GATEWAY ZONING DISTRICT FOR CLUTCH COFFEE, LOCATED AT 5300 COCONUT CREEK PARKWAY, SUBJECT TO THE FINDINGS OF THE DEVELOPMENT REVIEW COMMITTEE.

RESOLUTION 2021-012

CITY ATTORNEY SMITH read the Quasi-Judicial Statement. She asked the City Commission if they had any communications that they wanted to disclose.

COMMISSIONER CAGGIANO said that he had visited the site and spoke with one of the representatives for a couple of minutes.

COMMISSIONER SIMONE spoke with City Manager Curtis at her Agenda Review.

COMMISSIONER RUZZANO had visited the site and that he had probably spoken to their side, our side and everybody else.

VICE MAYOR ARSERIO explained that he had visited the site, that it had been mentioned at previous CRA meetings and it came up at the Agenda Review.

MAYOR SCHWARTZ explained that she had listened to the Planning and Zoning (P&Z) Board meeting, asked a couple of questions to Senior Planner Andrew Pinney at her Agenda Review and that she had visited the site today.

CITY ATTORNEY SMITH resumed with the Quasi-Judicial statement.

CITY CLERK KAVANAGH explained the protocol before swearing in staff.

CITY ATTORNEY SMITH read the Resolution.

A motion was made by Commissioner Ruzzano, seconded by Commissioner Simone, to open the hearing.

DEVELOPMENT SERVICES SENIOR PLANNER ANDREW PINNEY informed that there was a detailed report in the back-up and provided a highlighted summary pertaining to an application for a special exception to repurpose an existing drive-thru old bank facility into a drive-thru coffee bar. He outlined the following mitigation factors to consider:

- a) The Development Review Committee (DRC) findings would bring the subject property into conformity of the Code as much as practicable;
- b) The applicant was committed to improving the property and;
- c) Enhancing the landscape buffer along the east property line would help to buffer views of vehicles stacked through traffic components from Coconut Creek Parkway.

Discussion ensued including a question and answer session between the City Commission and City staff.

ZONING ATTORNEYS, DUNAY, MISKEL AND BACKMAN LLP MATTHEW SCOTT OF 14 SE 4TH ST #36, BOCA RATON said that they were representing the applicant, Clutch Coffee Bar. He said for the record, he had telephone calls with Commissioners Arserio, Caggiano and Ruzzano and Mayor Schwartz on March 11th, 2020.

MAYOR SCHWARTZ said her phone call should be added to the list of Commissioners who spoke with Mr. Scott.

DM&B ATTORNEY LLP SCOTT said he enjoyed working with staff from Development Services and the P&Z Board on this project. He explained the history behind Clutch Coffee Bar and provided a PowerPoint presentation on this item.

COMMISSIONER RUZZANO thanked Mr. Scott for his presentation and said that he was very excited to have the first Clutch Coffee Bar in Florida. He highlighted his concerns

over dumpsters.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY discussed Code requirements to comply with the dumpster enclosure requirement.

Discussion ensued.

DYNAMIC ENGINEERING CONSULTANTS PC, ÁNGEL PIÑERO said that they were the civil engineers for the project and explained the dumpster requirements.

Discussion ensued including a question and answer session with City staff and DM&B Attorney Scott.

MAYOR SCHWARTZ asked if City staff had any questions of the applicant.

DEVELOPMENT SERVICES SENIOR PLANNER PINNEY questioned the traffic that Clutch Coffee Bar was anticipating.

DM&B LLP ATTORNEY SCOTT explained that where the other Clutch Coffee Bar drive-thrus were located, they did not have a stacking or traffic issue onto the street.

Discussion ensued.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E was sworn in and spoke on this Item.

MAYOR SCHWARTZ responded to Mr. Zucchini's comments.

CITY ATTORNEY SMITH discussed Section II (2) of the Resolution and changes that had been made to the conditions that had been made prior to the vote.

DM&B LLP ATTORNEY SCOTT confirmed that he was in agreement with the changes that had been made.

Discussion ensued on the change in terms for landscaping.

CLUTCH COFFEE BAR, CO-OWNER, JOHN ANDERSON, 356 WILLIAMSON ROAD, MOORESVILLE, NORTH CAROLINA spoke on the design of the exterior property.

Discussion ensued.

COMMISSIONER SIMONE said that she was excited to see this business come to our City and wished them the best. She queried whether they could put in some stone and awnings instead of a six feet buffer with trees and a hedge.

DM&B LLP ATTORNEY SCOTT requested that they did not put that as a condition as it was just adding to expenses.

Discussion ensued on awnings.

CITY ATTORNEY SMITH sought clarification whether to add "upgrade awnings".

CLUTCH COFFEE BAR, CO-OWNER, ANDERSON discussed adding replacement awning form the west elevation consistent with the color scheme.

COMMISSIONER SIMONE repeated and explained that she was not looking to add extra expenditure to them.

A motion was made by Commissioner Ruzzano, seconded by Commissioner Caggiano, to approve the special exception with conditions reflected in the Resolution, including the addition of a rock facade up to the base of the ledge on the entire building with matching height on the pillars using stack stone and replacement of the awning as shown from the west elevation consistent with the proposed color scheme.

The motion carried as follows:

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


Discussion ensued on the anticipated opening date of Clutch Coffee Bar.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:32pm.

Respectfully submitted,

Transcribed by Salene E. Edwards



Joseph J. Kavanagh, City Clerk

Date: 4/23/2021

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 2021-1 on February 3, 2021, the City Commission authorized 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: 884 0370 1644 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.

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/88403701644>

Telephone:

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

US: +1 312 626 6799 or +1 929 205 6099

Webinar ID: 884 0370 1644

To virtually raise hand and be acknowledged to speak:

1. Users who call in can dial *9 to raise their hand and dial *6 to toggle mute/unmute
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.