



SPECIAL MEETING OF THE DEVELOPMENT REVIEW COMMITTEE

**Tuesday, July 14, 2015
10:00 AM**

City of Margate
Municipal Building

PRESENT:

Benjamin J. Ziskal, AICP, CEcD, Director of Economic Development
Tom Vaughn, Interim Building Director
Diane Colonna, CRA Executive Director
Kevin Wilson, Fire
Jeanine Athias, Engineer
Andrew Pinney, Associate Planner
Courtney O'Neill, Associate Planner
Dan Topp, Code Compliance Officer

ALSO PRESENT:

ABSENT:

Sam May, Director of Public Works
Michael Jones, Director of Parks and Recreation
Efrain Suarez, Police
Abraham Stubbins, Utilities

The regular meeting of the Margate Development Review Committee (DRC), having been properly noticed, was called to order by Ben Ziskal at **10:00 AM on Tuesday, July 14, 2015**, in the Commission Chambers at City Hall, 5790 Margate Boulevard, Margate, Florida 33063.

- 1) APPROVAL OF THE MINUTES FROM THE JUNE 23, 2015 DRC MEETING.

The minutes were approved as written.

- 2) NEW BUSINESS
 - A. **DRC NO. 07-15-02** CONSIDERATION OF A NEW ORDINANCE FOR **PUBLIC ART PROGRAM**

Courtney O'Neill stated that a public workshop had been held in June with the City Commission for the purpose of obtaining guidance and direction on the creation of a public arts program with the City. She explained that the ordinance laid out the guidelines and foundation of the program, its definitions, and the establishment of an Arts in Public Places Committee and its responsibilities and procedures. She said the Committee would be comprised of seven members with five voting and two non-voting members. She said the ordinance also defined the criteria for the artwork and artist selection, and the establishment of the public art funding and a special account. She said one way to fund the program would be through a

City Commission

Mayor Joanne Simone

Vice Mayor Tommy Ruzzano

Joyce W. Bryan

Lesla Peerman

Frank B. Talerico

City Manager

Douglas E. Smith

City Attorney

Eugene M. Steinfeld

City Clerk

Joseph J. Kavanagh

Economic Development Department

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development fee of one percent of all non-residential and non-residential components of mixed-use developments that exceeded \$200,000 in vertical construction costs. Another way would be to utilize funds set aside from the cell tower funds that would be used solely for public art in parks. Additionally, she said the ordinance specified the public art program guidelines and the Committee's process for making a recommendation to the City Commission for final approval of any public art projects. Ms. O'Neill explained the next steps which were to review the comments from this DRC meeting, meet with Finance on procedures, and come back to DRC. The item would proceed with Planning and Zoning and then to the City Commission.

Tom Vaughn had no comments.

Kevin Wilson had no comments.

Diane Colonna asked how the one percent on the non-residential components would be calculated on a mixed use building and who would do it. Ms. O'Neill said that typically the fee was on non-residential and the non-residential components were added in since the City Center was a mixed-use development. She said it was her understanding that the developer would take out the residential component. Ms. Colonna commented that the City Center could be between a 100 million and 150 million dollar project depending on the projects selected and the phasing. She asked if there was a maximum amount that the developer could be charged and whether the developer would still pay the one percent fee even if they decided to incorporate public artwork as part of their project. Ms. O'Neill responded that there would be two options: the one percent fee would go into an overall fund which could be used for art projects in the City; or, the developer could incorporate artwork into their development and they would not pay an additional one percent. Ms. Colonna asked where it was referenced in the ordinance. Ms. O'Neill responded that it was under item the last sentence in (B) [Section 2-130 Public art funding and special account]: *The revenue derived from a particular development or redevelopment project may be used for public art associated with the project or may also be used for other public art.* Ms. Colonna clarified, in that instance, that the funds would not be deposited into the account. O'Neill responded that she was correct; the funds would be used for the development. Ms. Colonna commented that it would be a lot to administer. She asked if some of the public art funds could be used for administration of the program.

Ben Ziskal said that it would need to be looked into. He said the reason it was brought before DRC was to obtain the member's comments. He said they [Economic Development] would need to meet with Finance to work on the specifics and determine how the funds would be deposited. He said one thought was that when the project was brought in for a permit and the valuation of the project was given, there could be something on the permit that could show the amount of the public art contribution. He reiterated the need to meet with Finance to define the process and to discuss how the program would be administered.

Ms. Colonna commented about the need to obtain insurance for the public artwork.

Jeanine Athias referenced Section 2.130 (C)(c) and asked that it be clarified as to whether the above grade utility improvements would be included. Under Section 2-134, concerning the rights of access or viewing granted, she asked whether the Arts in Public Places Committee or a City department would be responsible for ensuring that the easements were granted prior to the Certificate of Occupancy. She said easements were typically D.E.E.S. responsibility, but they had no involvement with those types of easements. Ms. Athias also commented on liability insurance and asked who would be responsible for coverage for accidents that occurred on private property. Ms. Athias asked if future MCRA (Margate Community Redevelopment Agency) projects would be included in this program and, if so, it should be specified in the ordinance.

Dan Topp had no comments.

Andrew Pinney referenced Section 2-129, artwork selection, and commented that the art should be appraised before the Arts in Public Places Committee commits funds for a project. Ms. O'Neill said that there would be a Master Plan created by the Committee and City staff that would include all the details. She noted that the project and appraisal would be part of the application and approval process. Mr. Pinney referenced Section 2-130 (E)(b), and asked whether some type of recourse should be added into the Code for those instances where the artwork was not installed prior to the Certificate of Occupancy as well as to address the number and length of possible extensions allowed.

Mr. Ziskal said he had no further comments. He said meetings would be held with Finance and it would be brought back to the DRC at the first August meeting if possible.

3) GENERAL DISCUSSION

There was no general discussion.

There being no further business, the meeting adjourned at 10:14 AM.

Respectfully submitted,

Prepared by: Rita Rodi

Date _____

Benjamin J. Ziskal, AICP, CEcD,
Director of Economic Development

cc: Mayor and City Commission, City Manager, City Attorney, Associate Planners,
Petitioners, Committee Members