

MARGATE COMMUNITY REDEVELOPMENT AGENCY BOARD

REGULAR MEETING May 11, 2022

MINUTES

Present:

Joanne Simone
Antonio V. Arserio (via Zoom)
Arlene R. Schwartz
Anthony N. Caggiano, Vice Chair
Tommy Ruzzano, Chair

Also Present:

Cale Curtis, Executive Director
Larry Vignola, Assistant Executive Director
David Tolces, Weiss Serota Helfman Cole & Bierman
John Rinaldi, KEITH Engineering
Jim Kahn, KEITH Engineering

The regular meeting of the Margate Community Redevelopment Agency having been properly noticed was called to order at 7:07 p.m., on Wednesday, May 11, 2022, by Chair Tommy Ruzzano. Roll call was taken. There was a moment of silence followed by the Pledge of Allegiance. The meeting was held in the City Commission Chambers and was also accessible virtually through Zoom technology.

1A. MINUTES FOR APPROVAL - (4/13/2022 Regular)

After David Tolces, Board Attorney, read the item title, Ms. Simone made the following motion, seconded by Vice Chair Caggiano:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Yes; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 5-0.

2. PUBLIC DISCUSSION

Tracy Van Winkle, resident, thanked Ms. Simone and Cale Curtis for correcting drainage issues with three drains in her neighborhood. She asked if the MCRA could use funds to hire someone to drive a golf cart around the city to pick up trash. She said she saw someone doing that in North Lauderdale. Chair Ruzzano responded, "yes." Ms. Van Winkle commented that the city was looking tacky due to all the trash and she offered her assistance.

Nina Culver, resident, asked if a public notice had been done for the building at 6030 N.W. 9th Street. Cale Curtis, Executive Director, said no bidding or notices had been done for leasing the building because it needed significant work, including a roof replacement, prior to any work being done in the interior.

Donna Fellows, resident, thanked Chair Ruzzano, Ms. Schwarz and Mr. Curtis for getting her sidewalk fixed.

3A. PRESENTATION: ATLANTIC BOULEVARD WALL EXTENSION FEASIBILITY ASSESSMENT UPDATE

Cale Curtis, Executive Director, introduced the item and stated that representatives from engineering firm KEITH would provide an update on the feasibility assessment for the extension of the Atlantic Boulevard Wall. The assessment being presented was broken into three sections.

John Rinaldi, KEITH Engineering, 301 East Atlantic Boulevard, Pompano, proceeded with a PowerPoint presentation.

Atlantic Boulevard and N.W. 80th Terrace area

Mr. Rinaldi explained the purpose of the feasibility study, and showed slides that included a vicinity map of the location, the area of focus which included two private properties along N.W. 80th Terrace, the existing conditions, and the proposed wall improvements. He said their previous study had not considered the Florida Department of Transportation (FDOT) sight triangles and distances, but the current study did and it resulted in the wall being slightly tapered. He summarized the Additional Findings which included: conducting a proper survey of the land, property lines, and existing utilities; providing detailed drawings of the exact location of the wall allowing for a 30-inch easement; coordinating underground utilities; and, conducting future meetings with property owners and utility holders.

He explained how the sight triangle was determined and showed various slides of the intersection with the sight triangle and the proposed placement of the wall. He explained that two private properties would be affected and about 666 square feet of property would be needed from the homeowner to the west, and about 175 square feet of property from the property owner to the east.

He showed a slide of the existing utilities on site and said there would not be much conflict. He said they had conversations with the previous wall contractor who said it had been very difficult to place the wall because there was a limited amount of space to work and to place machinery and a lot of hand digging had to be done. He said several public records requests were done to Margate and the Building Department provided permit information but not any definitive plans and documents related to the wall submittal of 20 years ago.

He spoke about other project opportunities that included monument signs, upgraded site furniture and lighting, wayfinding, and improved landscaping.

He showed a slide of the As-Built of the existing wall and the cost summary and said they would need 190 linear feet at \$200 per linear foot for a total of \$38,000 for the portion of the wall being discussed.

Ms. Schwartz commented that there was no reason to extend the wall down the entire block or to put up a wall west of N.W. 80th Terrace, noting that she often used that intersection and it was already very difficult to see heading west without a wall due to the existing shrubbery. She said putting a wall there would be a safety problem. She said she understood addressing the wall issue on the east side but it was not necessary to go so far down the block. She commented that when the wall had been done initially, it was paid for 50/50 by the City and the County; however, this project would be 100 percent paid for by the MCRA. She added that it was not the MCRA's responsibility to improve the property for the individual homeowner. She explained that the original wall had been done as a noise barrier as well as to address the unsightly conditions that existed at the back of the homes as each had their own fence, half of which were falling apart, sheds, etc. She explained that the entire city benefited from having the wall whereas the proposed walls would be for a few homes to enjoy, and it would not be a good use of public funds.

Chair Ruzzano disagreed and said it was the MCRA's role to improve slum and blight and that area was very blighted. He said the wall was for the side of the house versus the front. He disagreed with only doing half of the project. He said the project had been discussed several times and it needed to move forward.

Cale Curtis, Executive Director, commented that the wall was not to the benefit of the house located there. He explained that as one entered Margate from the west on Atlantic Boulevard, the side of the house was visible. The objective was to create symmetry with the existing wall. He said the rendering looked misleading because the proposed wall would only shield the side of the house where there was currently a wood fence. He said the west side would be a challenge because to put the wall outside the property created a line of sight problem. In order to have the wall approved by FDOT, the wall would have to be brought onto the private property and, in the past, the property owner would not allow the taking of his property he said.

Chair Ruzzano suggested speaking to the resident and asking them if they would allow the wall. Board Attorney Tolces cautioned contacting property owners until the plans were certain because often times there could be a request for compensation which triggered other aspects of the Takings law.

Atlantic Boulevard and N.W. 77th Avenue

Mr. Rinaldi continued with the presentation for the area on N.W. 77th Avenue, noting that the history and background were similar to N.W. 80th Terrace. He showed slides that included a vicinity map, area of focus, and existing conditions. He showed another slide of the proposed wall improvements of approximately 170 linear feet which took into account the sight triangles heading east. He commented that they had also looked at the adjacent canal and he showed of an example of the treatment Coral Springs used further west on its canal, noting that the wall could have openings within it to show the water. He moved through the other slides which included the Additional Findings and additional coordination needed for the wall improvements and the sight triangles. He said the wall was currently located west of N.W. 77th Avenue and they would need to take about 180 square feet of the property owner's property to allow for the wall to sit behind the sight triangle. He showed slides of the existing utilities within the site and said there were not many utility conflicts. He commented that there was limited previous permitting information available from the Building Department. He showed a slide of the As-Built drawings and said the cost estimate for 170 linear feet of wall would be about \$34,000.

Ms. Simone asked if the price included the open wall over the canal; Mr. Rinaldi said it did not but he imagined it would cost more. Mr. Curtis said the open wall was preferred and he asked for a cost estimate. Ms. Schwartz commented about a gate by the canal and Mr. Curtis said access to the canal would be retained. She asked about the specific location of the wall and Mr. Rinaldi pointed it out on the slides. She asked whether anything would be done west of 77th Avenue and he said that they looked at it but nothing further could be done as it was already accounted for in the sight triangles. A short discussion ensued about the sight triangle and Chair Ruzzano noted that the sight triangle on the left was more tapered than on the right side and Mr. Rinaldi explained the reason.

Atlantic Boulevard and Rock Island Road

John Rinaldi showed a similar slide presentation of this area. He said they originally had been looking at an area within the FPL easement but revised their focus to the area just northeast of West Atlantic Boulevard. He showed a slide with the proposed wall which he said was about 95 linear feet and took into account the FDOT sight triangle. Chair Ruzzano asked whether there would be any right of way issues and Mr. Rinaldi said the Broward County Property Appraiser did not show any. Ms. Schwartz said she recalled previously that the City had to obtain permission to take 18 inches from all the property owners.

Mr. Rinaldi showed another slide of the existing conditions on both the north and south sides of Atlantic Boulevard. He said their original focus was on the one northeast property but they also looked at putting a wall on the south side to the east of Walgreen's.

Mr. Rinaldi said the take of the north property would be about 77 square feet. He said they looked at additional applications of proposed landscaping for this property because they were looking to extend it through the FPL easement initially. Slides of exiting utilities and utility coordination were shown.

He showed slides of the south side of Atlantic Boulevard that took into account the property owner to the southwest and well as Walgreens. He said the take of the property would be 305 square feet and an additional 35 square feet continuing west. He showed a slide of the As-Built drawings and stated that the cost estimate for the north side of Atlantic Boulevard would be about \$21,000; and about \$71,000 on the south side for the two properties heading west.

Ms. Schwartz commented that if something were being placed on Walgreens' property, they could afford to pay for it or partner with the MCRA.

Chair Ruzzano asked Attorney Tolces how to move the projects forward with all the right-of-way issues. Board Attorney Tolces commented that surveys of the properties would be needed first. Chair Ruzzano said communication would be needed between the MCRA and the homeowners. Attorney Tolces said the proposed projects would need to be designed with surveys for each of the properties that showed the areas that would be encroached upon, then title searches would need to be done to identify the exact property owners of those properties and, once the title searches came back, the proper parties could be contacted. Chair Ruzzano said he did not want to spend too much money designing plans only for the property owner to say no. He preferred something more simplified. Attorney Tolces explained that there was a process for taking that could be done if they said no. He said the property owner could be spoken to at any time about a project that was being planned in their neighborhood and asked if they would be willing to speak with us [MCRA representative] about giving the City some land. Ms. Schwartz suggested holding a workshop. Attorney Tolces reiterated that there were several steps that needed to be taken to ensure the right persons were being spoken with who could give the authority to use their property.

Chair Ruzzano said he wanted to see the project move ahead and he expressed a concern that the property owner might have about taking out a tree on their property at N.W. 77th Avenue. Mr. Curtis said the wall could be shortened where it tapered off if it became an issue.

Mr. Arserio agreed with Chair Ruzzano about speaking with the property owner's sooner than later. He said the property owners could be identified through public records. Mr. Curtis said the MCRA had enough information and graphics to hold informal conversations with the property owners.

Chair Ruzzano thanked Mr. Rinaldi for the presentation.

Ms. Schwartz asked Mr. Rinaldi for the total cost of all the projects, and he said it would be approximately \$135,000 for all three sections of the wall.

4A. **RESOLUTION 684:** AUTHORIZING A THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE MARGATE COMMUNITY REDEVELOPMENT AGENCY AND M & M LAWN CARE, LLC FOR THE INCLUSION OF ADDITIONAL MAINTENANCE SERVICES

After David Tolces, Board Attorney, read the resolution title, Vice Chair Caggiano made the following motion, seconded by Ms. Schwartz:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Yes; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 5-0.

4B. **RESOLUTION 685:** APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT BETWEEN THE MARGATE COMMUNITY REDEVELOPMENT AGENCY AND ADVANCED ASSET MANAGEMENT, INC, FOR PROPERTY MANAGEMENT SERVICES

After David Tolces, Board Attorney, read the resolution title, Vice Chair Caggiano made the following motion, seconded by Ms. Schwartz:

MOTION: SO MOVE TO APPROVE

Cale Curtis, Executive Director, explained that the amendment was to add property management services for the new property at 6030 N.W. 9th Street, and to remove Advanced Asset Management from liability for events at the Covered Sports Field. Mr. Nardi would continue to provide oversight of the landscape maintenance contract.

Ms. Schwartz asked the reason Parks and Recreation did not maintain the Covered Sports Field since they had their equipment there. Mr. Curtis explained that it was more cost efficient to have an outside vendor handle it.

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Yes; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 5-0.

5A. **DISCUSSION AND POSSIBLE ACTION:** UPDATE FROM MCRA ATTORNEY – CITY CENTER LITIGATION

David Tolces, Board Attorney, provided an update on the New Urban Communities versus MCRA litigation. He said mediation was held approximately a week prior and it had been unsuccessful, and the case was set for trial in June. He said since attending mediation and speaking with Michael Burke, counsel hired by the MCRA's insurer, he wanted to request a shade session with the Board in the Case #CACE-18-004869 between New Urban Communities and the MCRA that was pending in the 17th Judicial Circuit prior to the case going to trial to make sure everyone was on the same page. He said the trial calendar started June 13, 2022, and he proposed holding the shade session on May 25th or May 26th.

Chair Ruzzano asked whether New Urban Communities had suggested any type of settlement. Attorney Tolces said he could not provide any specific information being that mediation was confidential, however, he said the parties were not close at all.

6. **EXECUTIVE DIRECTOR'S REPORT**

Cale Curtis, Executive Director, provided the following capital project updates:

Atlantic Boulevard Streetscape Improvements: The MCRA would be moving forward with a proposal for off-site signage for Ace Plaza and Chevy Chase Plaza after obtaining required variances from the City. A revised proposal has been received that day for the landscaping of the median that included regrading and resodding from State Road 7 west to the City limits.

Greater Fort Lauderdale Alliance Mid-Year Meeting & Luncheon: He sent an email to the Board members regarding the upcoming luncheon on May 20, 2022. As a member of the Alliance, the City/MCRA received three tickets that he, Chair Ruzzano, and Development Services Director, Elizabeth Tachereau would use to attend the luncheon. He asked if the Board wished to attend and purchase additional tickets at \$200 each or a table of eight for \$1,500. Mr. Arserio said he wanted to attend.

Mr. Curtis commented that the Fort Lauderdale Alliance was a resource that he encouraged the MCRA to become more active in as part of its economic development strategy to draw more businesses to Margate. He said there were a few cities that participated in the Alliance regularly and they benefited when business opportunities became available. He said he wanted to start building relationships for Margate but he could not do it alone and he encouraged the Board to join in as well. Chair Ruzzano agreed, noting that it was all about networking. He asked the other Board members to let Mr. Curtis know if they were interested in attending the luncheon.

6A. TENANT UPDATES

James Nardi, Advanced Asset Management, said there was one tenant in Ace Plaza that owed rent.

Chair Ruzzano asked about the status of Holy Cow Ice Cream. Mr. Nardi said it was going through the background check process first and then would proceed to a lease. Chair Ruzzano said the owner had asked him about the City holding events on the corner to assist his business. He also mentioned a letter that had been received from Jochen Esser [What's Cooking, Inc.] about the possibility of holding weekly food truck events at the plaza during the week. He said Holy Cow was ambitious and hoped to hold its grand opening by July 4th.

7. BOARD MEMBER COMMENTS

Ms. Simone: She asked about having an electronic marquee sign at Calypso Cove to advertise events, however, she was advised that it was considered City business.

Mr. Arserio: He said he liked Ms. Simone's idea and he mentioned that lobbyist Matt Scott had previously approached some of them about a client of his that did high-end looking advertising signs where the sign company would pay to have the signs installed at some of the City/MCRA properties and they would share in the marketing. He said it might be worth following up on to see if there was still interest as he was in open to any opportunities for improving City/MCRA communications. He said he was looking forward to the upcoming Florida Redevelopment Association (FRA) classes to continue to gain more knowledge. He mentioned that it was his daughter's first birthday.

Ms. Schwartz: She invited everyone to come out to celebrate Memorial Day on May 30, 2022 at 9:00 a.m.

Vice Chair Caggiano: He thanked the Board for extending the Sounds at Sundown season because the concerts were drawing a lot of happy people and the bands had been fantastic. He asked about plans for July 4th. Cale Curtis, Executive Director, said that plans were underway for the traditional activities which included a parade, hot dogs, pool party at Calypso Cove, evening concert, and a fireworks display. Mr. Arserio commented about a previous fireworks display where the show had been shorted a bit to allow for a giant grand finale; he was in favor of doing it that way again.

Chair Ruzzano: He commented about the Board's ability to enhance the MCRA and he asked the Board members for any ideas they had for the upcoming budget. He mentioned that funds could be used for residential beautification.

He commented about trash in the medians and that Margate's medians were heavily congested with landscaping compared to other cities that were more open. The landscaping was always being damaged and replaced due accidents. He suggested that less might be more and to use the Atlantic Boulevard median as an example of something that could be done that was more simplified and beautiful. Mr. Arserio agreed about the clutter and the damaged landscaping. He commented about the simple and perfectly manicured landscaping in Coconut Creek. Chair Ruzzano suggested more up-lighting in the medians at night as a way to distinguish Margate, as well as changing the colors of the lights seasonally.

There being no additional business, the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Transcribed by Rita Rodi, CRA Coordinator

Tommy Ruzzano, Chair