

COMMUNITY REDEVELOPMENT AGENCY BOARD

REGULAR MEETING

February 10, 2016

MINUTES

Present:

Frank B. Talerico, Chair
Joanne Simone, Vice Chair
Lesa Peerman
Joyce W. Bryan
Tommy Ruzzano

Also Present:

Eugene M. Steinfeld, Board Attorney
Diane Colonna, Executive Director
Kim Vazquez, CRA Project Manager
Ben Ziskal, Economic Development Director
Douglas Smith, City Manager

The regular meeting of the Margate Community Redevelopment Agency having been properly noticed was called to order at 7:00 p.m., on Wednesday, February 10, 2016 by Chair Frank Talerico. There was a moment of silence followed by the Pledge of Allegiance. Roll call was taken.

1A. MINUTES FOR APPROVAL: (1/12/2016)

After Eugene M. Steinfeld, Board Attorney, read the item title, Ms. Simone made the following motion, seconded by Ms. Bryan:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. Ruzzano, Yes; Mrs. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes;
Mr. Talerico, Aye. The motion passed 5-0.

2. PUBLIC DISCUSSION

William McDonald, 6289 NW 17th Street, Margate, sought clarification regarding rent payments for O'Meara Bar. He explained that the City Attorney initiated eviction proceedings on the bar. He recounted that the Board decided on April 8, 2015 to cease rent payments until the courts reached a resolution between him and the Willis family. It was amended for a six month timeline up to November 30, 2016. Mr. McDonald stated the courts reached a final decision October 19 and attempted to talk to the City Attorney regarding the matter. He stated he paid the rent for the month of March after the Board decided rent wasn't due for March. The bar was not in full operation until October 2015. He stated City Attorney has filed an eviction saying the bar is \$5,544 in arrears but the Board directed otherwise as reflected in the Minutes from May 13th meeting.

Attorney Eugene Steinfeld advised the Board that the matter of the eviction is now in the courts. He added, "I have been told he is being represented. If the attorney approves us talking with this client then that is okay."

Ms. Peerman suggested to the Board to stop the eviction and have Mr. McDonald sign an amendment to the lease. The amendment to the lease would state:

"If lessee does not pay lessor or to lessor agent any rent payment by cashier's check, by the 7th day of the applicable month no later than 5 p.m. the lessee agrees to vacate the premises and remit all keys of the

leased premises to the lessor. Lease further understands that any and all deposits held by the lessor shall be forfeited. Payment is to be received within the next five business days”

Ms. Peerman requested Mr. McDonald sign the agreement at the meeting if the Board agreed.

Ms. Peerman made the following motion, seconded by Mr. Ruzzano:

MOTION: APPROVE THE AMENDMENT TO THE BUSINESS LEASE AGREEMENT BETWEEN THE MARGATE COMMUNITY REDEVELOPMENT AGENCY AND VIRGIL’S VENTURES, LLC.

Mr. Ruzzano commented he is reluctant to evict businesses. He asked Mr. McDonald why the discrepancy came up tonight and not when the issue occurred. This is something that should have been addressed awhile back. Mr. McDonald responded he was not able to meet with the City Attorney. Mr. Stenfeld stated Mr. McDonald at the time hired an attorney to represent him on the matter. He does not get involved with rent payments unless there is a lawsuit.

Mr. Talerico asked who receives the rent payments. Ms. Colonna responded rent should be delivered to the property manager.

Ms. Colonna explained when the bar was shut down and possession was given to the previous owners, the Board voted to allow rent to be suspended until the matter was resolved. The matter was resolved to the extent that Mr. Donald regained possession and was able to reopen the bar in August. The issues between him and the previous owner continued for a few months after that, but the bar was operational by mid-August. Staff’s interpretation of the Board’s action was that rents should be suspended while the bar remained closed because of the legal action. The CRA reinstated rent for O’Meara’s on August 16th.

Ms. Simone asked what day the rents are due. Ms. Colonna responded the first of every month. Ms. Simone expressed concern that other businesses that are currently behind in rent may ask for the same deal.

Ms. Peerman asked how many months is Mr. McDonald behind in rent. Ms. Colonna responded that become current he must pay rent for December, January and February. Ms. Peerman suggested Mr. McDonald sit with the CRA Director to deal with the discrepancies at another time. Mr. Ruzzano requested to add the amounts for the rent, late fees and court costs. Ms. Bryan commented that in the future we need to make sure the tenant pays the rent directly to the property manager, not the CRA Director.

Ms. Simone raised concerns that months ago interior work was done at the bar without a permit and there is a history of problems with this establishment. Ben Ziskal, Economic Development Director stated he had conversations with Mr. McDonald and in order to occupy the entire space, a Development Review Committee hearing is needed for a change of occupancy on the property. Mr. McDonald has been in touch with staff, but as of today it’s not clear that the paperwork has been filed.

Ms. Colonna clarified the amendment to the agreement: “In consideration of the CRA dismissing the pending action for eviction the parties agree as follows:

- 1- Amendment to the lease so the Lessee agrees to pay by cashier’s check to the Lessor’s agent, at Lessor’s office.
- 2- All monies due and owing including court costs to file to the aforementioned eviction actions to the Lessor including December and January rents, late fees, and court costs, are due within five days of executing the agreement.
- 3- Rents due for February shall be due within ten days of execution of the Amendment.
- 4- If the Lessee does not pay the Lessor by cashier’s check, by the seventh day of each month, no later than 5 P.M Lessee agrees to vacate the premises and remit all keys to the leased premises to the Lessor by the twelfth day of the month.

ROLL CALL: Mr. Ruzzano, Yes; Ms. Bryan, No; Mrs. Peerman, Yes; Ms. Simone, No;
Mr. Talerico, Aye. The motion passed 3-2.

3A. APPROVAL OF AGREEMENT BETWEEN MARGATE CRA AND CPZ ARCHITECTS, INC. FOR GENERAL ARCHITECTURAL SERVICES

After Eugene M. Steinfeld, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Ms. Bryan:

MOTION: SO MOVE TO APPROVE

Mr. Ruzzano asked for the financial terms of the agreement: is it hourly, contracted or per job? Ms. Colonna explained the firms provided hourly rates but each project will be managed by a separate task order. This is a continuing agreement that goes for the next two years with up to 3 one-year extensions.

ROLL CALL: Mr. Ruzzano, Yes; Ms. Bryan, Yes; Mrs. Peerman, Yes; Ms. Simone, Yes;
Mr. Talerico, Aye. The motion passed 5-0.

3B. APPROVAL OF AGREEMENT BETWEEN MARGATE CRA SALTZ MICHELSON ARCHITECTS. FOR GENERAL ARCHITECTURAL SERVICES

After Eugene M. Steinfeld, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Ms. Simone:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. Ruzzano, Yes; Ms. Bryan, Yes; Ms. Peerman, Yes;
Mr. Talerico, Aye. The motion passed 5-0.

3C. APPROVAL OF AGREEMENT BETWEEN MARGATE CRA KEITH AND ASSOCIATES FOR GENERAL ARCHITECTURAL SERVICES

After Eugene M. Steinfeld, Board Attorney, read the item title, Ms. Peerman made the following motion, seconded by Ms. Bryan:

MOTION: SO MOVE TO APPROVE

Steve Williams, Keith & Associates, stated he appreciates the consideration from the CRA and the Board and looks forward to serving the City.

ROLL CALL: Mr. Ruzzano, Yes; Ms. Bryan, Yes; Ms. Peerman, Yes;
Mr. Talerico, Aye. The motion passed 5-0.

4A. DISCUSSION RE: CRA LEGAL REPRESENTATION

Ms. Colonna recalled that at a previous Board meeting there were discussions held regarding Mr. Steinfeld's upcoming retirement and how the legal services for the CRA may be handled subsequent to that. At the time the Board wanted to wait until the process for selecting a City Attorney began. She expressed the need to have the ability to move forward with contracts and agreements for the CRA. If CRA decides to have separate counsel it would be solicited through a Request for Qualifications. The position would be part-time. The MCRA currently works with a private attorney with real estate projects and the City Center project.

Ms. Peerman supported the idea of having a separate attorney for the CRA. She recalled that while attending a Florida Redevelopment Association conference in Tampa, she spoke with various CRA staff and most have separate CRA Attorney's. She reiterated it is important to have someone who understands CRA's.

Ms. Bryan recommended waiting to see if there is an applicant for the City Attorney position that also has experience working with CRA's. Mr. Ruzzano asked Ms. Colonna if most CRA's have their own attorney. Ms. Colonna responded some larger cities may have a member of the City Attorney staff work on behalf of the CRA; however, many CRA's have separate, private firms. It may take time to issue and process the RFQ, and staff is looking for direction tonight to go that route. It would take a few weeks to receive responses and then there is process of vetting applications. This would at least give the Board an idea of what's available and what options they may have in conjunction with hiring a new City Attorney. The Board would not be obligated through the RFQ process to contract with anyone. Ms. Simone and Ms. Bryan supported issuing an RFQ.

Ms. Peerman made the following motion, seconded by Ms. Bryan:

MOTION: TO ISSUE A REQUEST FOR QUALIFICATIONS FOR CRA LEGAL REPRESENTATION

ROLL CALL: Mr. Ruzzano, Yes; Ms. Bryan, Yes; Ms. Peerman, Yes;
Mr. Talerico, Aye. The motion passed 5-0.

5. EXECUTIVE DIRECTOR'S REPORT

A. MCRA WORKPLAN FOR JANUARY 2016

Diane Colonna reviewed the monthly status report for January noting the following highlights:

Façade Improvements

There are ongoing repairs to Giant Tire and Lester's Diner is completing landscape repairs.

Capital Improvement Projects - Copans Road.

The City Commission approved a beautification agreement between Broward County and the City for this project, but the County sent the wrong agreement so it has to go back to the Commission. Kimley-Horn is addressing comments regarding the landscaping.

Landscape Median Maintenance.

Landscape Service Professionals has taken over maintenance on a long term basis. They have installed new landscaping materials in the medians on State Road 7. Additional services are being added to their contract to address the need to remove and replace dead materials in the medians.

Kaye Stevens Park

The concrete has been poured for the pedestal. The unveiling is planned in the next few weeks.

City Center

MCRA staff continues to meet with the developer weekly to work on the development agreement.

Marketing

MCRA is working on a “meet the merchant” program in response to several businesses that approached the CRA seeking help in gaining more traffic to their establishments.

Acquisitions – Party Caterer

Property Manager Jim Nardi is putting together scope of services for required improvements for the building.

B. MELALEUCA DRIVE ROADWAY IMPROVEMENT PROJECT

Kim Vasquez, CRA Project Manager, reported that staff worked with Kimley-Horn to come up with the design for improvements on Melaleuca Drive between Atlantic Boulevard and NW 9th Court. It is a high pedestrian area. The landscaping plans include completing the sidewalk network on both sides of the street, installing irrigation, landscaping and additional lighting. Trees are a combination of Gumbo Limbo and palm trees. Kimley-Horn is finalizing the bid documents and design. CRA staff will send letters to the property owners to let them know that the project is coming. The renderings and plans will be posted to the CRA's website.

Ms. Simone asked, “Are we tied into those specific trees or can we get some flowering, colorful trees to bring life to it.” Ms. Colonna replied it depends on what types of materials will work in the different locations.

The Board recommended installing flowering trees.

Mr. Ruzzano asked when the project will go out for bid. Ms. Colonna responded that it should be ready in a couple of months. Mr. Ruzzano asked how much is budgeted for the project. Ms. Colonna responded \$250,000 including design. The construction estimate is about \$230,000.

C. CRA OFFICE RELOCATION

Cotter Christian, CRA Engineer, reported he has received multiple quotes from various contractors regarding the office build out. He stated, “According to an inspection report conducted last year, there are no major structural or mechanical problems. The building is in good shape. We hope to start the permit process in the next few weeks. We have talked with four contractors. We are accommodating the Economic Development department as well which requires some reconfiguration of some partitions and handicapped bathrooms.”

Ms. Bryan requested to have the existing wall sign removed from the building as soon as possible.

D. TENANT UPDATES

Ms. Peerman asked if the tax business is still operating. Ms. Colonna replied that it was and the rent is two months in arrears. A notice has been issued and everything must be up to date by the end of the day tomorrow.

6. BOARD MEMBER COMMENTS

Ms. Peerman asked if the sidewalk at Chevy Chase plaza is painted. Ms. Colonna responded that the CRA's property manager is in the process of obtaining quotes.

Ms. Peerman asked if the drains behind the Ace Plaza are cleared. She questioned if there is a French drain underneath. Jim Nardi, CRA Property Manager, Advanced Asset Management responded that there is not. The code states that all drainage needs to be retained on site. The drain was vacuumed over a year ago. He noted that he was obtaining a quote from a company to clear the drain at the Party Caterer's building and will have the same company look at the drain at the Chevy Chase Plaza. The drainage work in front of Sharkey's Lounge has been completed.

Ms. Bryan thanked the staff for their work.

Mr. Ruzzano explained to the Board that he voted in favor of the amendment to Mr. McDonald's lease because financially the CRA can recoup around nine thousand dollars.

Ms. Simone shared pictures of the IMAX Theatre in Delray Beach and requested something similar for downtown Margate. She recommended having something unique that draws attention. Ms. Colonna replied that the developers are under the impression the Board are going for a more traditional look because the other project (which was not selected) had a more modern look.

Mr. Talerico expressed concern regarding illegal parking on CRA properties. Ms. Colonna replied that No Trespassing signs have been installed.

There being no additional business, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Transcribed by Courtney Easley

Frank B. Talerico, Chair