



**REGULAR MEETING OF
THE PLANNING AND ZONING BOARD
MINUTES**

Tuesday, April 4, 2017

7:00 PM

City of Margate
Municipal Building

City Commission

Mayor Tommy Ruzzano

Vice Mayor Arlene R. Schwartz

Anthony N. Caggiano

Lesla Peerman

Joanne Simone

Interim City Manager

Samuel A. May

City Attorney

Douglas R. Gonzales

City Clerk

Joseph J. Kavanagh

PRESENT:

Todd E. Angier, Chair
Phil Hylander, Vice Chair
Antonio Arserio
August Mangeney
Richard Zucchini

ALSO PRESENT:

Benjamin J. Ziskal, AICP, CECD, Director of Economic Development
Timothy Finn, Senior Planner
Andrew Pinney, Associate Planner
Michael Jones, Director, Parks and Recreation Department
Cotter Christian, Margate Community Redevelopment Agency

The regular meeting of the Planning and Zoning Board of the City of Margate, having been properly noticed, was called to order by Chair Todd Angier at 7:21 p.m. on Tuesday, April 4, 2017. The Pledge of Allegiance was recited, followed by a roll call of the Board members.

1) NEW BUSINESS

- 1A) **MOTION:** APPROVING APPOINTMENT OF TODD ANGIER AS CHAIR OF THE PLANNING AND ZONING BOARD FOR A TERM COMMENCING APRIL 4, 2017 TO MARCH 21, 2018.

Mr. Hylander made the following motion, seconded by Mr. Arserio:

MOTION: TO APPOINT TODD ANGIER AS CHAIR

ROLL CALL: Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes; Mr. Hylander, Yes; Mr. Angier, Yes. The motion passed with a 5-0 vote.

Economic Development Department

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www.margatefl.com • edevdirector@margatefl.com

- 1B) **MOTION:** APPROVING APPOINTMENT OF PHIL HYLANDER AS VICE CHAIR OF THE PLANNING AND ZONING BOARD FOR A TERM COMMENCING APRIL 4, 2017 TO MARCH 21, 2018.

Mr. Angier made the following motion, seconded by Mr. Mangeney:

MOTION: TO APPOINT PHIL HYLANDER AS VICE CHAIR

ROLL CALL: Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes; Mr. Hylander, Yes; Mr. Angier, Yes. The motion passed with a 5-0 vote.

- 2A) APPROVAL OF THE MINUTES FROM THE PLANNING AND ZONING BOARD MEETING ON FEBRUARY 7, 2017

Mr. Angier commented that he was the only person on the Board present at the February 7, 2017 meeting and he asked if it were proper for the other Board members to approve minutes for a meeting they did not attend.

Ben Ziskal said he discussed this matter with the City Clerk and it was not unusual given the number of boards and committees in the City. He said the Board would be approving that the minutes accurately reflected what occurred at the meeting. He said if one of the Board members, such as Mr. Angier, were to explain that he attended the meeting, read the minutes and believed them to be accurate; the other board members could take his word on it and approve the minutes. If a Board member was not comfortable with Mr. Angier's motion, he said an alternative would be to obtain an audio tape of the meeting and he/she could listen to it to see if the transcribed minutes matched what was said at the meeting. He said usually the board members took the word of the person that was present, but the option was available for the four board members who were not present at the meeting.

Mr. Angier said that he reviewed the minutes and that they accurately reflected the meeting. He said he approved them.

Mr. Arserio made the following motion, seconded by Mr. Hylander:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes; Mr. Hylander, Yes; Mr. Angier, Yes. The motion passed with a 5-0 vote.

- 1) **NEW BUSINESS (continued)**

- 1C) **PZ-05-17** CONSIDERATION OF AN **ORDINANCE** TO PROVIDE UPDATED DEFINITIONS AND REGULATIONS FOR COMMUNITY RESIDENTIAL HOMES, DETOXIFICATION FACILITIES, LONG-TERM CARE FACILITIES, AND RECOVERY RESIDENCES.

PETITIONER: CITY OF MARGATE, ECONOMIC DEVELOPMENT DEPARTMENT

Timothy Finn advised that this ordinance had been initiated by the Economic Development Department. He proceeded with a PowerPoint presentation which started with a slide that showed the following proposed changes:

- the deletion of definitions of family care facilities, nursing home, special residential facility category 2, and special residential facility category 3 within Article II Definitions, Section 2.2. of the Margate Code.
- the addition of definitions for community residential home Type 1, community residential home Type 2, detoxification facility, long-term care facility, and recovery residence within Article II Definitions, Section 2.2. of the Margate Code.

He gave some background information and explained that on July 1, 2016, the Florida legislature updated State statutes pertaining to community residential homes, detoxification facilities, recovery residences, and other facilities that required rehabilitative, restorative, and/or on-going nursing care. He noted that this ordinance would provide updated definitions to be consistent with the State's update.

Mr. Finn explained that currently family care facilities, group homes, and nursing homes were required to appear before the Development Review Committee (DRC) for approval. He said that once this ordinance was passed, these types of facilities would no longer need to appear before the DRC per Florida Statute 419. He said Planning and Zoning would just need to sign a form that would be received by a licensing agency which oversaw the home, i.e., Department of Elderly Affairs, Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, and the Agency for Health Care Administration. He said the form would show that the home was in compliance with the 1,000 or 1,200 foot distance requirement.

Mr. Finn showed slides that described the current facility types in Margate which included: family care facilities; group care facilities; nursing home; special residential facility, category (2); special residential facility, category (3); and, community residential home, Type 1. He advised that reference to those facilities would be stricken from the Code and replaced with the proposed facilities consistent with the updated State statutes.

He showed slides that described the proposed facility types as outlined in the Florida Statutes which included:

- Community residential home Type 1 (FS 419.001)--a dwelling unit that provided a living environment for six or fewer residents as per the definition of a community residential home. He said these facilities would be allowed in single-family or multi-family zoning districts without approval by the City, provided such homes were not located within a radius of 1,000 feet of another Type 1 home or within a radius of 1,200 feet of another Type 2 home. Such homes were not required to comply with the notification provisions of Chapter 419, Florida Statutes provided that, before licensure, the sponsoring agency provided the City with the most recently published data compiled from the licensing entities that identified all community residential homes within the jurisdictional limits of the City in which the proposed site was to be located in order to show that there was not another Type 1 home within a radius of 1,000 feet and not another Type 2 home within a radius of 1,200 feet of the proposed home.

Also, he said that for purposes of City land use and zoning determinations, this definition did not affect the legal nonconforming use status of any community residential home lawfully

permitted and operating as of July 1, 2016 (FS 419.001). He said that all the community facilities, assisted living facilities, and group homes currently in the City would be allowed to stay and would not be affected with this updated ordinance;

-Community residential home Type 2 (FS 419.001)—he said it was basically the same definition of community residential home Type 1 except that it applied to 7 to 14 unrelated residents;

-Detoxification facility (FS 394.455)--a facility licensed to provide detoxification services under Chapter 397, Florida Statutes;

-Long-term care facility (FS 400.0060)--a nursing home facility, assisted living facility, adult family-care home, or any other similar residential adult care facility that provided rehabilitative, restorative, and/or ongoing skilled nursing care to patients or residents in need of assistance with activities of daily living; and,

-Recovery residence (FS 397.311)--a residential dwelling unit, or other form of group housing that was offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provided a peer-supported, alcohol-free, and drug-free living environment, akin to sober houses and sober living facilities. He said the same number of unrelated residents and distance requirements set forth for Type 1 and Type 2 community residential homes would apply to these facilities.

Mr. Finn showed slides that described the other definitions that would be added to the ordinance which included: adult family-care home (FS 429.65); assisted living facility (FS 429.02); community residential home (FS 419.011); detoxification (FS 397.311); hospital (FS 395 and part II of Chapter 408, FS 397.311); and nursing home facility (FS 400.021).

Mr. Finn showed a slide of a chart comparing current facility types to the proposed facility types. The chart showed which zoning districts allowed the various current facility types as special exceptions, as well as the zoning districts that allowed the proposed facility types. He said special exceptions would require approval by the City Commission.

Mr. Finn advised that the analysis for reviewing proposed amendments to the text of the Code of Ordinances were met as follows:

- 1) The proposed amendment was legally required.
- 2) The proposed amendment was consistent with the goals and objectives of the Comprehensive Plan.
- 3) The proposed amendment was consistent with the authority and purpose of the Code of Ordinances.
- 4) The proposed amendment furthered the orderly development of the City.
- 5) The proposed amendment improved the administration or execution of the development process.

Mr. Finn advised that staff recommended that the Planning and Zoning Board approve the proposed ordinance.

Mr. Manganey asked the number of homes that equated to 1,000 feet. Mr. Finn said it would be several blocks. Ben Ziskal said it would be about three and one-half football fields.

Mr. Arserio asked whether a recommendation could be made to extend the radius beyond 1,000 feet for recovery centers. Mr. Finn responded that as a recommending board, they could put a condition on it for further distance. He noted that the distance restriction was part of State law and that the item would be going before the City Commission for approval.

Mr. Ziskal said the City received a lot of negative questions/comments about recovery and detoxification facilities. He explained that the federal government and Supreme Court has acted and taken position in two ways to protect those facilities: Fair Housing Act and the Americans with Disabilities Act (ADA). He said the ADA had deemed drug and alcohol recovery as a disability. As such, he said that people that were in recovery, per the ADA, were entitled to the same type of treatment anywhere that we allowed medical treatment of another disability. Similarly, he said that a recovering alcoholic or drug addict was disabled and was entitled to the same housing per the Fair Housing Act as someone that was given the ability to live in a certain condition because of another disability, i.e., elderly, handicapped, mentally challenged, etc. He said the City would face a challenge if it provided a standard that was stricter or required further separation because of a disability which was why it set the same standards for everyone.

Mr. Ziskal explained that Florida Statutes (Chapter 419) provided that if one of the facilities were more than 1,000 feet from another such facility, the City could not preclude them from locating there. He said the City inverted the state law so that it would not allow a facility if it were closer than 1,000 feet to another like facility.

Mr. Hylander commented that the ordinance addressed the number of persons per facility but it did not address the number of bedrooms or square footage. He asked how it would be calculated. He also asked whether facilities that were next to each on separate parcels but had the same ownership were considered one entity or whether they needed to be 1,000 feet apart. Mr. Ziskal responded that the maximum occupancy and distance separation would enforce itself. He said one could not add the facilities together and exceed the occupancy. Mr. Hylander said it was possible to have six people, an administrator, plus the people living there in a two-bedroom home with multiple cars; he asked how such a place would be regulated. Mr. Ziskal responded that most of the facilities were either governed or licensed by the Department of Children and Families or the Agency for Health Care Administration and they set minimum square footage requirements and inspections were conducted by those licensing agencies. He said that some group care facilities had round-the-clock shift work while assisted living facilities typically had someone living there. He said the City did not allow the office staff and others to live there. He said staff reviewed any of the incoming facilities to ensure that there would be sufficient parking. He said these facilities were expected to follow the City's parking requirements. He noted that most of the residents that lived in these facilities were elderly or physically disabled and they did not drive.

Mr. Hylander asked about the effect on home owner association's (HOA) restrictions and whether they could impose restrictions beyond the City's law. Mr. Ziskal responded that he would need to consult with the City Attorney because sometimes HOA's could be stricter than Margate's regulations; however, the State law might prevail. Mr. Arserio commented that he did not think a HOA could deny a facility because of the ADA and Fair Housing Act but they could enforce parking rules that applied equally to everyone. Mr. Hylander said that in his

experience, condos and HOA's that were for residents only were generally exempt from ADA requirements for parking. Mr. Hylander asked how fire rescue fees were paid in the example of a single family home with eight people living there that did not have insurance. He asked whether the Fire Department had to absorb those costs. Mr. Ziskal responded that he would need to research it and get back to him with an answer. He said that fire sprinklers were required when a single family home converted to a facility.

Both Mr. Hylander and Mr. Angier said they would have liked to have had a copy of the PowerPoint presentation in their back-up materials prior to the meeting.

Mr. Manganey asked whether the facilities being discussed paid a higher fire assessment fee than a residential home. Mr. Ziskal said he thought they did and that they were in a separate category, but he said he would verify that information.

Mr. Zucchini asked whether the City would know if other facilities were operating within the radius limitation. Mr. Finn responded that after the applicant requested the zoning measurement form, they would need to provide an updated list from the licensing agency that oversaw the home and the City would verify through its mapping software whether there were new ones on the list. He said all the agencies communicated with one another and should all be working off the same list of residential facilities. Mr. Zucchini asked whether the agencies had any requirement to report the residential locations to the City. Mr. Finn said only when the applicant proposed to open another community residential facility at which time the City would require an updated list from the agency on the number of facilities that were within the City of Margate. He said the City would check the list using its mapping software to verify if any were within the 1,000 or 1,200 foot radius.

Mr. Zucchini asked what criteria were used by DRC to review the applicants. Mr. Ziskal clarified that when an applicant applied to one of the licensing agencies, such as DCA or ACA, there was a section on their application that required municipal zoning approval. He said the agency would not accept an application without it having gone through the City first for review. He said the City used the GIS system to spatially map the locations of the facilities. He said staff monitored the list regularly, noting that the turnover rate of these facilities was low because it was an extensive improvement to add fire sprinklers and convert a home. He explained the role of the DRC and said that when an application for a facility came in, they looked to see whether it met the distance requirement of being 1,000 feet away from another, whether there was adequate parking, and it would notify them that they must convert the home and add the fire sprinklers.

Mr. Zucchini asked whether every facility had to have fire sprinklers. Mr. Ziskal said it depended on the number and the physical condition of occupants. He said the Fire Marshal made that determination.

Mr. Zucchini asked whether the City would be informed of whom the residents were and whether the City had the right to know who they were. Mr. Ziskal said the City was not informed of the names of the residents and that he did not think that it had the right to know but he said he would check that with the City Attorney. Mr. Zucchini said he thought it was very important.

Mr. Zucchini referenced the category for a detoxification facility and commented that the map showed CF-1's were located in residential areas which he said was surprising.

Mr. Zucchini asked whether the City had the right to require periodic inspections by the Margate police. He said if the City had a list of the residents, it could knock on the neighbors doors to ask whether there were any issues or complaints. He suggested that the City charge for the periodic inspections. He commented that the State was not concerned about Margate and that it was the City's responsibility.

Mr. Manganey commented that it would be a huge Fourth Amendment issue and the police could not inspect or search someone's home without probable cause. Mr. Zucchini clarified that the police should knock on neighboring doors to find out if there had been any loitering, violence, etc. Mr. Angier commented that there might be a problem with the perception of the police department soliciting complaints about a neighbor. He said if someone had a complaint, they would have likely gone to the City or the police department to make the complaint. Mr. Zucchini said he had a problem having recovery residences in the heart of single-family residential areas.

Mr. Angier said he understood the perception that people had of what might be taking place in some of these places and that it might not be what one would want as a neighbor in their community. However, he explained that the City was lining itself up with State statute, and while it might want to put in some further restrictions, it would be going against State statute.

Mr. Zucchini asked if the fire department had the right to ensure the facility met fire department code. Mr. Ziskal responded that the fire department conducted annual inspections of the facilities. Mr. Zucchini asked if they charged for the inspections and Mr. Ziskal said he believed that they did charge. Mr. Zucchini asked why the police department could not perform the same service within their area of responsibility and be proactive to make sure the facilities were being run correctly.

He said the answer was probably a combination of the comments made by Mr. Manganey and Mr. Angier. He said that the police responded every time there was a complaint about a neighbor, whether it was about something illegal or code-related. He said the issue of soliciting feedback from adjacent neighbors would demonstrate that they were being treated differently as they would not be the same type of questions that would be asked of another facility. He used the example of a recovery facility and a home for handicapped children. He said he did not believe that we could solicit feedback from a particular neighbor because we didn't like the other neighbor. Mr. Zucchini said it was not a question of like; it was about them being aware of the City's presence, its supervision, and its desire to preserve the community.

Mr. Ziskal said he would provide responses to all the questions next month after he reviewed them with the City Attorney and Police Chief.

Mr. Zucchini commented about parking and noted that recovery residences in particular would put a major strain on parking. He asked whether we had a right to restrict a facility based on parking issues. Mr. Arserio responded that not all HOA's roadways were public. Mr. Angier commented that his community had certain restrictions on parking, and the parking

arrangements would not change just because a facility came in. He said the facility would have to abide by whatever rules were already in place.

Mr. Zucchini commented that he did not understand why the detox operation was separated from recovery considering the high rate of recidivism in recovery. Mr. Angier responded that the courts had adjudicated that they were handicaps and they needed to be put in the same category as all other handicaps and treated as such. He acknowledged he was uncomfortable with it, but he said the law stated that they were handicaps and needed to be treated as such and they could not be singled out any differently than any other handicap person or facility. Mr. Ziskal said that there was a clear distinction in the case law regarding detoxification facilities which he said were more of a medical hospital type of use while recovery residences had people living in sobriety. He said that was why the detox facility was only allowed in the CF-1 zoning district where a regular hospital was also allowed whereas a recovery residence was allowed in a residential neighborhood where other disabled people lived. He said the City had received requests from people wanting to open detoxification treatments in residential neighborhoods, but the City's position was that a person going to a detox center for 3-5 days to have the chemicals flushed out of their system was considered a short term hospital type of stay versus that of a person living and trying to stay sober.

Mr. Zucchini commented that he would like to know if there was any way to find out the identity of the residents.

Mr. Arserio said he agreed 100 percent with trying to incorporate additional restrictions, but he understood that we had to accept the State law. He said it was doubtful that we would be able to get the names of people who were receiving medical treatment nor would we be able to impose additional fines under the ADA.

Mr. Zucchini said he just wanted to know the names of the people, not their medical records. He said it would enable us (residents) the chance to find out if there were people with serious, violent criminal backgrounds, sexual predators, etc. Mr. Angier responded that some of that information was already provided by the State noting that the law required that the neighbors be made aware when a sexual predator moved into a neighborhood. Mr. Zucchini said it depended on the definition of resident. Mr. Angier said an occupant of a recovery center was considered a resident.

Mr. Mangeney asked for clarification on whether the current ordinance forbids a facility from being closer than 1,000 feet. Mr. Ziskal said the current Code did have a 1,000 foot separation but the way the City defined the facilities was contrary to State statutes.

Mr. Angier reminded the Board members that the item before them for a vote was whether to accept a proposal that the City change its definitions of these homes and facilities to line up with those in the State statutes.

Mr. Mangeney made the following motion, seconded by Mr. Hylander:

MOTION: SO MOVE TO APPROVE

Mr. Zucchini asked to wait until they received answers to the questions that were raised, and he made the following motions, which died for the lack of a second:

MOTION: TO TABLE TO THE NEXT MEETING

Manuel Lugo, 1129 East River Drive, asked what the City's responsibility was for informing people that a recovery center might be moving into their neighborhood. He asked whether residents should be informed beforehand. Mr. Angier said he agreed 100% that residents should be made aware that a facility was coming into their neighborhood, but he did not think it could be done and he deferred to Ben Ziskal.

Mr. Ziskal said he did not think there was anything currently in the State law that required these types of facilities to notify the neighbors. He said there had been a number of discussions with the State Legislature in the past few years to come up with licensing, oversight and possibly some type of notification. He said he would need to get a legal opinion on whether the City could require these types of facilities to notify the neighbors when it did not require other facilities like those for the elderly, disabled children, etc., to do so. Mr. Angier asked if something could be added as a recommendation that homeowners within a certain radius of any of these types of facilities, no matter what it was, could be notified that a facility of any type was coming into their neighborhood. Mr. Ziskal said it could be put in as an amendment and a recommendation but he needed to find out whether it could be done legally. He said it would be added to the ordinance and when it went to the City Commission, if the City Attorney said it could not be done, the language would be removed.

Mr. Mangeney said if a person had a disability, it was against the law to disclose that they had a disability as it would violate the Americans with Disabilities Act. He said it might be possible to just disclose that a sober home existed but not the names of the people that lived in it because that would be disclosing that they had a disability.

Mr. Angier said all he wanted was a notification within a certain radius that there was a certain type of facility that was planning to come into one's community, without saying what kind of disability or the names of the people. Mr. Mangeney said that not naming the type of disability would not make a difference; just designating someone as having a disability would violate the law.

Mr. Angier said he wanted to make an amendment that would provide notification that a facility of any type was coming into an area, assuming that it was determined to be legal to do so.

Mr. Zucchini questioned why he would make the amendment without defining the answer as to whether they had the right to know the names of the residents. Mr. Angier said he did not think they had the right to know the names. Mr. Zucchini said the Board did not know the answer to that question.

Julie Jones said she was very familiar with Charlie House, a group home in Margate, and she absolutely knew that those names could not be disclosed.

Charles Artner, 6631 N.W. 22nd Court, asked whether the residents could legally petition against a facility coming in. Mr. Ziskal said the State law was clear that if the facility was located more

than 1,000 feet away from another facility, it had to be allowed. Mr. Artner said he understood that the City had to allow it, but he asked whether the residents had any legal recourse. Mr. Ziskal said he thought the law meant that no one could stop them.

Mr. Artner commented that there was a limit on foot traffic to a business in a residential area. He said there would be a lot of foot traffic with a recovery facility in a residential area and he asked how that worked with the Code. Mr. Ziskal said the residents of a recovery facility that were allowed to be in a residential neighborhood were the people that lived there permanently; they were not people coming in and out from all over.

Mr. Angier made the following amendment to the motion which died for the lack of a second:

AMENDMENT: TO NOTIFY HOMEOWNERS IN ANY AREA THAT A
FACILITY WOULD BE COMING IN, IF DEEMED TO BE LEGAL

ROLL CALL: Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, No; Mr.
Hylander, Yes; Mr. Angier, Yes. The motion passed with a 4-1 vote

- 1D) **PZ-06-17** CONSIDERATION OF A PLAT AMENDMENT FOR THE MARGATE COVERED
SPORTS FIELD LOCATED AT 1675 BANKS ROAD
PETITIONER: CITY OF MARGATE, DEPARTMENT OF ECONOMIC DEVELOPMENT

Cotter Christian, Project Manager, Margate Community Redevelopment Agency (CRA), said they were in the process of designing and permitting a covered sports field on CRA-owned property located in front of the Sports Complex on Banks Road. He showed the site plan had been approved by the DRC and said they were working on the construction drawings. He showed renderings of what was planned for the sports field that was approximately 1.6 acres in size. He said the plan was to have youth sports fields with a pre-fabricated steel roof over the top to protect from the weather and to allow for year-round sports.

Mr. Christian explained that the property was zoned Industrial prior to acquisition by the CRA and platted as such and was restricted to 24,800 square feet of industrial. He said one of the requested changes was to modify the note on the plat from Industrial to City Park/Recreation use. Also, he said the original plat had an additional access point from Banks Road on the southeast corner of the property which would be eliminated and there would be shared entry with the existing sports field. The second change to the plat would be the extension of the non-vehicular access line to the southeast corner of the property so there would be no access along the entire frontage along Banks Road. Mr. Christian advised that the plat also had concurrency requirements. He said when it was approved in 2004 (recorded in 2006), the Notice of Adequacy set forth that they had five years to draw a building permit and five years to build the interior infrastructure, and the Notice expired in December, 2009. As part of the process, he said the CRA would be filing an extension with the County of five years from the date of approval. He said after their approval, it would go to the City Commission for approval and then on to the County.

Richard Zucchini asked if there was a storm rating requirement on the construction. Mr. Christian responded that it would be in accordance with all codes, including the South Florida Building Code. He said they were still very early in the design process.

Phil Hylander said he hoped parking would be incorporated into the design as he had been to the facility numerous times and it had been jammed. He said the City had relied on the surrounding neighbors for parking.

Mr. Christian requested that Section 1 of the resolution be amended to also include verbiage for the extension of the non-vehicular access line before it went to the City Commission. Mr. Ziskal said staff would make the change. Mr. Angier advised the Board members that when they voted it would be inclusive of the change requested by Mr. Christian.

Mr. Arserio said that based on the site plan shown, he did not see where they could put additional parking. Mr. Angier said the item being discussed had to do with changing the plat. He said he thought parking would be addressed by the City when the plans were further along. Mr. Christian said that it might come down to scheduling where all the fields could not be in operation at the same time. He said a benefit was that the peak periods for the sports park differed from the adjacent property where there was ample parking.

Mr. Hylander asked about the uses for the park. Mr. Christian said it could be used for soccer and T-ball.

Charlie Artner, 6631 NW 22nd Court, suggested they consider the possibility of adding a second floor for parking as they worked through the planning.

Mr. Arserio made the following motion, seconded by Mr. Zucchini:

MOTION: TO APPROVE

ROLL CALL: Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes, Mr. Hylander, Yes; Mr. Angier, Yes. The motion passed with a 5-0 vote.

1E) DISCUSSION OF 2017 LAND AND WATER CONSERVATION FUND PROGRAM (LWCF)
GRANT APPLICATION FOR THE IMPROVEMENTS TO FIREFIGHTERS PARK

Mr. Angier and Mr. Hylander commented that they had not seen the back-up for this item.

Michael Jones explained that this was similar to the FRDAP grant for unique abilities that had been previously brought before this Board for which the City was rewarded funding. He said when grant funding was sought through the state or federal government, advisory boards were needed to show support of the projects. He said extra points were received for having advisory board support. The grant window was usually 30 to 60 days when it was opened up. He acknowledged that this was submitted quickly before the meeting agenda deadline and that back-up was provided.

Mr. Jones explained that the City was seeking a \$200,000 matching grant for improvements to Firefighters Park. He said improvements to Firefighters Park were in the City's existing capital improvements program. He said this would provide \$200,000 of support from the Land Water Conservation Fund. He said that the City would receive extra points in its grants submittal when scored by having the support of an advisory board. He said the last grant that the

Planning and Zoning Board supported resulted in both City projects being in the top ten overall rankings and funding had been received for one of the two projects.

Mr. Arserio said he attended the public input meeting and there were not any plans presented. He commented that the Board was only voting on support and not on any specific changes.

Mr. Angier commented that the City liked to have one of its boards support such proposals. Mr. Jones said he strongly agreed and having the support of an advisory board could determine whether a project gets funded. He said the plans would not be available until the project got designed and started through the permitting phase. Mr. Jones said the improvements that were discussed at the input meeting included parking improvements, fitness trail improvements, and tennis and basketball court improvements. Mr. Arserio commented that the City would move forward with the improvements whether the grant was received or not, however, the improvements would be limited. Mr. Jones said the grant would provide for \$200,000 in extra improvements.

Mr. Zucchini made the following motion, seconded by Mr. Arserio:

MOTION: TO APPROVE

ROLL CALL: Mr. Arserio, Yes; Mr. Mangeney, Yes; Mr. Zucchini, Yes, Mr. Hylander, Yes; Mr. Angier, Yes. The motion passed with a 5-0 vote.

3) **GENERAL DISCUSSION**

Mr. Zucchini commented that he was disappointed in the initial vote and that they felt pressure to make a decision that night. He said he thought the item could have been tabled so they could obtain additional information including a legal opinion.

Mr. Angier thanked the Board members for their participation. He said the discussions that night were great. He thanked Catherine Yardley and Teresa DeCristofaro for their past service on the Board. He commented that it would be beneficial for the Board members to make an appointment with Ben Ziskal and talk with him about the City's future and what went on day-to-day.

There being no further business, the meeting was adjourned at 8:56 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Todd E. Angier, Chair