

COMMUNITY REDEVELOPMENT AGENCY

REGULAR MEETING

Wednesday, November 8, 2017

MINUTES

Present:

Tommy Ruzzano, Chair
Anthony Caggiano, Vice Chair
Lesa Peerman
Arlene Schwartz
Joanne Simone

Also Present:

DJ Doody, Board Attorney
Samuel A. May, Executive Director
Adam Reichbach, Assistant Executive Director
Kim Vazquez, Project Manager
Cotter Christian, Project Engineer/Manager
Danielle Sabat, Marketing Coordinator

The regular meeting of the Margate Community Redevelopment Agency having been properly noticed was called to order at 7:04 P.M. on Monday, November 8, 2017 by Chair Tommy Ruzzano. There was a moment of silence followed by the Pledge of Allegiance, Roll call was taken.

1. MINUTES FOR APPROVAL: Minutes from October 11, 2017 CRA BOARD MEETING FOR APPROVAL

After DJ Doody, Board Attorney read the item title: Motion for approval made by Commissioner Peerman, seconded by Commissioner Simone.

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, Yes; Ms. Simone, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed unanimously.

2. PUBLIC DISCUSSION

Joey Ruiz, 6217 Margate Boulevard, said he would like to inform the Board of an upcoming event. The People's Conference being held at the Katz Community Center, February 10 and 11, 2018. He asked the Board for support with use of the CRA owned property for overflow parking.

Mr. Doody said they will need to put together the parameters of what they envision for the use and bring it before the Board.

Ms. Peerman presented the Roy F. Kenzie award to Danielle Sabat for Market Under the Moon.

3A. PRESENTATION BY THE TREASURE COAST REGIONAL PLANNING COUNCIL

Dana Little, Urban Design Director for the Treasure Coast Regional Planning Council said Treasure Coast were involved in the State Road 7 Collaborative and the Citizens Master Plan process for Margate. He explained he is here tonight to provide insight on what is involved in a city visioning charrette process. A plan of a community provides a vision for developers and placemaking opportunity for your city. He provided an overview of a full charrette process which takes 40-60 hours of time. He explained a team will set up in the city for a week, gather stakeholder input, do initial observations of the area, hold a workshop with the stakeholders and ask those who participate to present their ideas back to the group. The team presents a work in progress at a public meeting for final input and then a final report is prepared based on the vision of the community.

Ms. Schwartz asked if they have done any work recently on any of the other cities along State Road 7 and is there a review past plans. Mr. Little responded they have not been involved recently with any of the other cities on State Road 7 and a part of the process includes reviewing former plans.

Mr. Caggiano asked what the cost for a full charrette would be. Mr. Little responded a full charrette process which involves planning, an engineering analysis and market study can cost \$250,000-\$300,000.

Ms. Peerman asked if there is a strategic process that is a less costly option since as the city has participated in a process in the past with the focus on the downtown core area. Mr. Little said a public charrette process can be tailored to specific areas based on the objectives of the City.

Ms. Schwartz said she would be interested in what would make Margate a destination and sustainable. Mr. Little said the planning should include what is sustainable, flexible and able to respond to a sometime fickle market place.

Mitch Petchelli, 6890 NW 9th Street stated the CRA should not invest in another market study and questioned if any consulting company can get on the agenda and do a presentation. He commented this should be done in house and not outsourced.

The Board respectfully requested in the future, presentations be attached as part of the backup.

3B. PRESENTATION BY SALTZ MICHELSON ARCHITECTS ON ARCHITECTURAL DESIGN GUIDELINES

Charles Michelson, Saltz Michelson Architects discussed the opportunities of creating architectural design guidelines for a city. By having goals and objectives for a design you can create a mechanism to verbalize and communicate what it is you want. Businesses do not like ambiguity and developers like to know what the rules are with regards to the development in a city. Architectural guidelines encourage design and construction of projects which harmonize with their surroundings and demonstrate high standard of quality. You establish a community design vision for new development and the guidance necessary to achieve that vision. Standards should apply to all including residential, commercial and new construction to create consistency and variety which is articulated in a document.

The Board thanked Mr. Michelson for the presentation and asked if a list be put together to view architectural styles in areas of south Florida.

Mitch Pellechi, 6890 NW 9th Street commended the Board but asked whether members of Planning and Zoning and residents get to weigh in. Is this for the City of Margate or just for the CRA district. Can find the talent within our city. We attempting to hire experts we do not have in house.

Manny Lugo aske the design include green standards are part of the guidelines

Ms. Peerman someone who some discussion about the process for architectural guidelines.

4A. APPROVAL OF AMENDING THE FISCAL YEAR 2016-2017 AND FISCAL YEAR 2017-2018 ANNUAL BUDGETS

Mr. Doody, Board Attorney read the item title.

The following motion was made by Ms. Simone, seconded by Ms. Schwartz:

Mr. May stated he is requesting an amendment to the budget amendment to allocate the funds left in the trust fund from FY2016-2017 be placed as follows; \$300,000 to Ace Plaza parking lot improvements and \$515,000 for debt repayment.

Ms. Peerman amended the motion with changes as stated; seconded by Ms. Schwartz

AMENDED MOTION: ALLOCATE \$300,000 FOR ACE PLAZA PARKING LOT IMPROVEMENTS AND \$515,000 FOR DEBT REPAYMENT

Mr. Doody explained the State Statue is very specific that any moneys left in the trust fund at the end of fiscal year must go towards paying down debt, placed in escrow, give the money back to the taxing authorities or put into project specific fund and spent within 3 years.

Ms. Schwartz stated she did not receive this backup until Monday. Mr. May responded invoices were still coming in to be paid and the final dollar amount was not available until Monday.

Ms. Simone stated there should be a dedicated Executive Director and not having one person doing two full-time jobs.

Mr. Caggiano asked about the positions in the amendment and questioned the funding for the Copans Road median project.

Mr. May said the amendment includes an allocation of funding for two full-time positions, Director and Assistant Director salary and benefits. The Copans Road median project was budgeted in FY2017 and the funds were not encumbered therefore the money is being moved into FY2018 to proceed with that project.

ROLL CALL ON THE AMENDMENT: Ms. Schwartz, Yes; Ms. Peerman, Yes; Ms. Simone, Yes; Mr. Caggiano, No; Mr. Ruzzano, Yes. The motion passed 4-1.

Ms. Peerman asked Board Counsel to clarify if additional notification was necessary on the budget amendment as provided tonight. Mr. Doody responded no additional notice was required.

Mitch Pellechi, 6890 NW 9th Street said the current debt is at a low interest rate and we are paying \$515,000 on debt and we do not have any projects to dedicate these dollars to. Disingenuous not to table this item and have further discussion on what you want to allocate the funding to other than paying down debt. He said he feels we should do away with the CRA.

MOTION: RESOLUTION AS AMENDED, AMENDING THE FISCAL YEAR 2016-2017 AND FISCAL YEAR 2017-2018 ANNUAL BUDGETS

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, Yes; Ms. Simone, Yes; Mr. Caggiano, No; Mr. Ruzzano, Yes. The motion passed 4-1.

4B. AUTHORIZING THE APPROVAL OF AN AMENDMENT TO THE TASK ORDER FOR CPZ ARCHITECTS, INC., FOR PROFESSIONAL CONSULTING SERVICES (ARCHITECTURAL, CIVIL, AND LANDSCAPE DESIGN, SITE PLAN DRAWINGS, BIDDING ASSISTANCE AND CONSTRUCTION OVERSIGHT) FOR THE DAVID PARK IMPROVEMENTS

Mr. Doody, Board Attorney read the item title.

The following motion was made by Ms. Peerman, seconded by Ms. Simone:

Kim Vazquez, Project Manager explained this for reimbursable expenses incurred and not an increase in the service cost being provided CPZ Architects.

MOTION: APPROVE OF AN AMENDMENT TO THE TASK ORDER FOR CPZ ARCHITECTS, INC., FOR PROFESSIONAL CONSULTING SERVICES (ARCHITECTURAL, CIVIL, AND LANDSCAPE DESIGN, SITE PLAN DRAWINGS, BIDDING ASSISTANCE AND CONSTRUCTION OVERSIGHT) FOR THE DAVID PARK IMPROVEMENTS

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, Yes; Ms. Simone, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed unanimously.

5A. CRA MEETING SCHEDULE FOR 2018

Mr. Doody, Board Attorney read the item title.

The following motion was made by Peerman, seconded by Ms. Simone:

The following motion was amended made by Peerman, seconded by Ms. Simone:

AMENDED MOTION: TO BEGIN THE MEETINGS AT 7:00PM.

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, Yes; Ms. Simone, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed unanimously.

MOTION: APPROVE THE CRA MEETING SCHEDULE FOR 2018

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, Yes; Ms. Simone, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed unanimously.

Mitch Pellechi, 6890 NW 9th Street clarified the meetings will start at 7:00PM.

5B. COMMERCIAL FAÇADE GRANT REIMBURSEMENT FOR 4701 COCONUT CREEK PARKWAY, LLC.

Mr. Doody, Board Attorney read the item title.

The following motion was made by Ms. Peerman, seconded by Mr. Caggiano:

Kim Vazquez, Project Manager provided an overview of the project and said the applicant has submitted receipts for work not approved as part of the original application. The applicant is asking for consideration of entranceway tile, gutters and new doors. His reimbursement request with the additional work totals \$46,083.00

Peter Dogagis, 4701 Coconut Creek Parkway, said they have been in Margate since 1985 and operating as Lesters since 1991.

MOTION: TO AUTHORIZE FAÇADE IMPROVEMENT PROGRAM REIMBURSEMENT TO 4701 COCONUT CREEK PARKWAY, LLC. IN THE AMOUNT OF \$46,083.

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, Yes; Ms. Simone, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed unanimously.

5C. APPROVAL OF TEMPORARY USE AGREEMENT

Mr. Doody, Board Attorney read the item title

The following motion was made by Ms. Schwartz, seconded by Mr. Caggiano:

Mitch Pellechi, 6890 NW 9th Street representing the Water Front Foundation stated due to the circumstances of the property not being used by another entity in November, an opportunity arose for the Waterfront Foundation to hold a carnival during the December months.

Mr. May stated the CRA Event Policy restricts users to holding one type of an event per year. The Foundation will have to receive a special exception from the Board for the Waterfront Foundation to hold a carnival since they held a like event earlier in the year.

MOTION: APPROVAL OF A WAIVER THE POLICY TO ALLOW THE WATERFRONT FOUNDATION TO HOLD A SECOND CARNIVAL ON CRA PROPERTY IN ONE YEAR

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, No; Ms. Simone, No; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 3-2.

The following motion was made by Ms. Schwartz, seconded by Mr. Caggiano:

MOTION: APPROVAL OF TEMPORARY USE AGREEMENT WITH WATERFRONT FOUNDATION

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, No; Ms. Simone, No; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 3-2

The following motion was made by Ms. Schwartz, seconded by Mr. Caggiano:

MOTION: TO APPROVE WAIVING THE LAND USE FEE OF \$5,000

Ms. Peerman cautioned the Board this what the State Legislature is looking at when you are waiving fees for entities holding events.

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, No; Ms. Simone, No; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 3-2

Mitch Pellechi, read his letter of request to waive police fees into the record.

The following motion was made by Mr. Caggiano, seconded by Ms. Schwartz:

MOTION: TO APPROVE WAIVING THE POLICE DETAIL FEES FOR THE WATERFRONT FOUNDATION CARNIVAL

Mr. May said the CRA Plan allows for payment of detail for the safety of the residents.

Ms. Simone said if she remembered correctly that the Chief of Police is not in favor having carnivals and recommended they end at 10:00PM due to safety issues.

Captain Jon Shaw explained rate details for prior carnivals ranged in FY2017 ranged \$6,000-\$7,000 due to rate increases and additional detail officers not just for Water Front Foundation but other carnivals as well.

Mr. Caggiano made an amendment to his prior motion; Seconded by Ms. Schwartz:

AMENDED MOTION: TO ACCEPT THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR AND WAIVE THE FEES AND MCRA TO INCUR THE COST OF THE POLICE DETAIL FEES

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, No; Ms. Simone, No; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 3-2.

ROLL CALL ON THE MOTION AS AMENDED: Ms. Schwartz, Yes; Ms. Peerman, No; Ms. Simone, No; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 3-2.

The following motion was made by Mr. Caggiano, seconded by Mr. Ruzzano:

MOTION: TO EXTEND THE HOURS TILL 11:00PM ON WEEK NIGHTS AND UNTIL 12:00AM ON SATURDAY AND SUNDAY

Ms. Schwartz stated that going beyond 11:00PM is not a good idea since it has been stated by the police, problems start after 10:00PM.

Mr. May stated the item to extend the hours must go before the City Commission as well for approval.

The following motion was made by Ms. Schwartz,

AMENDED MOTION: EXTEND THE HOURS TILL 11:00PM ON WEEK NIGHTS AND 11:00PM ON SATURDAY AND SUNDAY

Motion died due to the lack of a second on the motion

Roll Call: Ms. Schwartz, No; Ms. Peerman, No; Ms. Simone, No; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion failed 3-2.

To clarify the request made by the Waterfront Foundation, the following motion was made about the beginning time for the Saturday and Sunday event dates as the application submitted to the CRA and letter of request submitted by Mr. Pellechi to the Board members reflected two different beginning times.

The following motion was made by Ms. Schwartz, seconded by Mr. Ruzzano:

MOTION: APPROVE THE OPERATIONS TIME TO BEGIN AT NOON ON SATURDAY AND SUNDAY

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, No; Ms. Simone, No; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 3-2.

5D. CONSIDERATION OF THE CITY CENTER SITE PLAN

Mr. Doody, Board Attorney read the item title

Mr. May said staff recommends rejecting of the City Center Site Plan as the latest version includes 922 dwelling units for the overall project and currently there are only 415 dwelling units available under the TOC. The site plan cannot be processed and approved without the provision of additional units by the City.

The following motion was made by Mr. Caggiano, seconded by Ms. Schwartz:

MOTION: ACCEPT STAFF RECOMMENDATIONS TO REJECT THE SITE PLAN

Ms. Peerman asked the CRA Board Attorney if the CRA can allot units. Mr. Doody responded no. Ms. Peerman continued she disagrees with the staff recommendation as the City has flex units available and the developer can apply for those units.

Ms. Schwartz respectfully disagrees and said this should not be put upon the City who did not amend their Comprehensive Land Use Plan. We are considering a site plan where the units are not legally available without going through a process to request additional units.

Mr. Doody stated staff's recommendation is premised on a review of the entire site plan and as provided for in the development agreement and at this time the CRA is unable to adhere to the terms of the development agreement given failure of the adoption of the land use amendment. Although there is a formal application process for additional units, those units are not presently located or available on the property.

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, Yes; Ms. Simone, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed unanimously.

Michael Moskowitz of Moskowitz Mandell Salim & Simowitz, P.A., provided a letter declaring the CRA is in default of the development agreement. He stated the time to consider the site plan has expired as there were 60 days as stated in the agreement for staff review. He said the developer submitted the original site plan on March 16, 2017 for consideration. Comments from staff were provided on April 10th and the developer responded to those comments on May 4th, staff provided additional comments on May 8, 2017 and the developer provided a final response on May 8, 2017. The site plan review time expired on May 10, 2017. Any further review is a breach of the agreement. Currently there are 400 units available and as per the agreement and Phase 1 development can be completed on the east side of 441. We will take action and sue you, the CRA, for specific performance. During this timeframe, no one will be allowed to use the property. The term of law suit can expand beyond the life of the CRA and you will not be able develop on this land. This is the consequences of what will happen.

Mitch Pellechi, 6890 NW 9th Street said the CRA should consider filing a lawsuit against the developer with the hostile position taken tonight by the developer.

Manny Lugo, 1129 E River Drive said the sale of the 36 acres of property at \$10 million violates public statue for fair value. He referred to provisions in the development agreement and the allotment of units for the development through a land use amendment. We should move forward and be freed from this injustice.

Todd Angier, 1913 NW 79th Terrace, said he is glad the developer has taken action. He stated the Board entered into an agreement and the actions of this Board and City Commission have done everything to undermine this development moving forward. The developer tried to negotiate several times to resolve the issues the Board had with the development and now maybe this issue can be resolved with actions of the developer tonight. There were better ways to come to a

solution, but you choose the one route to end this in litigation. We have cut off our noses to spite our face not only for this development but with any other future development of this city. Instead of moving forward you are dragging this city into the past.

Rick Zugini 380 B Lakewood Circle East, spoke about the Riverfront project on Las Olas.

ROLL CALL: Ms. Schwartz, Yes; Ms. Peerman, No; Ms. Simone, No; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 3-2.

6. EXECUTIVE DIRECTOR'S REPORT

Mr. May had nothing to report.

6A. TENANT UPDATES

Jim Nardi, Advanced Asset Management that two tenants are delinquent.

7. BOARD COMMENTS

Ms. Peerman – no comments

Ms. Schwartz said that she would like input from the Public on CRA initiatives.

Ms. Simone – no comments

Mr. Caggiano – no comments

Mr. Ruzzano asked what are roadway improvements being done on 31st by the Penn Dutch Plaza. Mr. May responded they are adding a bike lane.

Having no other business, the meeting ended at 10:57 P.M.

Respectfully submitted,

Transcribed by Kimberly Vazquez

Tommy Ruzzano, Chair