

COMMUNITY REDEVELOPMENT AGENCY BOARD

REGULAR MEETING February 12, 2020

MINUTES

Present:

Arlene Schwartz
Antonio V. Arserio, excused
Joanne Simone
Anthony Caggiano, Vice Chair
Tommy Ruzzano, Chair

Also Present:

Jeffrey L. Oris, Executive Director
David Tolces, Weiss Serota Helfman Cole & Bierman
James Nardi, Advanced Asset Management

The regular meeting of the Margate Community Redevelopment Agency having been properly noticed was called to order at 7:04 p.m., on Wednesday, February 12, 2020, by Chair Tommy Ruzzano. Roll call was taken. There was a moment of silence followed by the Pledge of Allegiance.

1A. MINUTES FOR APPROVAL - (12/10/19 Regular)

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

MOTION: SO MOVE TO APPROVE

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Absent; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 4-0.

1B. MINUTES FOR APPROVAL - (12/19/19 Special)

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

MOTION: SO MOVE TO APPROVE

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Absent; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 4-0.

1C. MINUTES FOR APPROVAL - (1/15/20 Regular)

After David Tolces, Board Attorney, read the item title, Mr. Caggiano made the following motion, seconded by Ms. Schwartz:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Absent; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 4-0.

2. PUBLIC DISCUSSION

No one came forward to speak.

3A. RESOLUTION 628: AMENDING AN AGREEMENT BETWEEN THE CITY OF MARGATE POLICE DEPARTMENT AND THE MARGATE COMMUNITY REDEVELOPMENT AGENCY FOR SPECIAL DUTY DETAIL AT MARGATE COMMUNITY REDEVELOPMENT AGENCY SPONSORED EVENTS

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

MOTION: SO MOVE TO APPROVE

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Absent; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 4-0.

3B. RESOLUTION 629: APPROVING AND ADOPTING THE AMENDED AND RESTATED BYLAWS FOR THE MARGATE COMMUNITY REDEVELOPMENT AGENCY

After David Tolces, Board Attorney, read the resolution title, Ms. Simone made the following motion, seconded by Mr. Caggiano:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Absent; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 4-0.

4A DISCUSSION & POSSIBLE ACTION: APPEAL OF DISALLOWED GRANT REIMBURSEMENT FOR THE TRUONG PROPERTY MANAGEMENT, LLC (VO AN RESTAURANT)

After David Tolces, Board Attorney, read the item title, Jeffrey L. Oris, Executive Director, explained that the grantee had a proposal for doors and windows that called for a 50 percent deposit with the balance paid at installation. He said the proposal had been signed and paid in full several months prior to the grant being awarded by the MCRA. He said the grantee's reimbursement documents also included several other items that show where deposits were made but the work had not been done until after the grant was awarded; those were determined to be valid within the grant's parameters. Since the windows were paid in full before the grant award, staff was looking to the Board for direction on whether it was their intent to allow for reimbursement of that expense.

Board members Caggiano and Ruzzano agreed that the intent was to allow for them. Attorney Tolces said consent was needed from the Board because it was not consistent with staff's understanding of the grant program. Ms. Schwartz disagreed with going backwards and allowing expenses that had been paid for five months before the grant was approved. Chair Ruzzano asked when the grant program was put in place but staff did not have the date at hand.

Phong Truong, owner of Vo An restaurant, said the program was put out in September [2018]. He said when he met with Diana Scarpetta from the MCRA, she gave him the application packet and he asked her what he needed to put together in addition to the site plan. He said he needed to order the windows in order to receive the engineered drawings and Notice of Acceptance (NOA) approval in order to submit to the City. He said he had to pay for the windows and the hood. Chair Ruzzano said he understood the process he described. Ms. Schwartz questioned why he paid the full amount in advance.

Chair Ruzzano made the following motion, seconded by Mr. Caggiano:

MOTION: TO TABLE TO THE NEXT CRA MEETING

Mr. Oris asked the Board for authorization to pay Mr. Truong for the expenses that could be justifiably reimbursed while awaiting for a decision on the windows. The Board members gave general consensus.

ROLL CALL: Ms. Simone, Yes; Mr. Arserio, Absent; Ms. Schwartz, Yes; Mr. Caggiano, Yes; Mr. Ruzzano, Yes. The motion passed 4-0.

5. EXECUTIVE DIRECTOR'S REPORT

Jeffrey L. Oris, Executive Director, provided the following updates:

5A. UPDATE ON ACE HARDWARE PLAZA

Parking lot repairs had been made and the lot was draining appropriately. Tenant signage had been completed and permitting was being finalized. A sign waiver was being prepared for the off-site sign. Vendor selection was being finalized for completion of the painting of the window frames. Ace Hardware was looking to consolidate its spaces and they were requesting some concessions, and Mr. Oris said he would have something for the Board to consider at the next meeting.

Ms. Schwartz asked about the workmanship on the asphalt work that had been done at the parking lot and Mr. Oris said it was under warranty but did not know for how long. She asked if a sign would be put up that indicated that the MCRA expended funds for improvements. Mr. Oris said a sign could be put up as long as it met the Sign Code. He said the MCRA had been working on a change to the Sign Code that would allow for signs on those properties where the MCRA had provided grant funds. He said he had received an interpretation that day from the City Attorney that would allow for a sign at Culver's.

Mr. Oris stated that the grants approved to date included provisions that nothing that happened before the date the grant agreement was executed would be reimbursed.

Ms. Simone asked why the contractor had not been asked to redo the entire parking lot and Mr. Oris explained that it was not realistic for them to redo the whole lot. He said they tore out an entire section and replaced several patches that were not acceptable. She expressed a concern about not knowing about the warranty. Mr. Oris said he would get back to the Board on it. He said the seams and wheel stops had been done appropriately and the lot drained properly. It passed all inspections and Public Works also looked at it and had no issues. He said he was not totally satisfied with the work and he wished that they had done it right the first time, but he could live with it, however, he would never use them again.

5B. CHEVY CHASE PLAZA UPDATES

Jeffrey L. Oris, Executive Director, spoke about the required maintenance items that were needed at the plaza which were listed in the meeting back-up. He said tenant signage was the only item that was not required maintenance but it was included because it would make a big difference on visibility as the signs were under the mansard. However, he said the MCRA would not be replacing signage for the two large tenants because they were already visible. The parking lot was horrible and he expressed concern about what might be underneath it which could increase the cost as the project moved forward. He said some of the columns needed maintenance and the building needed painting. MCRA staff was moving forward with plans to have the roof coated to stop the many roof leaks. He said there would also be some under canopy lighting under the walkway as well as making sure the sidewalks were safe and met ADA requirements. He emphasized that it would be a maintenance project versus an improvement project.

Chair Ruzzano suggested adding some additional green space into the parking lot at the time the engineering plans were being done. Mr. Oris said it would be looked at and he said suggested adding more green space to the area in the front of the plaza.

Chair Ruzzano asked about getting a sign for Downtown Margate that included the names of both plazas on it. He said he would like to see a large 20-foot wall with water coming off it that read Downtown Margate and listed all the shops. Mr. Oris said it be costly but he would get quotes.

Mr. Oris referenced the timeline that was included in the backup noting that it did not include exact dates but it would take into account July 4th activities. He said the roof and lighting would be done first and then the sidewalks. Mr. Oris said he had sufficient information about the plazas and he would reach out to them the following week to schedule a Special meeting.

5C. UPDATE ON CRA SPORTS COMPLEX COVERED FIELD

Jeffrey L. Oris, Executive Director, referenced the timeline in the meeting backup and said the project was almost in for permitting and it would be moving ahead shortly.

5D. UPDATE ON MISCELLANEOUS ITEMS

Legal Services Agreement: Jeffrey L. Oris, Executive Director, explained that when the transfer of the legal services agreement came before the Board, it was as a new agreement for a three-year term with two, one-year extensions. He said the Purchasing Department asked for confirmation from the Board that it was their intent to do so. He suggested the contract be kept, otherwise it would need to go out to bid and the MCRA had just contracted with the new firm.

Chair Ruzzano asked if the contract could be terminated before the three-year term. David Tolces, Board Attorney, said the contract had a 30-day out clause.

Executive Director Position: Mr. Oris said his employment agreement had been delayed as he had recently spoken with the City about benefits. He said there should be something for them to approve at the next meeting. He said the advertisement for the position had been placed with the Florida Redevelopment Association, Florida League of Cities, City of Margate's website, and on the International Downtown Association website. The deadline was February 21, 2020.

Sale of 6280 West Atlantic Boulevard: Mr. Oris said the sale was proceeding without any issues and was in the due diligence period until February 21, 2020. He said there was only one prospective buyer, a company that offered financial services/mortgage/insurance, and they were excited about coming to Margate and would be a good fit.

Bus Shelter Signage: Mr. Oris said the MCRA was working with the Police Department on signage to help address a problem with homeless people at the bus shelters. He said no trespassing signs would be installed.

Former Swap Shop Property: Mr. Oris said additional no trespassing signs were being placed at the former Swap Shop property. J & J Towing continued to use the property to load car carriers so a Cease and Desist letter had been sent to them. He said they had also been using the former First Union property for their wreckers. He said there had not been evidence of them using the properties since the letter had been sent. He said conversations had been had with a landscaper about putting in some planters to attractively barricade the entrance.

Graffiti on Bus Shelters: A purchase order was recently released for touch-up the painting of all the bus shelters to cover the graffiti.

5E. TENANT UPDATES

James Nardi, Advanced Asset Management, provided the following updates:

Chevy Chase Plaza

- Sweet Spot was still honoring their agreement to pay down past due rent.
- Pop's Chicken and Waffles owed for December and January. The Board Attorney had filed an eviction on the tenant and when served, they surrendered their keys and removed their personal property. He said their security deposit and last month's rent had been applied and the tenant said they would pay the remaining balance owed.

Ace Plaza

- Octagon Financial dba DAKZ had not paid rent and owed for 2019 and 2020, and eviction paperwork had been filed.
- Wings Your Way paid January rent the day prior and now owed rent for February.
- Rent from Way Back When was expected shortly.
- Attorney Tolces assisted in doing an agreement with Brain Builders to terminate their lease at the end of January. Their security deposit and last month's rent was applied, leaving a small balance owed and the tenant had moved out.

David Tolces, Board Attorney, stated that Octagon Financial dba DAKZ had been served; no answer had been received so they moved for Default Judgment which would allow them to obtain a Writ of Possession and take possession of the property within the next 30-45 days if everything went smoothly.

Ms. Schwartz asked if there had been any interest in the space at Pop's Chicken and Waffles. Mr. Nardi said he had met several times with someone interested in the space and they were currently doing their due diligence.

6. BOARD MEMBER COMMENTS

Ms. Simone: Showed the Board members two photos of a wall she took while traveling to Florida's west coast. The images showed stone on the pillars and the caps and walls were in different colors. She said the stone treatment would like nice on Atlantic Boulevard. She said she was not in favor of putting high shrubs in front of the wall because it been done before and it did not look nice. She said she could along with low shrubs in front of the wall with the stone pillars. Chair Ruzzano said he liked it a lot and would like to see stone on Atlantic but the columns were constructed differently. Mr. Caggiano said he also liked the way it looked. Jeffrey L. Oris, Executive Director, said the costs for stone could be looked into but some shrubbery would be needed because the wall was so stark. He commented that the Atlantic wall was a different type of construction and he was not sure how it could be done but it would be looked into as well as the costs. He said he would move forward with painting the wall with a lighter colored cap. Chair Ruzzano asked to see a swatch with the colors.

Ms. Simone said she understood the property next to Serino Park was for sale and she asked Mr. Oris to find out the cost and whether it was feasible to purchase. Mr. Oris said it would be looked into and he suggested the Board be careful because the MCRA had spent a tremendous amount on parks to date. Chair Ruzzano said it would be a key property to acquire.

Ms. Schwartz: Commented about the need to showcase the businesses in the MCRA similar to what used to be done with the In The Biz program. She said the Board would like to receive a list of new businesses that were coming into the City. She said she heard that the Architectural School at the University of Miami wanted to take the City Center project and create a design, and she thought it was something that should be taken advantage of. Chair Ruzzano commented that it was tied to New Urban Communities and should be avoided. Mr. Oris said he received an email from Mr. Hernandez and he read it. He said it was one of six projects that had been selected by the University of Miami's Master of Real Estate Development + Urbanism program (MRED+U) to be studied. It asked if he or any other City or MCRA officials would like to meet with the students to provide the City's perspective on what they would like to see on the site.

David Tolces, Board Attorney, said he did not recommend participating in it from a legal perspective.

Mr. Caggiano: Commented about an older map of Margate that Ms. Schwartz had in her office that showed businesses in the City, and he asked if a new one could be done by the MCRA. Mr. Oris said the map was done about 15 years ago and it was a very time consuming project for the City Manager's assistant. It was very costly and took two years to publish. Overall it very problematic he said.

Mr. Ruzzano: Commented that Culver's ground breaking was scheduled for February 15, 2020 at noon. He asked the Board for consensus to look into doing a study or plan for moving something forward when the MCRA won the lawsuit that would be based on information provided by the City's residents. Mr. Oris said he had a designer/architect that could provide a proposal that he would bring to the next meeting.

There being no additional business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Transcribed by Rita Rodi, CRA Coordinator

Tommy Ruzzano, Chair