

MARGATE COMMUNITY REDEVELOPMENT AGENCY BOARD

REGULAR MEETING January 19, 2023

MINUTES

Present:

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

Also Present:

Cale Curtis, Executive Director
Larry Vignola
David Tolces, Weiss Serota Helfman Cole & Bierman
Harlan Bast, Hildebrand Amusement Rides

The regular meeting of the Margate Community Redevelopment Agency having been properly noticed was called to order at 7:10 p.m., on Thursday, January 19, 2023, 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 - (12/13/2022 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, Yes; Ms. Schwartz, Yes; Mr. Caggiano, Absent; Mr. Ruzzano, Yes. The motion passed 4-0.

PRESENTATION OF DAVEY AWARDS

Cale Curtis, Executive Director, read an email into the record from Maria Fallon, Communications Manager, announcing that the Margate Delish video series won a 2022 Davey Award Silver in Social Campaigns & Series-Food & Beverage for Social category, noting that it was the second award the video series had won. The awards were presented to each Board member for their support of the program. He recognized Maria Fallon and Yarelis Fuentes for all the work they had done to achieve the award. He spoke about the background and purpose of the award.

The Board members and Mr. Curtis thanked Ms. Fallon and Ms. Fuentes for the great job they did and the high quality of the Margate Delish videos. Ms. Simone thanked everyone involved for running with her suggestion to do the videos and the tremendous results. Group photographs were taken.

2. PUBLIC DISCUSSION

Jonathan Kraljic, resident, referenced comments made by Cale Curtis, Executive Director at the December MCRA meeting on two projects. On the Southgate Boulevard Median Improvement project, he said he was opposed to the plans to remove sable palms from State Road 7 and replace them with more palatable trees because they were the Florida State tree, historic, and were not invasive. In regards to the S.W. 6th Street project, the speed limit on S.W. 6th Street was 30 miles per hour (mph) and full of speed bumps and, by comparison, Margate Boulevard was 25 mph. He suggested the speed limit on S.W. 6th Street be lowered to 25 mph to keep drivers from trying to achieve 30 mph.

He also suggested having the Margate Shopping Center sign at Ace Plaza preserved and incorporated into the new City Center as a historic symbol when it got developed. He suggested replacing the word "shopping" with "city" so the sign would read Margate City Center. He commented that the iconic Steak and Ale restaurant was returning after 14 years and that it would be great if Margate could be the first Florida city to have a location.

3A. DISCUSSION AND POSSIBLE ACTION: APPROVAL OF A TEMPORARY USE AGREEMENT BETWEEN THE MARGATE COMMUNITY REDEVELOPMENT AGENCY AND HILDEBRAND AMUSEMENT RIDES, INC., FOR USE OF MCRA PROPERTY AT 1000 NORTH STATE ROAD 7 TO HOLD A MARGATE SPRING BREAK FAIR

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

MOTION: SO MOVE TO APPROVE

Ms. Schwartz deferred to Cale Curtis about information he had emailed her prior to the meeting. Cale Curtis, Executive Director, said his email was in response to her request for calls for service and incidents from the last fairs, some of which were of serious nature that required police support and response to handle. He said each recent fair has had a night with issues significant enough to warrant the police closing them down early.

He said the Board's role that night was to approve the use of the property, and then the City would go through a review process prior to it issuing a Temporary Use Permit for the event. He said the fair operator, Hildebrand Amusement Rides, was advised that the City was still due payments for police and fire details; they said they were not aware of the outstanding balance, and that they were committed to getting it paid. Mr. Curtis recommended any approval given that evening should be made contingent upon the fair operator making payment in full within a specified time frame.

Ms. Schwartz said she requested information about incidents at the fairs because she had received a letter from a member of the public that provided details about the Margate fair and a comparison to the fair held in Miami-Dade. The letter mentioned unattended minors which she said was not supposed to happen because fights could break out. She said there were ample police, but it was really concerning that people felt afraid to attend because of past incidents.

Mr. Arserio said he also received a letter and there was some information in the report that he wanted to follow-up on. He was in favor of approving use of the property and he would ultimately make his decision when the request came before the City Commission. He said he wanted to make sure the City was made whole for the amount owed, and that there would be adequate police. He noted that each fair had been a learning experience. At the last one, fights inside the fair spilled outside, so there should be plans to have police in the surrounding shopping centers, at the expense of the fair operator, where the fights seemed to overflow. He was open to potentially reducing the fair's hours from 1:00 a.m. In addition to requiring minors be accompanied by an adult at the gates, he suggested having a policy for the police to address groups of unaccompanied minors that formed inside the fair.

Mr. Curtis commented the email received from the Police Major indicated that the allocated police detail had proven to be insufficient and additional resources would be needed if the fair operator's security failed to address the unaccompanied minor issues. He said Margate had limited police resources and it might need to contract with other cities for additional police support. He said security from other cities assisted in last year's event.

Ms. Schwartz commented that past incidents were a black eye to Margate, and she expressed concerns about various items including the dates and hours of operation until 1:00 a.m., as they affected working people. She pointed out that City Code required events close at 10:00 p.m.

Chair Ruzzano said some of his concerns had been mentioned by the other Board members. He agreed that any outstanding fees needed to be paid and that the hours were a bit overbearing as the incidents tended to happen after hours, noting that MCRA did not approve the hours of operation. Mr. Curtis said the MCRA could dictate its conditional approval to the City. Chair Ruzzano said he did not think there would ever be enough policing. He asked about the MCRA's fee.

Mr. Curtis stated that the fee for rental of the property had been left blank on the Event Application form. Based on the fee schedule, the rental fee was calculated to be \$8,928, but the MCRA could adjust it. The rental fee paid to the MCRA from the prior year's Spring Break fair was \$12,500; the rental fee paid to the MCRA for the larger Winter break fair in 2022 was \$80,000. The MCRA had the ability to negotiate or set the rental fee it desired he said.

Chair Ruzzano said he understood that the request was for use of the property and he hoped the City Commission would agree to the times recommended by the MCRA when it went before the City for approval.

Jonathan Kraljic, resident, said he opposed the return of the carnival and that the fair operator's events brought harm and fear to the City since November, 2021, when an elderly woman was shot in her residence by a stray bullet fired at the fair. He spoke about his negative experiences at the Spring Break fair last year that included feeling ripped-off as many rides were not in working order or had no operators. There was an incident on the second night of the fair that caused it to be shut down, and it made him hesitant to bring his family. He referenced the police incident report and read the following quotes: "There are many juveniles and teenagers without parents or guardians present"; officers

“observed large crowds to continue to fight at points and yell profanities at officers”; and, “At one point, an officer called out ‘Shots Fired’ in the Chevy Chase Plaza across from the fair.”

He said City officials allowed the fair to return in November, 2022, and the fair operator agreed to the stipulation that unaccompanied minors would not be admitted into the fair. There was an incident on Thanksgiving evening where gunfire had been reported. Videos on social media showed police responding with tactical weapons and dozens of unaccompanied minors fleeing for safety. He said the fair operator had been given the opportunity to convince Margate that such incidents were a fluke but they failed to live up to their agreement. There had been a major incident at each of their three events within a one-year period. He said the fair operator should not be allowed to operate in Margate for the safety of its residents and police officers.

Harlan Bast, Hildebrand Amusement Rides, Sebring, Florida, stated that there were zero incidents at the first fair. At the spring fair, there had been only one incident in the 17 days they were there and it occurred between 9:00p.m.-10:00p.m. Prior to the event, he said he saw a bunch of kids inside the fair without arm bands and, upon further investigation with his gate staff, they found that the gate in the back had been tipped over and kids were coming over from Walmart. The gate was secured and shortly afterwards there was an incident between two minors pushing and shoving and a firecracker went off which started the kids running. He said there was no gun. They put more security at the back fence and there were no more problems.

Chair Ruzzano asked Mr. Bast if he was aware that there was a balance owed to the City for police detail. Mr. Bast said he knew there was balance and he had mentioned to their attorney, Joshua Rydell, that they had not received a final bill last week and Mr. Rydell indicated he would follow-up. He said he wanted to have the invoice before he came to the MCRA meeting. He said he would take care of the invoice regardless of the outcome of that night’s meeting.

Mr. Bast said 99 percent of the people who attended the fairs enjoyed themselves. He mentioned they had educational tents with animals, entertainment, and car giveaways. He said he was proud of his fair and it was heartbreaking to see kids misbehaving. He said it was his idea to sell everyone under 21 years of age an armband, even if with an adult.

Chair Ruzzano asked Mr. Bast whether he was alright with the 10:00 p.m. close. Mr. Bast said they were only open until 1:00 a.m. on Fridays and Saturdays. He asked for consideration for 12:00 p.m. on Fridays and Saturdays and 11:00 p.m. on weekdays. He said they did not stay open until 1:00 a.m. every night, and most nights they closed at 11:30-12:00 p.m. He said the incident mentioned above was on Thanksgiving. Mr. Bast said when similar incidents occurred at other fairs, they would start to turn off lights and close the fair down gradually giving people time to walk out; otherwise, people got angry and would push and shove. He said he was on the side of the police, but maybe a more gradual approach could be taken, unless a gun was involved. He said closing at 10:00 p.m. on the weekends would be challenging because that was when people started to come out in South Florida.

Chair Ruzzano asked Mr. Bast if a rental fee of \$25,000 would be acceptable. Mr. Bast said \$25,000 was fine, and he thought that was what they paid last year.

Ms. Schwartz commented on the dates of Spring Break and that the fair would operate a full week when children were still in school. Mr. Bast said they wanted to open on the Friday the kids got out of school. There was some back and forth about the actual dates for Spring Break.

Dr. Mitch Pellecchia, 6890 N.W. 9th Street, representative for Hildebrand Amusement Rides, said he may have inadvertently submitted incorrect dates for the fair, but the intention was to open the Friday prior to Spring Break. Mr. Bast said they would be there an extra week afterwards in case of rain, etc. David Tolces, Board Attorney, said the MCRA Board, as property owner, could designate the dates and hours for use of the property as part of the motion. Mr. Bast said Hildebrand Amusement Rides wanted to be in Margate from March 17, 2023 through April 2, 2023, as indicated on the application.

Chair Ruzzano asked the next course of action should the item fail with a 2-2 vote. Mr. Curtis said the Vice Chair might call in.

Ms. Simone commented that she had never been a fan of the carnivals. Year after year she heard promises about having beefed up, professional security, but there were still problems. The carnival was not good for the City or the residents and she suggested bringing it to another city. She said she believed the police report and trusted that the police knew the difference between a firecracker and a gunshot. Things had not improved despite continued promises. The residents she had spoken with did not want the carnival back in Margate.

Mr. Curtis advised that Vice Chair Caggiano had called in and was available. He asked if the Board wished to have Police Chief Galaska speak about his concerns and advice, and several Board members agreed.

Joe Galaska, Chief of Police, explained how years ago the City had nightclubs that had nights for 18-years and over and there were fights every time. He said it was the age group and there was nothing that would prevent that behavior. He stated there were some slow nights, however, the police were being paid for what they might have to do. He spoke about how Margate police had the multi-agency gang task force at a past event, but that they would not come out to Margate events for security anymore unless there was bona fide evidence that gang activity was expected. Chief Galaska said Margate had limited police staff to operate these events, and it might need to pay for assistance from other cities. He said it would be prudent to obtain a bond paid for by the vendor prior to the event because they had to continually chase after Mr. Bast for payment, sometimes for months. The amount of the bond could be projected up front and any overpayment refunded.

Chief Galaska said he could not promise a safe event with the high number of attendees, but they were not going to let bad people prevent Margate from having a good time. They would do the best they could to make it a safe event, however, the vendor might not like the expense associated with it. He said there was definitely evidence of several gunshots at the gas station next door as people excited the event; the nexus for the gunshots was the event. He said this type of event drew a certain age group and it was inevitable there might be some skirmishes.

Ms. Schwartz asked about the use of metal detectors. Mr. Bast, speaking from the audience, said people came over the fence. Chief Galaska said a "no weapons allowed" restriction could be put in place by the vendor because it was a private event that required paid admission, with an exception made for law enforcement. With regards to metal detectors, he said there was a large area of fence that could be jumped or knocked over.

Chair Ruzzano thanked Chief Galaska for his comments and the suggestion about requiring a bond. He asked the Attorney Tolces if signs reading, "No guns permitted" could be put up on the property. Attorney Tolces said he would need to check the State statute as there were limitations on where a municipality could place signs to restrict the presence of guns. Chief Galaska suggested he also check to see whether the vendor would be able to place the signs.

Ms. Simone asked why the fair was good for the City, noting that it attracted teenagers from other cities who were not patronizing Margate's shops and restaurants. It did not make sense to allow these teenagers to come into Margate and raise havoc year after year, and put Margate residents at risk. There had been three incidents and it was time to stop. Chief Galaska advised that there had been four incidents, citing one from years prior.

Chair Ruzzano asked Vice Chair Caggiano if he had any comments. Vice Chair Caggiano said he was not going to allow a few people to destroy the fun and happiness of a lot of people.

Mr. Curtis commented that the evening crowd was different from the daytime crowd which was more family centric, adding that he was not aware of any issues during the daytime. He said it was important to consider the hours of operation as there was a benefit to showcasing Margate to the daytime crowd. He suggested a possible compromise that would include getting a bond upfront for police detail costs and adjusting the hours of operation.

Chair Ruzzano said the reduced hours would be beneficial as it would dissuade teenagers from attending the fair, and Margate could be showcased during the day.

Attorney Tolces advised that the motion should include the amount of rent the MCRA wished to charge as well as a request that the City collect some type of bond prior to the event to cover the costs for police security. Mr. Curtis stated that the amount of the bond or deposit would be contingent on the hours of the operation of the fair and the level of security needed.

Chair Ruzzano asked the Board members about the rental fee. Ms. Schwartz suggested it could be a percentage.

Mr. Bast stated he had just received his invoice that night, and he would pay it by Monday, and that he would be willing to pay \$50,000 up front towards security. He said he had been busy and he thought Mr. Rydell was going to obtain the bill for him. He commented that he had 300 people that patronized the local restaurants during the fair, and the fair also bought a lot of its supplies from Walmart. He said a lot of families enjoyed the fair.

Mr. Kraljic commented that the Vice Chair should hear from the public before he cast his vote. He said that he was not against carnivals in Margate but this particular fair operator was irresponsible and had failed the City time after time.

He stated that there were other fair/carnival operators. He commented about a sign at Denny's restaurant that said that carnival employees had not paid their bills, and Walmart had reported shoplifting by carnival employees.

Ms. Schwartz asked Attorney Tolces whether there was an issue with the use of the subject property as there had been in the past. Attorney Tolces said he would not make any assumptions that nothing might happen which was why the MCRA was requesting an indemnification and hold harmless provision be included should any potential litigation arise as the result of the use of the property for the fair.

Ms. Schwartz suggested charging \$50,000, the original rent amount charged previously before it was reduced to \$25,000 to compensate others. Mr. Curtis clarified, for the record, that rent payment of \$12,500 was received for the last Spring Break fair. Chair Ruzzano said the MCRA could set the rent, and he suggested \$50,000. Mr. Arserio and Ms. Schwartz confirmed that the motion be amended as follows:

MOTION: SO MOVE TO APPROVE WITH THE FOLLOWING STIPULATIONS: RENT PAYMENT OF \$50,000; EVENT TO CLOSE AT 10:00 P.M.; AND PAYMENT OF A BOND/DEPOSIT IN AN AMOUNT TO BE DETERMINED THROUGH THE CITY'S REVIEW PROCESS

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

Vice Chair Caggiano disconnected from the meeting.

3B. DISCUSSION AND POSSIBLE ACTION: RESCHEDULE FEBRUARY MCRA MEETING

After David Tolces, Board Attorney, read the item title, Chair Ruzzano stated that several Board members would not be attendance for the MCRA meeting scheduled on February 8, 2023.

Cale Curtis, Executive Director, provided some possible alternative dates the following week, and he suggested Thursday, February 16, 2023 at 7:00 p.m. Ms. Simone said she preferred meeting on a Wednesday. After a short discussion between board members on various date options and times, Ms. Schwartz made the following motion, seconded by Mr. Arserio:

MOTION: TO RESCHEDULE THE MEETING TO THURSDAY, FEBRUARY 16, 2023 at 7:00 P.M.

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

4. EXECUTIVE DIRECTOR'S REPORT

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

Atlantic Boulevard Median Improvements – The landscape contractor had started to lay the sod but some of the areas that were to be elevated were lower than expected; he requested that the contractor provide a cost estimate for additional fill. He said the intent was to replace the grass, add some areas of elevation and provide improved maintenance with new irrigation. Electrical conduit was run to nine of the twelve medians to provide future uplighting.

Ms. Schwartz suggested putting up signs when the MCRA or City had projects underway so people would know how their tax dollars were being used.

Plaza Monument Signs – The monument signs were in fabrication and should be ready for installation in approximately four weeks.

Chevy Chase Plaza Improvements – Purchase orders had been issued for the replacement of 10,000 square feet of roof at Chevy Chase Plaza. The stormwater lining project was completed and was fully functioning. He reported that \$160,000 had been budgeted for the project and the final invoice came in well under budget at \$63,000. He thanked Giovanni Batista, Public Works Director, and Jim Nardi, property manager for their efforts in managing the contractor.

Serino Park – The project was moving along well. The playground area had been demolished and construction of the restroom building was underway. The projected completion date was June/July.

Margate Boulevard Improvements – The design consultant, Chen Moore, planned to give a presentation to the Board at the February MCRA meeting to obtain final feedback before going to the final design phase.

S.W. 6th Street Improvements – Some challenges have been encountered with the consulting firm over the direction the Board and staff had given them concerning drainage improvements versus what they thought would be feasible. He said another firm's services might be considered.

Southgate Boulevard Median Improvements -- A Task Order had been issued to KEITH in an amount not to exceed \$70,416 for the design and project management of Southgate Boulevard Median Improvements at the corner of State Road 7 and Southgate Boulevard to include a topographic survey, landscaping, irrigation, uplighting, and a "Southgate" entranceway sign.

Ms. Schwartz asked whether it made more sense to hire an employee who understood the City's overall plans and could take care of all the projects rather than hiring individual consultants. Mr. Curtis explained that the City had project managers and several of them were engineers, but the projects required multi-disciplined fields of engineering and the City could not hire one engineer that was a jack-of-all-trades and had the technical knowledge to design and implement the projects. Chair Ruzzano suggested starting slow with a landscape architect or arborist. A short discussion ensued about the benefits of having a landscape architect. Mr. Curtis said it would be taken under advisement at budget time.

Mr. Curtis provided notification to the Board of a budget transfer for \$20,000 done in November from Contingency to Professional Services to cover potential property acquisition costs.

4A. TENANT UPDATES

Chair Ruzzano commented that the rent roll showed all tenants were up to date and he acknowledged the efforts of Jim Nardi, property manager.

Ms. Schwartz referenced the rent roll and asked about a vacant spot designated for the MCRA at the Ace Plaza. Jim Nardi, Advanced Asset Management, said it was a 200 square foot space used by the MCRA to store signage and miscellaneous stuff. She asked if it was rentable and Mr. Nardi said it did not have a restroom and it would need to be built out.

5. BOARD MEMBER COMMENTS

Ms. Simone: None

Mr. Arserio: None

Ms. Schwartz: None

Vice Chair Caggiano: Absent

Chair Ruzzano: He drove by the Ace Plaza on Saturday night and the parking lot was packed which he said was nice to see. He also mentioned a line-of-sight issue that existed when one left the Burger King in the Walmart plaza to head north; there was a bush that prevented one from seeing oncoming traffic.

He thanked everyone for their efforts in winning the Davey Award, and wished everyone a Happy Valentine's Day.

There being no additional business, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Transcribed by Rita Rodi, CRA Coordinator



Tommy Ruzzano, Chair

