



If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, that person will need a record of the proceedings, and that, for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**CRA BOARD MEETING MINUTES**  
 Monday September 18, 2017 6:00 p.m.  
 Environmental Services Department Training Room  
 Delray Beach, FL 33444

**STAFF PRESENT:**

Jeff Costello	Kevin Matthews	Krista Walker	Susan Shaw
Lori Hayward	Kristyn Cox	D J Lee	Elizabeth Burrows
Joan Goodrich	Tim Stillings	Scott Pape	Jen Buce
Caryn Gardner-Young			

**OTHERS PRESENT:**

Peter Arts	Laura Simon	Jane Smith	Mavis Benson
Lauren Lyall	Alex Farnsworth	Roberto Poates	Philipp Edouard
Jim Knight	Tyler Knight	Jackie Ramirez	Wesley Potts
Jim Chard	Laura Simon	Justin Bleyl	Tracy Phipps

**1. Call to Order**

Chair Gray called the meeting to order at 6:02 pm.

**2. Roll Call**

**Present:** Annette Gray, Cathy Balestriere, Dedrick Straghn, Daniel Rose, Reggie Cox, Sandy Zeller, Morris Carstarphen

**3. Approval of Agenda**

Executive Director Jeff Costello requested Item 9A, Downtown Safety Ambassador Program, be removed from the Agenda. Mr. Rose made a motion to approve the Agenda as amended which was seconded by Ms. Balestriere and passed unanimously.

**4. Approval of the Minutes – None**

**5. Public Comments on Non-Agenda and Consent Agenda Items - None**

**6. P&Z** (Discussion and comments by the CRA Board. No formal Action will be taken on P&Z Items)

**A. 206 SE 2<sup>nd</sup> Street – In-Lieu Parking Fee Request**

Assistant Planner Jennifer Buce introduced the item and the applicant, Tyler Knight, who gave a brief presentation on the In-Lieu Parking Fee request for the conversion of 2,169 square feet of retail space to restaurant use at 206 SE 2<sup>nd</sup> Street.

The Board Chair asked for public comments. There were none.

Mr. Rose inquired if there was already a restaurant to lease the space. Mr. Knight responded that he had two parties interested but wanted to go through this approval process prior to going forward. He also read a letter in support of the application from the Osceola Park residents. Mr. Rose stated it is great to be further developing that area.

**B. RAMEN@Hilo - In-Lieu Parking Fee Request**

Planner Alexia Howald introduced the item for In-Lieu Parking Fee Request at 181 NE 2<sup>nd</sup> Avenue in the Pineapple Grove District. Mr. Justin Bleyl of 4537 Parkside Drive, spoke on the item and commented that it is a small space only 18 feet wide and there is no parking available except in the back which will be for handicapped parking. He stated the front of the building is occupied by a Valet Company and as his business will only be open late afternoons and evenings they have made an agreement to use the valet services but still need to meet the parking requirements.

The Board Chair asked for public comments. There were none.

Ms. Straghn clarified that the handicapped parking counted as one of the 2.906 required parking spaces for that parcel. Mr. Bleyl responded that was correct and is why only 2 In Lieu spaces are requested.

**C. LDR Amendment – Parking Requirements for Change in Use in the CBD (The Set)**

Executive Director Jeff Costello presented the petition which the CRA has been working on together with Planning & Zoning staff. He noted it is intended to encourage local small business investment, business activity and economic growth in The Set and is consistent with the adopted Plans.

The Board Chair asked for public comments. There were none.

Mr. Zeller wanted to know if the parking gets too intense what will happen. Mr. Costello stated it is only for a three year period and that if there are concerns the provision can be voided after that time. He added it is going before the Planning and Zoning Board tonight and will go before the WARC Board at their October meeting and is a time sensitive item, which is why it is before this Board tonight. Ms. Gray asked how this would be affected by In-fill since unfortunately sometimes the big companies come in and misuse and manipulate City regulations. Mr. Costello said this is only for existing buildings and does not include any new development which may take place. Ms. Gray noted there are no restrictions on the use either. Mr. Costello said it does not restrict uses but that is another reason it is only for three years. He added it is only for a change in use and is intended to stimulate activity on West Atlantic Avenue and that it is the exact same regulation that was in place initially on East Atlantic before all the redevelopment occurred. She felt some of the things Mr. Costello mentioned should be included in the amendment so there can be no room for interpretation. Mr. Cox supported the petition and congratulated staff on the proposed amendment. He felt it was the right fit for the right time and is only for a very limited area.

**7. Reports/Presentations - None**

**8. Consent Agenda**

- A. Monthly Marketing Reports, July and August, 2017
- B. Monthly Financial Reports, June and July, 2017
- C. Clean & Safe Report, July, 2017
- D. CRA Monthly Progress Report, August, 2017
- E. Economic Development Monthly Update, August, 2017

Mr. Straghn made a motion to approve the Consent Agenda which was seconded by Mr. Cox and passed unanimously.

**9. Old Business**

**A. ~~DDA Downtown Safety Ambassador Program – Funding Request (Continued from 8-24-17 meeting)~~** (removed from Agenda)

**B. Site Development Assistance Grant – Upper Cutz Shop & Salon, Inc. – 135 NW 5<sup>th</sup> Avenue #5C (Continued from 8-24-17 meeting)**

Economic Development Manager Elizabeth Burrows presented the item which included a more detailed and accurate Business Plan and financials for the business.

The Board Chair asked for public comments. There were none.

Mr. Straghn commented that the numbers all seemed to be accurate and he wished the business well. Ms. Balestriere echoed Mr. Straghn's statements and supported the request. Ms. Gray stated it now looked like a viable business plan and appreciated their hard work in rectifying the plan. Mr. Rose made a motion to approve the Site Development Grant Agreement with Upper Cutz Barbershop & Salon, Inc. for the proposed interior improvement project located at 135 NE 5<sup>th</sup> Avenue, #5C, for an amount not to exceed \$9,125.00. The motion was seconded by Mr. Cox and passed unanimously.

**C. FY 2017- 2018 Budget Update**

Finance & Operations Director Lori Hayward presented the Budget Update and noted the proposed modifications.

The Board Chair asked for public comments. There were none.

Mr. Cox brought up the Joint Workshop with the City and asked about the Tennis Tournament. Mr. Costello noted that it was not discussed at the Joint Workshop and there is \$1 million included for that item. Mr. Cox said he is all right with the modifications presented but on the supplemental report he said he is not in favor at this point of diverting funds from the Tennis Tournament to the DBMC to produce an event. He stated the City needs that money for the Tennis, and he did not see adding to the work capacity of the non-profits to produce an event which needs to be better thought through on the front end. He understands the logic in the concept but was concerned with the execution aspect, and he does not want to put a strain on the City by diverting funds at this late stage. He said the Tennis Tournament needs to be looked at well ahead of time rather than a few months before it begins.

There was discussion regarding the background of the Tennis Tournament conversation at the Board Retreat held on July 22, 2017 where the Board consensus was that something needed to be done including get more community involvement and engaging youth. Ms. Gray explained that after meeting with the DBMC, the City Manager and some City Commissioners, she had come up with the idea for a pilot program for this year with a community event (\$50,000) and seed funding (\$100,000) to hire a sponsorship solicitation professional to attain sponsorships for next year, 2019, and if any were able to be obtained for this year so much the better. She felt that someone could be identified who had national and international rolodex capacity to help with developing sponsorships going forward. She noted that regarding the community event, Mr. Carstarphen had wanted to see a plan from the DBMC, and stated that while all the specifics and logistics would need to be worked out for the event, it would first need to be in the budget. The Board consensus at the Budget Workshop on August 8<sup>th</sup> was that the funding amount would be \$850,000 with \$50,000 held out to fund a community event and \$100,000 to be held out for seeding the hiring of a sponsorship development professional. She said the City Attorney prohibited discussion of the Tennis Tournament funding at the Joint Workshop with the CRA and City as he felt it could present some legal jeopardy with the lawsuit. Therefore, the City Commission never had the opportunity to give any direction on the funding due to the legal issue. Ms. Gray questioned why the Tennis Tournament funding line item on the CRA budget presented by the Executive Director at the Joint Workshop did not reflect \$850,000 as the Tournament funding amount since this had been the Board consensus. She suggested that the Board move forward with the consensus of \$850,000 in funding.

Mr. Straghn agreed that the consensus of the Board had been \$850,000, and said when he went into the Joint Commission meeting and saw that the budget reflected \$1 million in funding instead of \$850,000 he was perplexed. He was told when he questioned it that the meeting would be shut down if the funding for the Tennis Tournament were brought up for discussion. He said it was always his understanding that Board consensus never agreed to \$1 million outright to MatchPoint. He felt the Board should not be penalized and have to pay the \$1 million because it was not permitted to be discussed at the Joint Workshop so he was inclined to support the Board consensus of \$850,000. Ms. Balestriere also agreed that the consensus was \$850,000 to MatchPoint and she asked about the line item. Mr. Costello stated there is \$1 million in the line item of the budget but that does not address how that money would be allocated or distributed. Mr. Carstarphen noted that he agreed to the \$850,000 contingent upon getting approval at the Joint Workshop. He said since it could not be discussed there he would now support funding the \$1 million given the Tournament is right around the corner and it would create more issues not to do so. He said he will go with the Board consensus even if it is \$850,000. He also said he agreed with Mr. Cox that budget discussions need to be started much earlier in the year.

Mr. Rose commented on the contract the City has with MatchPoint. He said he just wants to get what is promised in that contract including sponsorships to be able to recoup some of the expense. He said the CRA needs to know what its rights are under the contract and that perhaps the City could sign its sponsorship solicitation rights over to the CRA to pursue. He believed there are two \$250,000 sponsorships noted in the contract which the CRA could sell. Mr. Zeller commented that the whole process needs to be considered a learning experience and the CRA funding the \$1 million at this point is the appropriate course of action. Ms. Balestriere

stated the Board Chair did the right thing in trying to come up with a solution to recoup some of the CRA's Tournament funding and felt it would be the right thing next year to go forward with hiring a professional for 2019 with the caveat that the City understands next year the CRA might not want to fund the whole amount. Ms. Gray pointed out that the City is using the CRA's funding as the sponsorships to which they are contractually entitled. She said this was the year she wanted to draw the line in the sand since the CRA Board was united around a dislike for much funding going to the Tennis Tournament. Mr. Cox felt a solution needs to be found going forward through a workshop with CRA in collaboration with the community. Ms. Gray stated she wanted to address either at this or another meeting that the Executive Director takes direction from the Board not the City Manager and that at no time should the City Manager's desires overshadow those of the CRA Board. She felt that if the budget had gone to the Joint Workshop with \$850,000 funding for the Tennis Tournament then it would not have been able to be disregarded. Mr. Carstarphen stated he strongly supports the Board Chair's proposal and is not happy it could not be discussed at the Joint Workshop. However, he said the proposal needs to go into discussion earlier next year and for this year to fund the \$1 million.

Mr. Cox made a motion to approve the Tennis Tournament funding for \$1 million which was seconded by Mr. Zeller and passed 5-2 with Ms. Gray and Mr. Straghn dissenting. Mr. Rose made a motion to approve the four modifications to the budget as proposed by staff. The motion was seconded by Mr. Straghn and passed unanimously.

## **10. New Business**

### **A. Interlocal Agreement (ILA) between CRA & City for FY 17-18 - Fire Prevention and Life Captain**

Contract Manager Krista Walker presented the item for a position committed to the CRA district to accommodate the increase of new building construction projects, existing projects, enforce code and provide for annual inspections to satisfy goals that complement Clean & Safe efforts.

The Board Chair asked for public comments. There were none.

Mr. Zeller stated he does not like the automatic renewal from year to year and would prefer it be affirmatively reinstated based on performance results. Mr. Straghn had the same concerns but found a provision in paragraph 4 that grants the right to terminate with thirty days' notice. Mr. Zeller noted that but felt this would be the first year and if all goes well then it could roll over automatically each year rather than having to deal with proper arguments being made to terminate the Agreement. Ms. Balestriere and Mr. Straghn agreed with having it come back for Board review after the first year. After some discussion, it was suggested to delete the second sentence in Section 4 of the ILA which states it will automatically renew annually. Mr. Cox stated he will support the request but feels it is really a stretch. He added that these decisions he felt need to be workshopped going forward with the City Commission and community being a part of these decisions.

Attorney D J Doody suggested making a motion to delete the sentence in Section 4 regarding automatic renewal. Ms. Balestriere made a motion to amend the Agreement by deleting the second sentence in Section 4 specifying automatic annual renewal. The motion was seconded by Mr. Rose and passed unanimously. Ms. Balestriere made a motion to approve the Interlocal Agreement between the City and CRA as amended to fund 100% of the actual amount expended for the Fire Prevention & Life Safety Captain position up to \$184,061, subject to

approval of the City and CRA budgets for Fiscal Year 2017-18. Mr. Rose seconded the motion which passed unanimously.

**B. First Amendment to ILA with City – Demolitions-Alleyway Clearance**

Mr. Costello presented the item. He stated the CRA and City want to amend the ILA to increase funding for the costs necessary to demolish or board up structures and perform alley clearing within the CRA District.

The Board Chair asked for public comments. There were none.

Mr. Rose made a motion to approve the First Amendment to the Interlocal Agreement between the CRA and City of Delray Beach for the CRA to provide funding for the demolition and boarding up of blighted and unsafe structures, and alleyway clearance in an amount not to exceed \$75,000, subject to approval of the City and CRA budgets for Fiscal Year 2016-17. The motion was seconded by Ms. Balestriere and passed unanimously.

**C. Ratification of First Amendment to Purchase & Sale Agreement – Pasadena Capital, Inc.**

D J Doody presented the item. He stated that when the contract was executed, a 90-day inspection period was provided to the purchaser which was scheduled to expire on September 11, 2017. He explained that the CRA received a Title Objection letter from the Purchaser's attorney and those objections are in the process of being resolved. Additionally he noted the proposed site plan and elevations needed to be revised based on preliminary comments received from City staff. Staff was not able to bring this to the Board prior to the September 11<sup>th</sup> expiration date, so a First Amendment to the Purchase & Sale Agreement was prepared and executed on September 7<sup>th</sup> by the Vice Chair. Mr. Doody stated that Amendment extending the inspection period to November 10, 2017, is now before the Board for ratification.

The Board Chair asked for public comments. There were none.

Mr. Cox made a motion to ratify the First Amendment to the Agreement for Purchase and Sale with Pasadena Capital, Inc. to extend the Inspection Period to November 10, 2017, which was seconded by Mr. Rose and passed unanimously.

**11. Other Business**

**A. Comments by Commissioners**

Mr. Zeller commented he hopes the City has a plan to address some of the issues in the Parks, especially Veterans Park, after the storm. He also noted he believes the Chair came up with a very excellent recommendation and is not happy with how it played out procedurally.

Mr. Straghn agreed with the Chair that a line needs to be drawn in the sand which was also said last year he noted. He does not want to come back next year and hear more talk about drawing a line in the sand. He said we need to decide when we are going to do it and then stick by it. He felt that was across the Board, and said there was chiding of the CRA for giving so much Non-Profit funding even though it was the City who asked the CRA to do the funding. He said that at some point it has to stop as the amount just keeps increasing in large amounts.

Ms. Balestriere said the issue is bigger than just the Tennis Tournament but that what the CRA funds for the City has gotten bigger overall. She said the CRA has a job to do and has to finish

it and it won't be able to keep revitalizing the District if the money keeps going to the City. She said she would like to see sponsorships and the community event pursued for next year.

Mr. Carstarphen noted he has a responsibility as a Board member to agree or disagree with what is being funded.

Mr. Cox stated it is unreasonable for the Board at the last minute to try to do a quick fix as regards the Tennis funding.

Ms. Gray felt there was an opportunity to send the City Commission a message but instead the same thing was done again and it was just kicked down the road to next year. She found it to be hypocritical. She also noted that the City Attorney disallowed the City Commissioners to even discuss the item. She felt it was irresponsible to fund \$1 million for the Tennis Tournament. She felt the Executive Director should be given a written reprimand. She then asked if any of her fellow Commissioners had any comments regarding the draft response to the Mayor's letter that was handed out recently. There were no comments so she asked to please get any comments to the Executive Director as soon as possible.

Mr. Carstarphen went on the record as saying he has the right to change his mind and vote as he wishes and he doesn't consider that hypocritical.

#### **B. Comments by Board Attorney – None**

#### **C. Comments by Executive Director**

Mr. Costello updated the Board regarding items on upcoming Board Meetings. He said the Board had requested a workshop for landscape maintenance but he would like to defer that as the City is quite occupied with the aftermath of the hurricane. He thanked the staff for the help in preparing before the storm and in particular D. J. Lee and Kevin Matthews for their help in coming in after the storm to assess CRA properties. He asked the Board to inform staff if they want to attend the FRA Conference in Daytona Beach October 18 – 20. He also thanked Renee Roberts for her work on the Ribbon-Cutting for Martin Luther King Jr. Drive on September 5<sup>th</sup>.

#### **D. Comments by Staff - None**

### **12 . Adjournment**

There being no further business the meeting was adjourned at 8:24 pm.

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Jeff Costello, Executive Director

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Annette Gray, Board Chair