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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**  
Thursday, November 9, 2017 5:30 p.m.  
City Commission Chambers, City Hall  
100 NW 1<sup>st</sup> Avenue, Delray Beach, FL 33444

**STAFF PRESENT:**

Jeff Costello	Kevin Matthews	Krista Walker	Susan Shaw
Joan Goodrich	Kristyn Cox	Debra Slaskli	Alexia Howald
Elizabeth Burrows	Jill Brown	David Tolces	Tim Stillings
D J Lee	Anthea Giannotes	Debra Slaski	

**OTHERS PRESENT:**

Ann Stacey-Wright	Dorothy Ellington	Victor Kirson	Andrea Bruton
Joy Howell	Linda Oxford	Claudia Willis	Jim Chard
Patricia Wright	Grecia Edmond	Evelyn Dobson	Mohammed Abdalla
Jackie Ramirez	Jane Smith	Joycelyn Patrick	Dupree Jackson
Kristin Quisenberry	Andrea Harden	Ernestine Holliday	

**1. Call to Order**

Chair Gray called the meeting to order at 6:10 pm.

**2. Roll Call**

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

**Absent:** None

**3. Approval of Agenda**

Executive Director Jeff Costello requested that Item 10C, Agreement with DBMC for Tourism Improvement District Study, be removed from the Agenda. Mr. Straghn made a motion to approve the Agenda as amended which was seconded by Mr. Rose and passed unanimously.

**4. Approval of the Minutes**

**A. Minutes of October 26, 2017 Regular Board Meeting**

Mr. Cox made a motion to approve the Minutes of the October 26<sup>th</sup> CRA Board Meeting. The motion was seconded by Ms. Balestriere and passed unanimously.

**5. Public Comments on Non-Agenda and Consent Agenda Items**

Ann Stacey-Wright, 225 SW 7<sup>th</sup> Avenue, challenged the Board to attend the community meetings (NWSW Neighborhood Alliance) in The Set. She said some in the community are being accused of false representations and speaking on behalf of the community. She stated November 9, 2017

there are three or four community meetings held annually to hear the concerns of the citizens and inform them of what is going on in the community. She said she was concerned with the appointment of Board members who do not even know what is going on in The Set. She stated the community will be telling the Board what they desire and not the other way around. She felt no one should hold a seat on the CRA Board that has not attended a WARC or NWSW Neighborhood Alliance Meeting.

Mohammed Abdulla, 181 SE 5<sup>th</sup> Avenue, with Habitat for Humanity, informed the Board that more than 100 volunteers will be working on a home for Mr. Greene, a 92 year old World War II veteran. The home is at 342 NE 3<sup>rd</sup> Avenue and anyone is welcome to come help.

Victor Kirson, Tierra Verde, wondered why the Publix pulled out of building on West Atlantic and speculated on a few possible reasons. He said someone should find out why. He then noted he listened to the presentation in the Workshop, and suggested the CRA give the \$1 million in funding of the Tennis Tournament to The Set instead as he feels the CRA has no business funding that event.

Andrea Bruton, 703 Avenue Serrant, lifelong resident of Delray Beach, said she wanted to say that she hopes all the money for redevelopment will stay in The Set and that all the development will be done. She said she did not mind a Publix going on West Atlantic Avenue, but since they pulled out she suggested bringing back black businesses. She asked what is being done for minorities or people in The Set to be able to bring those businesses back and get the residents to a point where they are independent.

Mr. Costello introduced the new City Manager, Mark Lauzier. Mr. Lauzier gave some background on himself and his 30 years in public service. He said in Pompano Beach he worked to establish the second CRA area on the beach, from the slum and blight study through to the Master Plan, so he understands the work of a CRA. He believes in CRA's reinvesting in the community and believes in a strong relationship between CRA's and cities. He said he looks forward to going around The Set and getting to know the community, and said that he is available should anyone wish to speak with him.

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

**A. LDR Text Amendment – Parking Front Setback**

Planning & Zoning Director Tim Stillings presented the Text Amendment which addresses parking in the Front Setbacks of properties located within the CRA district. The Amendment is to permit required parking spaces within the front setback in Single Family and Low Density Residential zoning districts for lots that measure 60 feet or less in width. He reviewed the proposed changes contained in the ordinance, and noted these changes in parking requirements will assist the Delray Beach Community Land Trust with their in-fill housing efforts.

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

Mr. Cox stated he felt it was an excellent idea. Mr. Zeller asked if the ordinance prohibited parking on a front road even if it is not paved. Mr. Stillings said that is addressed separately within the City codes.

**B. CL IV Site Plan Modification – The Grove Beach Hotel – 233/241 NE 2<sup>nd</sup> Avenue**

Anthea Giannotes, Senior Planner, presented the item. The applicant plans to demolish the

existing tenant spaces at 233 and 241 NE 2<sup>nd</sup> Avenue in the Esplanade Shopping Plaza to develop a 143 unit, four-story hotel with retail and a restaurant as well as rooftop uses. Included in the plans is a subterranean parking garage with two levels and about 180 parking spaces. Ms. Gianniotis noted that the Site Plan Review and Approval Board recommended approval.

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

Mr. Rose said he liked the project and thought it was unique and makes sense for the area.

#### C. Conditional Use – Q Veterinary Clinic – 1235 North Federal Highway

Debra Slaski from P&Z presented the Conditional Use petition. The project proposes to convert the existing mixed-use structure at 1235 N. Federal Highway to a Veterinary Clinic for cats and dogs. Dr. Kristin Quisenberry addressed the Board, noting she moved to Delray Beach in 2014 and works with many local rescues. She stated it will be a general practice veterinary clinic with 5 employees, and that interior renovations will be necessary.

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

Mr. Zeller stated he went by the site and felt it is an appropriate area for a veterinary office and that it will be a good re-use of the property.

### **7. Presentations**

#### **A. Shop Small Business Saturday**

Economic Development Director Joan Goodrich presented the item along with Elizabeth Burrows, Economic Development Manager. Ms. Goodrich announced that Shop Small Business Saturday, which is a component of the We ♥ Small Business campaign, will be the Saturday after Thanksgiving, November 25<sup>th</sup>. She reported the City Commission at their recent meeting formally proclaimed November 25<sup>th</sup> as Small Business Saturday. She reported that 93% of local businesses are small businesses, and that for each dollar spent in local independent businesses three times more money returns to the local economy. She shared the plans for the event and asked for everyone's help in inspiring their friends and neighbors to shop local. Ms. Burrows said many of the downtown businesses are helping to support Small Business Saturday with donations of gifts, and the DDA will have Shop Small Banners as well as have two hospitality booths downtown. Ms. Burrows reviewed other happenings planned for Small Business Saturday and encouraged all to participate and to help promote it online by using #shopsmall.

### **8. Consent Agenda**

- A. Monthly Marketing Report, October, 2017**
- B. Clean & Safe Report, October, 2017**
- C. CRA Monthly Progress Report, October, 2017**
- D. Economic Development Monthly Update, October, 2017**
- E. Third Amendment to Agreement with LV Landscaping– Time Extension**

Mr. Rose made a motion to approve the Consent Agenda which was seconded by Ms. Balestriere and passed unanimously.

## **9. Old Business**

### **A. Old School Square Historic District – Nomination for Listing in the National Register of Historic Places**

Mr. Costello presented the item for discussion. He reviewed the background on the item as well as the three basic purposes for listing a property in the National Register. He noted no action was necessary unless the Board desired to submit correspondence to the Deputy Historic Preservation Officer regarding the nomination.

The Board Chair asked for public comments.

Andrea Harden, 516 N. Swinton Avenue, member of the Historic Preservation Board speaking as a private citizen, stated she is excited about the possibility of the Old School Square Historic District (OSSHD) being on the National Register. She provided some history on the nomination which was first pursued in 2015 and has languished at the state level for two years. She said that OSSHD is a treasure and is part of the charm and quaintness of Delray Beach. She also commented that a listing in the Register only affects federal money not local.

Linda Oxford, 148 Coconut Road, said the OSSHD District is wonderful and that listing it in the Register would only increase property values. She felt it would be a plus for the redevelopment of the Swinton area and encouraged the Board to write a letter in support of the nomination.

Joy Howell of the Historic Preservation Trust said that on behalf of the Trust she was asking for the CRA's support in sending a letter to make this a reality.

Claudia Willis, 160 Marine Way, also encouraged the CRA's support, and noted that there is a 20% rehabilitation tax credit available only in historic districts that are nationally designated. It is a dollar for dollar discount for any rehabilitation done, so a for a \$200,000 renovation a 20% tax credit of \$40,000 is given back which she saw as a fabulous benefit.

Mr. Zeller commented that it is no small deal to be recognized on the National Register and that there is no downside. He recommended a letter of support be sent. Ms. Balestriere asked why the letter was before the Board. Mr. Costello stated because the CRA owns property within the district being proposed for nomination. He said it was before the Board in the event the Board wished to write a letter of support. Ms. Balestriere said she would have no problem with a letter of support. Mr. Cox stated there are some tax benefits that would help build wealth in the area which is a primary objective within The Set. He felt this was a good example of a policy to sustain the character of the neighborhood while building community wealth. He too supported writing a letter. Mr. Rose also concurred and felt it was a win-win. Mr. Straghn agreed to a support letter since the CRA has property in the District. Ms. Gray was glad for the clarifications that there would be no adverse impact or hinderance of redevelopment within the OSSHD District.

Mr. Zeller made a motion that the Board write a letter of recommendation supporting the National Historic Designation for the Old School Square Historic District which was seconded by Mr. Rose and passed unanimously.

## **10. New Business**

### **A. Lease Agreement – Emmanuel Jackson Sr. Project, Inc. - 700 West Atlantic Avenue**

Ms. Goodrich presented the Lease Agreement. She reviewed the background of the item along with the terms of the proposed Agreement. She noted that all charges for water, sewer, gas, electric, telephone, solid waste disposal etc. were the responsibility of the EJS Project.

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

Mr. Cox made a motion to approve the two-year lease with the EJS Project to occupy/lease suite 700 at 700 West Atlantic Avenue commencing January 15, 2018. The motion was seconded by Mr. Rose and passed unanimously.

**B. Second Amendment to Work Assignment – IBI Group – The Set Transformation Plan – Time Extension**

Mr. Costello presented the item and reviewed the background information. He reported the request is to move the completion date from December 4, 2017, to March 2, 2018, to allow sufficient time for the Plan to go through the City Commission for adoption which is anticipated in February of 2018.

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

Mr. Straghn made a motion to approve the Second Amendment to the Work Assignment with IBI Group (Florida) Inc. (IBI) for services associated with The Set Transformation Plan extending the Termination Date to March 2, 2018. The motion was seconded by Mr. Cox and passed unanimously.

**C. Agreement with DBMC - Tourism Improvement District Study (pulled from agenda)**

**D. First Amendment to Agreement with Randolph Construction Group (Change Order #2) 700 & 708 W. Atlantic Avenue**

Mr. Rose recused himself from the discussion and vote due to a conflict of interest.

Project Manager Kevin Matthews presented the Amendment and reviewed the background on the item. He noted the contractor needs to address the City Inspector's comments that the dividing walls between each unit must have a fire stopping assembly which will require extra funding as well as ten additional days to complete the work.

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

Mr. Carstarphen asked if the ten days will be sufficient. Mr. Matthews stated that is the amount of time the contractor requested. Ms. Gray asked if the building is slated for demolition. Mr. Costello stated that it is, but that the desire is for the space on West Atlantic Avenue to be activated until such time as a developer is selected from the RFP to be issued and then the building will be demolished. He said that since it will be at least two years before that happens it was decided to move forward with activating the building. Mr. Cox said he would add more time than ten days to be realistic. Mr. Randolph, Randolph Construction, said based on what was told to him by the inspector ten days should be sufficient. Mr. Costello suggested the Board allow him the flexibility to be able to extend the date if the need arises, and if that becomes necessary he will apprise the Board. Mr. Cox stated he would suggest a completion date of December 29<sup>th</sup> rather than December 19<sup>th</sup> to assure sufficient time. Mr. Cox made a motion to approve the First Amendment to the Independent Contractors Agreement to incorporate Change Order No. 2, increasing the contract amount by \$4,631.63 for a new contract total amount of \$76,481.13, and to provide for a 20 day time extension for a Final Completion date to December 29, 2017, for the 700 & 708 West Atlantic Avenue Renovations Project, subject to all other provisions of the executed Agreement between the CRA and Randolph Construction Group, Inc. Mr. Carstarphen seconded the motion which passed unanimously.

**E. Resolution No. 2017-15 – Purchase and Sale Agreement – 47 SW 8<sup>th</sup> Ave. Temple**

West Atlantic Redevelopment Director Kristyn Cox presented the item and noted the property is within the first block of SW 8<sup>th</sup> Avenue. She stated that Allied Appraisal Services provided an November 9, 2017

appraisal value of \$250,000 which the Seller found acceptable. She noted that the Seller has requested that the CRA consider a continued lease with the existing tenants with which staff concurs. Staff recommends a one-year lease with an option to renew at the current lease payment of \$1,000 per month.

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

Mr. Cox asked if there was a two year maximum amount of lease time. Ms. Cox stated there is no maximum, it is a one-year lease with options to renew and it would be brought back to the Board at renewal time. Mr. Zeller asked if there was a chance of acquiring any surrounding properties. Ms. Cox said not at this time but there are ongoing conversations with homeowners in the area. Mr. Straghn made a motion to approve Resolution No. 2017-15 for the Agreement for Purchase and Sale with Mrs. Evelyn Temple for 47 SW 8<sup>th</sup> Avenue with a purchase price of \$250,000, and Residential Lease Agreement with the existing tenant. Mr. Cox seconded the motion which passed unanimously.

**F. Amendment to CRA By-Laws–Policy Regarding Appointment of Liaisons to Other Boards**

CRA Attorney David Tolces presented the item regarding CRA appointments to various other Boards. He noted that the WARC, Pineapple Grove, and DBMC Boards all have in their By-Laws provisions for CRA appointed representatives to sit on their Boards either as members or liaisons, but that the CRA has no such provision within its By-Laws. The amendment for consideration provides that all appointments be for one (1) year, be for non-voting liaisons and be considered each year at the Annual Meeting with the exception of the Parking Management Advisory Board which is for a two (2) year term to be consistent with applicable City policies.

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

Mr. Zeller made a motion to approve the Amendment to the CRA By-Laws providing for guidelines for CRA Board appointments to other boards which was seconded by Mr. Carstarphen and passed unanimously.

**G. Legislative Update – Proposed Legislation Pertaining to CRAs – Senate Bill 432**

Mr. Tolces presented the proposed legislation pertaining to CRAs. He gave some background on the bill and reviewed the pertinent items. He noted the Delray Beach CRA already does a lot of what the bill is requiring but that some of the language could adversely affect the funding of non-profits if adopted. He said that in addition there is a limitation of 18% for administrative expenses in the bill which should not be a concern as the CRA falls below that. He pointed out the “including but not limited to” clause on page 16 which the bill is proposing to remove that could limit expenditures on non-brick & mortar items and which currently provides flexibility to CRAs. He also referred to a provision regarding sunset dates for CRA’s as being September of 2038 which would shorten the Delray CRA’s sunset by seven years unless there is a supermajority vote by the City Commission to continue until 2045, the current scheduled sunset date.

Ms. Gray stated she hoped that the non-profits the CRA has funded over the years will step up and be vocal in support of CRAs as this could certainly affect their funding support. She also noted that much of what is in The Set Transformation Plan could also be adversely affected if this Bill is adopted. Ms. Balestriere agreed and asked if the CRA can actively provide information to the CRA partners. Mr. Tolces stated the Board can adopt a resolution or provide

direction to the Executive Director on what it would like to do. Mr. Costello noted that last year the Board did adopt a resolution and sent it to the Legislators and that could be sent out to the CRA partners. He commented that right now the FRA is looking for comments from the CRA's on the potential impact of some of the provisions so that is what staff is currently working on with the FRA. Ms. Balestriere suggested the Delray CRA could set the example of how to successfully work with a community in its redevelopment. Ms. Gray said this is an opportunity for this CRA to step up and become a pioneer or change leader and step forward to assist those CRAs who may not know the correct way as Ms. Balestriere said. Mr. Costello stated this will be an item for discussion at the upcoming Joint Workshop with the City regarding what needs to be done at the various levels. Mr. Cox said that while passage of the Bill could adversely affect The Set Transformation Plan as well as the local non-profits, it is the 'People's Plan' and should survive whether there is a CRA or not. Mr. Carstarphen asked if Mr. Tolces could draft the Resolution and provide to the City for it to be a part of the Agenda for the Joint Workshop. Mr. Tolces said he would get a draft Resolution to staff. Mr. Cox made a motion to direct the Executive Director to prepare a Resolution in response to the House and Senate Bills as proposed in the Legislative Update. Ms. Balestriere seconded the motion which passed unanimously.

## **11. Other Business**

### **A. Comments by Commissioners**

Mr. Zeller thanked the staff for an excellent presentation of the House and Senate bills.

Mr. Carstarphen said he would like to see the residents of Delray Beach come out to support issues of interest to the community. Specifically, he challenged residents to come out and support The Set Transformation Plan when it goes before the City Commission and not just those who live in The Set.

Ms. Gray asked what the CRA is doing to hold the DDA accountable to expand their thinking beyond the immediate downtown. She stated there are a significant number of businesses in the NW/SW area, and they do not seem to be getting support from the DDA's services to help them thrive. Mr. Costello suggested possibly a Joint Workshop with the DDA and CRA. Ms. Balestriere asked if that should not come from the City Commission as the CRA is not in partnership with the DDA and provides them no funding. Mr. Costello pointed out that the DDA is strictly funded by the millage they collect and receive no funding from the City either. Ms. Gray felt the agency is ignoring a significant part of its mission, and if not the CRA then who should speak with the DDA. Mr. Cox noted that the DDA has been working with the WARC Economic Development Committee and the Promotions Committee for the past few years and felt that if there are any concerns it should start with a Joint Workshop between the two Boards. Mr. Costello stated it is a good conversation to have, and perhaps a Joint Meeting could be scheduled for 2018. He added that it might be good to consider a Joint Workshop with other CRA partners as well. Board direction was to have the Executive Director reach out to the DDA regarding a possible Workshop date.

Mr. Cox noted he had sent out an email to the Executive Director requesting information (RFI) and that typically those requests are made by e-mail or phone. He said he got a response from the Director that the Board Chair had instructed him not to fulfill RFIs from individual Board members, and he did not feel the Chair had the authority to request the Director deny information to anyone including a Board member. Ms. Gray clarified that the Board had a discussion about providing the executive director with direction concerning requests for information on projects and that the direction should be provided at a meeting. Mr. Tolces stated that matters may come up between meetings and the By-Laws are currently silent regarding the relationship of the Executive Director to individual Board members. He noted that if the Board

wants to provide clarification and that perhaps it should be an item for an upcoming Agenda and perhaps amend the by-laws. Ms. Gray stated that if large amounts of data are requested it does impede the efficiency of the Director. There was a great deal of discussion which ensued. Ms. Balestriere felt the direction was more related to putting an item on an agenda and said that if it is a problem something should be put in the By-Laws for clarification. Ms. Gray said the ambiguity needs to be taken out of the issue, and that this would not include calling for clarification on Agenda items. Mr. Tolces said if desired, he can prepare an Agenda item which would contain sample language in order to help clarify the relationship. Mr. Cox felt it was unnecessary. Mr. Zeller agreed with Ms. Gray that a policy needs to be put in place. Ms. Balestriere and Mr. Carstarphen felt that was micromanaging and were not in favor. Ms. Gray stated the specific multiple email requests to the Director from a Board member over the past several weeks which prompted this discussion. Ms. Gray noted the request was information to which the Board member was entitled but which should have been a Public Records Request as a lot of data was requested, the gathering of which is not the highest and best use of the Director's time. Mr. Rose felt if it is an issue the Director can make that decision without being micromanaged and that it has not seemed to be a problem in the past. After further discussion, Mr. Costello stated he would like clarity with a policy in the By-Laws regarding requests for information from individual Board members. Mr. Rose suggested that the Executive Director meet with Legal Counsel to consider some solutions that can be brought back as an Agenda item. Board consensus concurred.

#### **B. Comments by Board Attorney**

Mr. Tolces passed out some samples of Code of Conduct Policy verbiage for the Commissioners to review. He noted that if any action is desired this could be stated in Board Comments and made an Agenda item.

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

Mr. Costello stated that the CRA has an agreement with the CLT for the construction of homes on NW 5<sup>th</sup> Avenue and that they are finishing construction of the last home. He said the required Certificate of Occupancy timeframe is November 30<sup>th</sup> and he would like for staff to work with Counsel to extend the timeframe to December 31, 2017, in case there are any issues obtain the Certificate of Occupancy. Board consensus was supportive of the request. He updated the Board on some other items, and passed out the goals which were discussed at the Retreat with some additional items that had been discussed. He acknowledged Kristyn Cox for her time and efforts in working with the IBI Group on The Set Transformation Plan.

#### **D. Comments by Staff**

West Atlantic Redevelopment Director Kristyn Cox reported there is a meeting November 16<sup>th</sup> at the Full Service Center to continue the Village Center conversation.

### **12. Adjournment**

There being no further business the meeting was adjourned at 8:30 pm.

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Jeff Costello, Executive Director

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Annette Gray, Board Chair