

**MINUTES OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD MEETING
HELD ON TUESDAY, DECEMBER 12, 2017, AT 6:30 PM
IN CITY COMMISSION CHAMBERS
100 E. BOYNTON BEACH BOULEVARD, BOYNTON BEACH, FLORIDA**

PRESENT:

Steven B. Grant, Chair
Mack McCray, Board Member
Christina Romelus, Board Member
Joe Casello, Board Member

Mike Simon, Executive Director
Tara Duhy, Board Counsel

ABSENT:

Justin Katz, Vice Chair

1. Call to Order

Chair Grant called the meeting to order at 6:30 p.m.

2. Invocation

Chair Grant read a Hanukah Prayer.

3. Roll Call

Chair Grant explained Vice Chair Katz called indicating he was sick and would not attend the meeting. Roll call established a quorum was present.

4. Agenda Approval

A. Additions, Deletions, Corrections to the Agenda

Chair Grant pulled Consent Agenda Item 10 B to make a change. Board Member Casello pulled Consent Agenda Items D, E, and F.

B. Adoption of Agenda

Motion

Board Member Casello moved to approve the agenda. Board Member McCray seconded the motion that unanimously passed.

5. Legal

6. Informational Items and Disclosures by Board Members and CRA Staff:

A. Disclosure of Conflicts, Contacts, and Relationships for Items Presented to the CRA Board on Agenda

Board Member Casello met with US Sugar and was amazed how sugar comes from the field, is processed, and makes it to the shelf. He recommended if anyone was in the area, they tour the plant as it is educational. Board Member McCray agreed and commented at one time Poinciana Elementary School students toured the facility.

There were no disclosures made by any of the Board Members.

7. Announcements and Awards

A. The 47th Annual Boynton Beach Holiday Tree Lighting and Concert Recap

Mercedes Coppin, Special Events Coordinator, reviewed the Holiday Tree Lighting and Concert event on Saturday, December 2nd on E. Ocean Avenue. The Tree Lighting followed immediately after the parade and about 3,000 people attended. Local vendors were on site, including Troy's BBQ, Boardwalk Italian Ice and Creamery, and Tijuana Flats. Nine retail vendors were selling a variety of items such as jewelry, clothing and educational toys. The Tree, which is located in front of the Schoolhouse Children's Museum will be lit through the end of the year and event photos can be viewed on the Boynton Beach CRA Flickr page. Board Member McCray commented people did not know what time the tree would be lit and hoped, next year the time would be publicized.

B. 46th Annual Boynton Beach and Delray Beach Holiday Boat Parade Recap

Ms. Coppin reviewed the Holiday Boat Parade event on December 8th on the Intracoastal Waterway starting from the Lantana Bridge to the C-16 canal. There was a good turnout with nearly 40 boats participating this year with the CRA partnering with the Delray Beach Recreation and Parks Department. The Watch Party event at the Marina attracted 250 people. Both social media consultants were onsite at the Watch Party and they live streamed the parade on Facebook and Instagram. To-date, they had 2,500 views on the Facebook live video. The Winners Award dinner was scheduled for next Monday, December 18th, at 6 p.m. at Banana Boat and the winners are announced the night of the award dinner. The CRA continued their partnership with Marine Industries and Toys for Tots and thanked all for participating.

C. Music on the Rocks

The next Music on the Rocks event will be held this Friday, December 15th at the Ocean Avenue Amphitheater, from 6 to 9 p.m., featuring *Rogue Theory* playing rock and blues. The Food Truck Invasions will be on site with five food trucks and a mobile bar.

D. Movies in the Park

The next Movies in the Park will be held January 5th, featuring *Spiderman Homecoming* at the Ocean Avenue Amphitheater at 7 p.m. The movie is rated PG 13 and is a science-fiction fantasy. Since there is mild profanity and action related violence, parental discretion is advised. The movie theme relates to courage and the importance of perseverance. The Chowder Truck will be on site and there will be free popcorn for moviegoers. Ads for local CRA businesses will be viewed prior to the movie and event goers will be entered into a drawing to win gift certificates to the advertised businesses.

The December Movie was *Mr. Popper's Penguins* and about 100 people attended. Troy's BBQ was present and the CRA featured a new trailer of movie previews and advertisements, which were well received. The video trailer shown at the CRA event is on the CRA You Tube Channel and the CRA Facebook page. Mr. Simon suggested in the future, the trailer be shown prior to the CRA meetings.

Tracy Smith Coffey, Marketing and Business Development Specialist, advised the trailer is on the website under Movies in the Park. It is also on Facebook.

E. The MLK Celebration of Unity

Ms. Coppin announced the 3rd Annual MLK Celebration of Unity event on Saturday, January 6, 2018, from 2 p.m. to 6 p.m. on E. Ocean Avenue between Seacrest Avenue and NE 1st Street. Music will be provided by the *Valerie Tyson Band*. Staff is working with community groups including the MLK Celebration of Unity Committee and the BAPS Temple to provide a variety of multi-cultural performances. Food and beverages will be available for purchase. The CRA is accepting vendor applications on the website and Ms. Coppin agreed to email the application to those interested. Board Member McCray met with Mr. Simon about the MLK Unity Celebration. The Committee was concerned about holding the event at Hester Center. They did not want to go to the Carolyn Sims Center and they wanted to hold the event at the Amphitheater as they want the event to draw people from all areas of the City. He requested a written report detailing why the Committee did not want to go to the Carolyn Sims Center. Flyers were under production and postcards were finished and would soon be distributed. Ms. Smith-Coffey explained she would choose the best

options for printing and distribution, but staff missed the cut off dates to include the event information with the utility bill as the bills are sent a month ahead of time. The advertising was similar to the Pirates Fest. This event is also advertised in the various print publications and there will be signage and billboard advertisements. Board Member McCray suggested, since the event is less than a month away, when the postcards are back from print, they be distributed as fast as possible. Ms. Smith-Coffey advised they will be done on Friday. Board Member McCray understood she was coordinating with other entities and thought this was a learning tool.

F. "On the Town" with Frank Licari

Ms. Smith Coffey explained there is a video about Boynton Beach and commented a suggestion was made to play the entire 26-minute video at the next City Commission meeting. The PBS station hosted a premier of the video *On the Town* starring Frank Licari showcasing Boynton Beach hot spots and the Marina, including Pirate Fest, some of the restaurants including Hurricane Alley, Boardwalk Italian Ice and Creamery and Troy's BBQ. It is a good video to showcase the City and what it has to offer. The video aired December 7th and will again on December 23rd at 6:30 p.m. and December 24th at 12:30 pm on the WPBT Station. Funding was provided by the Palm Beach County Tourist Development Council, including the Palm Beach Film and TV Council and Discover the Palm Beaches.

8. Information Only

A. Public Comment Log

None.

B. Public Relations Articles Associated with the BBCRA

There were no comments.

C. Marketing and Business Development Campaign

Chair Grant suggested putting this information with Announcements so the Board can see the campaign recaps. Mr. Simon agreed and commented they could also show the collateral information.

9. Public Comments

Chair Grant opened the floor to public comments.

Dr. Piotr Blass, 113 Tara Lakes Drive, voiced his moral support to Board Member Romelus as she is under stress. He commented a friend in need is a friend indeed. She expressed the City needs to welcome people from Haiti and he noted Cubans are having problems as well. He welcomes all and thought Boynton Beach should be a welcoming City. He thought City lawyers should apply for legal status for as many people as possible.

No one else coming forward, Public Comments was closed.

10. Consent Agenda

- A. Monthly Purchase Orders
- B. Approval of CRA Board Special Meeting Minutes - November 7, 2017
- C. Approval of CRA Board Meeting Minutes - November 14, 2017
- D. Approval of Banana Boat, LLC for Commercial Facade Improvement Grant Program
- E. Approval of Banana Boat LLC for Commercial Interior Build-Out Grant Program
- F. Approval of Banana Boat, LLC for Commercial Construction Permit Grant Program
- G. Approval of Music Strings, LLC for Commercial Rent Reimbursement Grant Program

11. Pulled Consent Agenda Items

- C. Approval of CRA Board Meeting Minutes - November 14, 2017

A correction was made to page 21, third paragraph from the top: "Attorney Duhy advised she will add a sentence to the contract that in no instance shall the CRA collect more than 47% \$47,000 in equity return."

Motion

Board Member McCray moved to approve the minutes as amended. Chair Grant seconded the motion that unanimously passed.

- D. Approval of Banana Boat, LLC for Commercial Facade Improvement Grant Program

E. Approval of Banana Boat LLC for Commercial Interior Build-Out Grant Program

F. Approval of Banana Boat, LLC for Commercial Construction Permit Grant Program

Board Member Casello asked how much money was set aside for the above three grants. Mr. Simon responded the amount ranged from year to year depending on the budget and commented it would range from \$250,000 to \$350,000. The grants from Banana Boat totaled \$86,000. Board Member Casello inquired about the balance in the account after the grants to Banana Boat were paid and learned the balance was \$298,000. Mr. Simon explained these projects range from \$4,000 or \$5,000 upwards of \$60,000 or \$70,000 depending on the size of the project. He thought there was a nice range of grants given each year.

Board Member Casello queried if the unused grant funds roll over to the next year and learned it is at the will of the Board, but typically the balance rolls over and the Board adds additional funds. Last year, the program ran out of money and it appeared this year would be equally as successful. He hoped the timing of the expenditures would occur around budget time next year. He agreed to keep the Board apprised and noted 500 Ocean would be opening soon. Staff was working with Las Ventanas, One Boynton and relocation of current businesses at the Riverwalk location. The program had \$450,000 at the beginning of the fiscal year. Mr. Simon pointed out the grants are all matching grants. Banana Boat would have to spend over \$160,000 to be reimbursed \$86,000. Since October 1st, 12 grants were approved.

Luke Therian, Banana Boat, explained the last renovation was 17 years ago at a cost of \$1.7 million. Management converted the restaurant from a rustic 1800's English nautical theme to a 21st Century Island Resort that would make everyone proud. The planned new downtown will have new buildings and seasonal residents. Management sought to create a new energy regarding fishing, golf, the island, beach and surfing. They doubled the size of the dock, switched to a new hood system, and got new equipment and furniture. It is a brand new restaurant. They are planning another major renovation of their sister restaurant, Prime Catch and were timing the renovation of Prime Catch with the new development on Woolbright Road. Mr. Therian explained the restaurant has been in the area for 40 years and he is a second-generation owner. He announced they love Boynton Beach and the direction it is heading. They plan to be around for a long time.

Motion

Board Member Casello moved to approve Consent Agenda Items D, E and F. Board Member McCray seconded the motion that unanimously passed.

Board Member McCray asked if these funds could also assist Casa Costa. Staff agreed to discuss the program with him.

Motion

Board Member Romelus moved to approve the remainder of the Consent Agenda. Board Member McCray seconded the motion that unanimously passed.

12. Public Hearing

None.

13. Old Business

A. Financial Report Period Ending November 30, 2017

Vicki Hill, Finance Director, announced the CRA is right on budget with their financials. The accounting should be complete for the fiscal year and an audit brought to the Board some time in February.

B. Discussion and Consideration of Changes to the Terms and Conditions for the Homebuyer Assistance Program Agreement between Lasendra Hoggins Wilson and the CRA

Mr. Simon explained on October 10th, Ms. Hoggins Wilson discussed her home and the restrictions on resale or leasing under the Housing Assistance Program (HAP) grant. A follow up discussion took place at the November 14th CRA meeting and the Board moved to amend the existing agreement to allow her the option to rent and still cap the equity at \$47,000 should the property be sold. The Board allowed the stipulation to transfer or rent the property to another income eligible individual or family. The attachment was a legally prepared amendment to the agreement and a motion was needed.

Board Member McCray commented since Ms. Hoggins Wilson appeared, there was another homicide and he inquired if the Board would apprise individuals what type of area the home would be and learned it was up to Ms. Hoggins Wilson to disclose the information. Board Member Romelus took issue with the item because it is a situation where another family will knowingly or unknowingly move into the situation Ms. Wilson was leaving and it was troubling. Board Member Casello advised he was not present at the second meeting. He thought it was a slippery slope and all the HAP recipients should have the same benefit as this owner.

Ms. Hoggins Wilson could turn the property into a rental property and when she first appeared, his heart went out to her. He commented money was an issue. Ms. Hoggins Wilson will be in charge of the building and he asked what experience she had in being a landlord and there are other homes in the area that are known drug houses. He thought the Board had not solved any of the issues that plague the neighborhood and wanted a report from the Chief how to address the matter. He thought the Board should have taken a harder stance. There are three officers in the Heart of Boynton and he favored using the house as the station for the Neighborhood Police Office Program.

Lashendra Hoggins Wilson agreed her moving out of the neighborhood does not solve the problem and the area needs a lot more than just her standing before the Board. She did raise the concern of having another family move into the home and it was addressed in a private meeting. It would have to be something with a prior meeting, a last minute thing or someone with no small children. She would not apprise prospective renters of the shootings, but there were other options on the table that they still have to review. The first step was to get her and her family to safety. She acknowledged there was another homicide four homes away from her. As far as experience being a landlord, she had certifications from the Urban League of West Palm and Broward County. Her concern is if she does not rent out the home, she is the one who is stuck trying to manage a mortgage and a rental property. She was not pushing the issue. She just wanted to know the option is there so she can get her game plan together. Ms. Hoggins Wilson was not aware of any other HAP recipient that verbally expressed a concern about their neighborhood except her and she put it in writing to the Board. If there are other families that want to follow suit, they should speak up. She was very concerned about getting out of the neighborhood and adhering to the guidelines. She agreed the City and the Police Department have to get involved.

Board Member Casello was concerned she would financially be unable to manage two homes and asked what could be done to help abate the problem in the area. He contended a police presence or a plan is necessary. Chair Grant suggested knocking on doors and asking residents what they want. Board Member Casello commented he would not knock on doors in Cherry Hill, but would attend a special meeting to gather neighborhood input.

Chair Grant thanked Ms. Hoggins Wilson for coming forward and having a plan. He thought the issue was more of a business decision to give her more opportunities to have ownership of her home. The same courtesy will extend to others. Board Member Romelus thanked Ms. Hoggins Wilson for coming forward and advised she did not want to see the situation repeated.

Motion

Board Member Romelus moved to approve.

Board Member McCray commented the Board is supposed to ask questions. He applauded Board Member Casello for asking questions. As Commissioner for District II, he advised the Board is aware of the problems in the Cherry Hill area and the Police Department addressed the issue. There is a Cherry Hill he did not know about. There is also a Minister's Coalition in Boynton Beach who is also working to address the problem. When they need to dialogue with the Police Chief, they do.

Ms. Hoggins Wilson thanked the Board and requested if there is a meeting, they let her know and she will spread the word.

Brian Fitzpatrick, 409 NE 1st Street, thanked Board Member Casello for his comments. He noted Board Member Casello was not present at the last meeting and advised Cherry Hill was desperate for a full-time police presence and the issue has been ongoing for 10 years. One little Cherry Hill Operation is meaningless unless followed up with a consistent effort behind it to stop the drugs. He noted many of the individuals previously arrested were back at the MLK Quick Stop, Cherry Hill Mini-Market, Rainbow City Groceries or the Quick Mart. He thought the Board was opening a can of worms by changing the contract, but agreed allowing the woman to move to a safe haven was appropriate. He thought the matter should have been addressed years ago. He suggested the home be used for a police substation and the area needs a police presence.

Board Member McCray explained at one time there was a police substation in Cherry Hill with Palm Beach County Housing Authority and it was almost useless

Board Member McCray seconded the motion that unanimously passed.

C. Consideration of the Facility Rules and Regulations for the Historic Woman's Club of Boynton Beach Located at 1010 S. Federal Highway

Thuy Shutt, Assistant CRA Director, explained on November 14th, the Board approved renaming the Boynton Woman's Club to the Historic Woman's Club of Boynton Beach and staff established rental rates. Three non-profits historically used the facility for meetings and their annual fundraisers. Staff had intended to present the Board with a standard rental agreement, but since staff had to do more work on it for the three non-profits that use the building and the different terms of the rental agreement, it was better to present four or five of the agreements at the next meeting to prevent confusion with the various drafts. Staff was working with the Board Attorney. The cover page updated Attachment 2, which was the draft rules and regulations for the facility. The drafts have to

ensure a safe, well-maintained, efficiently operated venue for users. The document includes references to approved rental fees, additional service fees, insurance, catering and liquor policies, parking, valet and the general use and care of the facility. She can revisit those components of the rules and regulations at the January 18th meeting, after receiving direction from the Board, as there is a lot to review. Board Member McCray supported seeing all four drafts at one time, which was the rental, but the Rules and Regulations is separate and encompasses the facility parameters. When approved, staff could use the agreement and if the State, City or the CRA changes its policies, staff can update the documents in accordance with the mandated changes without having to return to the Board and can book various events. Board Member Casello inquired if Legal was on board with the document and learned Attorney Duhy was. If the Board wanted to approve the administrative process, a motion to approve would be needed granting Executive Director Simon the ability to make necessary changes as required by law. The document had been thoroughly reviewed by Legal and the latest revision included counsel's comments and suggestions.

No policy changes would be instituted by Mr. Simon; rather it would be updating insurance requirements and the like as required by the State. There would be no substantive changes where he would set new rates or rental criteria. Those would come back to the Board. The City Commission does not approve the rules and regulations for other City facilities. Staff can bring back any change regarding amendments to the documents. Staff sought to prepare to open the building for a season of rental or to service programs ongoing in the Town Square.

The rental rates and agreement will come to the Board as changes are needed. The building would be treated like the Marina. Every two years, staff examines the rates and costs. Minor details how to set up and the equipment are administrative issues that could be handled by staff. Board Member McCray asked if staff compared the Woman's Club to other City facilities and learned staff did. Intracoastal Park allows liquor. The Woman's Club has had the ability to serve liquor. If there is a cash bar, there is a liquor license requirement and permits and staff would incorporate similar language for the venue.

The building is being considered as a potential library and staff has been approached by the Library, the Theater at the Madsen Center and other program personnel. Mr. Simon noted if the Library building is demolished and the High School is not ready, the CRA Board would need a meeting venue such as the upstairs ballroom. Chair Grant asked if the CRA would charge the City as a civic entity. Mr. Simon noted that possibility was some time off, but if the City or any other entity wants to use the building, there would be an Interlocal agreement, which would be brought to the Board. There are relocation funds available in the budget. Staff recommended if there are more than 60 tenants in the building, valet service be required. Ms. Shutt explained it is up to the renter to seek valet parking and staff was trying to use the Senior Center for parking because users would cross Federal Highway at night and best management practice is to have valet for larger crowds. There is no cross walk north of Woolbright Road, only a cross walk further south by Dunkin Donuts. Staff has been unable to find a formal Interlocal Agreement between

the Women's Club and the City for use of the Senior Center. Staff would want an agreement to protect both agencies. The crosswalk is at SE 12th Avenue and the building is two blocks north on SE 10th and there is a turn lane. Mr. Simon noted the Board asked staff in reference to the Federal Highway resurfacing, if it would address some of these issues. Ms. Shutt commented staff could suggest softer language. Chair Grant did not know what the best practices were, but did not want to be liable to the valet or the patrons for the parking situation. It is a dark area at night. Ms. Shutt agreed it is a liability and a risk management issue from a best management practice perspective. The goal is to limit the number of people crossing the street and have an orderly way to get in and out of the site. Staff will look into it. When the facility is fully operational, they will have a list of caterers and valet renters could use. Users could use their own caterer as long as they are insured and the facility will mimic the City's requirements. Less than 60 people is a smaller group and at staff's discretion, they could waive some of the requirements. Groups of 65 would need more insurance and liability to protect the facility from damage and from liquor liabilities. Chair Grant thought, since the building was historic, events with 30 attendees needed to have a lower insurance limit. Staff requires a refundable facility damage deposit of \$1,000 and a facility damage policy of \$250,000 as part of their liability insurance.

Board Member McCray was concerned if the City will pay the CRA money if the Library uses the Woman's Club and learned the City would. Chair Grant commented a large party is anything over 60 people and if the entity is a non- or for-profit entity, liability insurance is needed to cover the CRA and a minimum of \$1 million per occurrence and \$2 million aggregate. A wedding or birthday party event that has more than 60 people will need event insurance, and minimum liability insurance of \$250,000 for any damage to the physical building and \$1 million per occurrence and \$1 million for aggregate and naming the CRA as additional insured. If alcohol will be served, the user will need to add a liquor liability provision to the event insurance. If a smaller event is held with less than 60 people, the CRA has discretion in the amount of insurance needed depending on if alcohol will be served. There is a threshold and the Board could lower the requirements.

Chair Grant wanted three tiers for small, medium and large events. His concern was 59 people has a different fee schedule than someone with 61 attendees. Board Member Casello thought the Board was micromanaging. Ms. Shutt explained proof of maximum insurance has to be presented to the CRA before booking the event and the CRA will take a head count. Board Member Casello asked how staff would be paid and if the position will be salaried or employees paid overtime. Mr. Simon explained staff is there to manage the building during the event. So far, staff was handling that responsibility for the short term until they get a long-term game plan, which partly involves the Town Square. So far, there were two weddings and another event coming up this weekend. Board Member Casello thought it was ridiculous there is not an accurate head count. Mr. Simon explained it is handled through the table and chair setup, but staff may miss a few. Chair Grant reiterated he wanted three different tiers.

Board Member McCray thought the Board was putting too much into the item than was necessary. He suggested going with what staff proposed and if it did not work, the Board could make amendments. Board Member Romelus was fine with what staff proposed. No changes were made. Final form and rental agreements will be brought to the Board and the rental agreements presented at the January 18th meeting.

D. Consideration of Purchase and Sale Agreement with Annie and E.L. Thomas for Lot 13 on NW 10th Avenue

Mr. Simon advised the item was heard at the November 14th meeting and there was agreement to move forward with acquisition and a contract with the property owner for the property that was adjacent to Sara Sims Park. The agreement at the last meeting was the CRA would pay the appraised value of \$81,500. The item was the actual purchase and sale agreement signed by the sellers.

Motion

Board Member McCray moved to approve. Board Member Casello seconded the motion that unanimously passed.

E. Consideration of Amendment to extend the Project Completion Date for the 500 East Ocean Project

Mr. Simon advised staff received a request from the management team to extend the completion date from December 31, 2017, to June 30, 2018. The original DIFA agreement showed the completion date in June 2017 and they asked for an extension to December 31, 2017 and then requested the second extension to June 30, 2018.

Tom Hayden, 650 S. Lakemont Boulevard, Altamonte Springs, explained the request was the second extension request and completion means different things to different people. The project began in July 2015 and is a complex building with a lot of detail. There are 341 units, 20,000 square feet of commercial space and a garage for 640 cars. The building was also constructed on previously occupied land. When they began construction, they had to deviate from their construction timeline as they experienced delays due to items found buried. Currently, the exterior of the building will look complete by the end of the year, but they are working on items inside the building and have been working with Planning and Zoning and Building staff to comply with the development agreement. There are Planning and Zoning items that need to be completed. The TIF agreement requires green building and there are other details that need to be addressed with green building. Many items will need to be addressed over the coming months, which predicated the extension request to June 30, 2018. Mr. Hayden commented there will be 75 people living in the building by the end of the year and by this time next year, there will be well over 300.

Motion

Board Member McCray moved to approve. Board Member Casello seconded the motion.

Chair Grant had concerns regarding the temporary Certificate of Occupancy. Mr. Hayden explained they obtained two Certificates of Occupancy. If they wait or finish in February or March the owners will have received nine months of not paying taxes according to the property appraiser. Currently, the developer is paying taxes on the land. When the Certificate of Occupancy is obtained, the developer will be taxed on the improvement value. With the extension to 2018, the CRA cannot split the improvement value tax and the CRA is losing money.

Mr. Hayden explained for the TIF to be effective, certain requirements must be met and they would likely not be filled by the end of the year. Since the building is a green building, 34 units have to be inspected. As to paying taxes on the property, taxes would be paid in 2019. Chair Grant commented extending the completion date into the next year results in the CRA not receiving the full amount of taxes. Mr. Hayden explained in other municipalities, taxes are assessed on a percentage of completion basis, not an either or scenario. If the property appraiser sees the development is 90% complete, they assess on 90%. Mr. Hayden noted the delay costs the owners several million dollars as well. Chair Grant inquired what percent of the building is completed and learned it was about 90% complete. Shane Kittendorf, the Building Official, will dictate when the developer gets the Certificate of Occupancy. Chair Grant hoped the property appraiser would consider this information.

Board Member Casello praised Mr. Hayden and thought the building was a cornerstone and a catalyst for development in the City.

Board Member Romelus asked what percentage of the building was rented and learned 54 units, comprising 16% of the residential units, were leased. Mr. Hayden anticipated they would lease between 20 and 25 units a month so by the same time next year, the building will be 95% occupied and stable. Three hundred forty one units would accommodate 500 residents. There is 2,000 square feet of leased commercial space and another 4,000 square feet of commercial space that is finished. The building has been completed from the south side and looks like retail space. Mr. Hayden noted retail is not the typical shopping center and the building was more of an urban mixed-use structure. As a result, they do not attract as many national tenants as opposed to being on the other side of I-95, but they received positive feedback. Most of the interest was from local or regional businesses looking to expand or relocate. The second floor on the west side of Ocean Avenue had 6,000 square feet of office space and some of the space will be at least shell complete.

Motion

Board Member Casello moved to approve. Board Member McCray seconded the motion.

Chair Grant calculated the CRA would have received \$250,000. The first four years of the agreement had a 75/25 tax calculation. He wanted a clause not to permit any more extensions and to institute liquidated damages in the amount of \$500 a day. He asked if Board Member Casello would amend his motion to include the liquidated damages. Board Member Casello did not.

Vote

The motion passed 3-1. (*Chair Grant dissenting.*)

F. Consideration of Second Addendum to the Purchase and Development Agreement for the CRA Owned Property located at 711 N. Federal Highway to South Florida Marine, d/b/a BZ Woods Properties, LLC

Mr. Simon received a request from the Woods regarding their contract, which had a closing date on or before December 19th. As a result of lengthy negotiations regarding the alleyway abandonment of the rear property, the financial mechanism in the Purchase and Development Agreement caused the initial lender to reconsider their lending due to the reverter clause and the first right of refusal stipulation. Since signing, the Woods are working with a new lender along with staff and legal counsel to address the concerns of the lender. The reverter clause, in this instance, would indicate the CRA would provide funding to the Woods to construct the project and at any time if the conditions in the reverter clause are met, the building would go to the CRA and the bank's position is compromised. Legal offered a language change, keeping first right of refusal for the length of ownership, and terminating the clause when the Certificate of Occupancy is obtained and the building is fully operational. If the project is completed, the need to have a reverter is moot. The language was also discussed with the Woods and legal counsel.

Ken Dodge, CRA Legal Counsel and Attorney Joel Koeppel, Counsel for the Woods were both present. This was the second extension request.

Attorney Koeppel explained the Woods could not be present as they were receiving a Boat Sales Award in Orlando. Attorney Koeppel explained the first closing date was unrealistic, having only four days between signing the contract and the closing, which was why the first extension was requested. He has been working with the lender regarding the terms of the original contract, and language is worked out. Board Member Casello asked how much money the CRA would lose between purchase of the property and then the sale to the Woods. Chair Grant explained the CRA would recoup half the funds and had addressed the blighted Amerigas property through the acquisition.

Motion

Board Member Romelus moved to approve. Board Member McCray seconded the motion that passed 3-1, (*Board Member Casello dissenting.*)

G. Status of the Purchase and Development and Tax Increment Revenue Funding Agreement with Ocean One Boynton, LLC for the CRA Owned Property Located at 222 N. Federal Highway

Mr. Simon explained this item was an update. The terms of the Tax Increment (TIF) Agreement the Board agreed to in October was added to the document and sent to the Ocean One development team. He apprised the Board staff still did not have an executed Purchase and Development or TIF Agreement from them. At the October meeting, the Board and the development team were discussing the different levels of achievement needed to obtain TIF, one of which was a green project element. Chair Grant asked about the different levels of green building criteria as there are different levels to reach and the response from the development team was there were no levels associated with the program. It is up to the Board if the members wanted to change the green level as they may not have been aware of the levels that could be achieved.

Attorney Duhy explained she had made amendments per the Board and the language staff added was "*the* Florida Green Building standards." The developer suggested "a Florida Green Building Standard". It is a text change. Staff felt it was important if the developer signs the document, it is just a green building so a green building would be developed. If the Board wanted a different level or was not aware they could have asked for a different level, it was important staff disclose it to the Board. The document was changed the way the Board discussed at the last meeting and it was not executed. No action was necessary on this item. The agreement was presented the way the Board approved it as a green building and the item was to apprise the Board the document was not signed.

Chair Grant commented the Board still has an unsigned contract and there is no end date unless the Board takes action. He favored the developer attaining the silver level. Board Member McCray did not want to lose a developer by dictating what level of green the developer would have to build to and he favored leaving it up to the developer. Board Member Casello agreed.

Motion

Board Member McCray moved not to change the documents. Board Member Casello seconded the motion. The motion failed 2 to 2, (*Chair Grant and Board Member Romelus dissenting.*)

Chair Grant asked if the Board would receive information about the different levels at the next meeting. Board Member Casello thought it was ridiculous as the Board has been kicking this project down the road for nearly three years. If the developer indicates they will go green, they will. He did not support imposing a platinum, silver or bronze level and the Board was unfamiliar with what it means. He thought it was ridiculous. The requirement would kill the project and he would place blame on the Chair's shoulders. Attorney Duhy explained the developer is free to execute the agreement as proposed as it was their request to change the language. If they sign the agreement the way it is now, the project moves forward.

Board Member Romelus commented the developer delayed signing the contract; not the Board. The Board was conducting due diligence and the developer can come and defend themselves. Board Member Casello stood by what he said. The developer has been present several times requesting changes. The agreement is a moving document, and they are not present. Board Member Romelus noted the developer asked for the changes.

H. Consideration of Resolution No.17-03 and Second Addendum to the Purchase and Development Agreement with Heartfelt Florida Housing of South Palm Beach County Community Land Trust Inc. (Habitat for Humanity) for the CRA Owned Property Located at 117 W. Martin Luther King, Jr. Boulevard

Mr. Simon explained the Board approved disposal of the property as part of the Model Block Project and noted the CRA has conducted several successful property exchanges with Habitat for Humanity. The underwriter for this property was requesting a more formal document to display the transference and title to Habitat. Ken Dodge, Lewis Longman and Walker, has been willing to help them understand the process is not by Resolution. Meeting minutes usually suffice, but in this case, a Resolution would prevent additional delays. This will provide evidence the Board is approving of and giving the property to Habitat for Humanity, and approving a second addendum to extend the closing date to the 29th to finalize the title and the closing take place.

Motion

Board Member McCray moved to approve. Board Member Casello seconded the motion that unanimously passed.

Board Member McCray queried if there was a communication problem between the Board and staff as there were items on the agenda that indicated an issue was not clear. He supported better communication and thought staff should get right to the point so he could make a decision.

I. Project Update for 480 E. Ocean Avenue

Mr. Simon conveyed the Board provided a 60-day extension for the developer to obtain its Certificate of Occupancy by November 30th and they are in the process of completing construction. He advised as of the 30th, the developer obtained a temporary Certificate of Occupancy. The restaurant can now serve food and the building could be occupied while working on items needed to remove the temporary Certificate of Occupancy status.

J. Project Update 211 E. Ocean Avenue (Tabled 11/14/17)

Motion

Board Member McCray moved to remove from the table. Board Member Casello seconded the motion that unanimously passed.

Mr. Simon explained there was a request for an update. At the November 14th meeting, the architectural and development teams met with City staff regarding the permit plan review. All the comments for the drawing were reviewed and there was a third round of comments. The architectural team left on November 9th to make the revisions and respond. He noted the drawings have not been resubmitted to the City, to-date. Staff provided the December 8th plan review comments and the agreement to the Board. The project is still in the permit approval stage and there is not a defined date to get the permit approval. The contract required diligent effort to obtain permit approval. Mr. Simon provided the time line of when they met and how long the developer had for each stage in the development process. He commented it appeared they were making diligent efforts, but if the drawings from the November 9th meeting are not resubmitted by the next meeting, staff would apprise the Board and send a reminder letter. Board Member Casello did not think the developer was conducting due diligence.

The developer closed on the property a year ago and other than site plan approval and permit drawing, there were no physical changes. He supported time stamping each step. Chair Grant pointed out they are still working on the plans and requested a 60-day reminder. Mr. Simon explained the contract has timeframes for each step other than the time it takes to get their permit approved and they are making a diligent effort. The letter sent to the developer by the Board in October sparked a renewed effort in the project. Mr. Simon advised he is fielding calls from interested parties trying to connect them to the developer. Board Member Casello requested clarification that the developer would get the building operational and not to wait for someone to come in and show interest. He thought the developer was delaying the project until there was interest in the building. He did not recall that was the arrangement with the Board and he proposed the Board pick a date and time and have the developer appear. The developer had 30 days to review the comments and the Board wants an answer. Mr. Simon responded a meeting could be arranged and he suggested the developer come in by December 21st, which would give them six weeks to respond to the comments.

Motion

Board Member Casello moved the developer have the comments in before the holidays, which was two weeks and a total of six weeks to resolve the most recent comments. Board Member McCray seconded the motion.

Chair Grant noted Section 18.3, the development timeline between items b and c dealing with the submission of construction permit application to the City of Boynton Beach within 90 days of the major site plan approval date, which occurred. What has not occurred was commencement of construction within 60 days of the building permit approval date. The developer only has 240 days to build once they obtain building permit approval.

Attorney Duhy can send a notice or letter indicating the Board expects more timely responses to comments received from staff, and in this instance, they need to respond to the last set of comments by December 22nd. Although there may be future comments, the Board would expect timely responses. Six weeks is reasonable. If not by December 22nd, the next step is to apprise the Board in January the developer did not respond and the Board could take action. The reverter clause could be invoked.

Vote

The motion unanimously passed.

14. New Business

A. Consideration of Purchase of 110 NW 6th Avenue

Mr. Simon presented the item, and advised the property is adjacent to a City-owned property at the corner 6th Avenue and Seacrest. An appraisal was done and the market value for the property was \$36,700. There is a tax deed sale pending and a \$3,100 lien from the City for lack of maintenance. Staff wanted to pursue acquisition of the property for single-family housing and was requesting approval to move forward in the County acquisition process to obtain the land and for the Board to set a maximum purchase price. The CRA Advisory Board recommended paying slightly over 20% over the appraised value, if needed, which would be \$40,000 to \$42,000 as a maximum.

Motion

Board Member McCray moved to approve. Board Member Casello seconded the motion. Board Member McCray favored the \$40,000 price. The motion unanimously passed.

B. Discussion of Maintenance Costs for the Boynton Harbor Marina and the Fuel Discount (Tabled 11/14/17)

Motion

Board Member McCray moved to remove the item from the table. Board Member Casello seconded the motion that unanimously passed.

Mr. Simon explained Board Member Casello requested this information at the October meeting. As a result of their discussion about the lease agreements with the boat slip tenants, staff provided the requested information at the November meeting, which was also tabled because Board Member Casello was not present. The information was a brief summary of expenses, and no action needed. There were no questions and Board Member Casello was satisfied with the information.

15. CRA Advisory Board

- A. CRA Advisory Board Agenda - December 7, 2017
- B. CRA Board Meeting Minutes - November 2, 2017
- C. Pending Assignments from November 14, 2017 CRA Board Meeting
 - 1. Review and Revise Current CRA Special Events Grants

D. Reports on Pending Assignments

- 1. None

E. New Assignments

- 1. None

16. Future Agenda Items

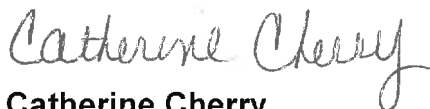
- A. Consideration for Revision to the CRA Procurement Policy Including a Local Business Preference Under a Competitive Process
- B. Consideration of Parameters for an RFP/RFQ for the CRA Owned Property Located at NE 4th and NE 5th Avenues, a/k/a the Cottage District
(Tabled 11/14/17)
- C. Update on Community Caring Center Relocation

D. Boynton Beach Boulevard Streetscape Improvement Project Update

17. Adjournment

Motion

Board Member McCray moved to adjourn. Board Member Casello seconded the motion that unanimously passed. The meeting was adjourned at 8:37 p.m.



Catherine Cherry
Minutes Specialist