



Deerfield Beach Community Redevelopment Agency Meeting Minutes

Tuesday, December 15, 2009, 6:00 P.M.

City Commission Chambers, Deerfield Beach City Hall

The meeting was called to order by Chair Noland at 6:05 p.m. on the above date in the City Commission Chambers, City Hall.

Roll Call:

Present: Mr. Bill Ganz
 Mr. Joseph Miller
 Mr. Martin Popelsky
 Vice Chair Sylvia Poitier
 Chair Peggy Noland

Also Present:

Michael Mahaney, City Manager
Andrew Maurodis, City Attorney
Ada Graham-Johnson, MMC, City Clerk

APPROVAL OF MINUTES

October 20, 2009

MOTION was made by Mr. Miller and seconded by Mr. Ganz to approve the CRA Minutes of October 20, 2009 as submitted.

Voice Vote: YEAS: Mr. Ganz, Mr. Miller, Mr. Popelsky, Vice Chair Poitier, and Chair Noland. NAYS: None.

APPROVAL OF THE AGENDA

December 15, 2009

MOTION was made by Mr. Ganz and seconded by Mr. Miller to approve the CRA Minutes of December 15, 2009 as submitted.

Voice Vote: YEAS: Mr. Ganz, Mr. Miller, Mr. Popelsky, Vice Chair Poitier, and Chair Noland. NAYS: None.

OLD BUSINESS**ITEM 1****TAPE 1, COUNT 0035****Amendment to the Redevelopment Plan (update since October 20, 2009 meeting)**

Keven Klopp, CRA Director, said that this item was recommended by the Board and has been placed on tonight's City Commission Meeting Agenda for consideration.

NEW BUSINESS**ITEM E1****TAPE 1, COUNT 0055****CRA Resolution 2009/008 Authorizing Approval of a Contract with Garcia Stromberg LLC: Redesign of the Pier Entrance Buildings Pursuant to RFQ 2008-09/47(back-up)***

Keven Klopp, CRA Director, said that Garcia Stromberg was selected as the top ranked firm for the pier entrance buildings redesign. He said the contract has been negotiated for \$295,000, slightly less than 10% of the budget. A preliminary report has been provided which indicates how many square feet of activities planned for the building. Additionally, there are three (3) public workshops scheduled and other meetings before various advisory boards, prior to returning to the CRA Board for consideration.

Chair Noland questioned the size of the restaurant and the seating.

Mr. Klopp said that unless there is a need for additional square footage, the area questioned maybe for separate bathrooms.

MOTION was made by Mr. Miller and seconded by Vice Chair Poitier to adopt CRA Resolution 2009/008.

Roll Call: YEAS: Mr. Ganz, Mr. Miller, Mr. Popelsky, Vice Chair Poitier, and Chair Noland. NAYS: None.

ITEM E2**TAPE 1, COUNT 0122****Request for authorization to procure the services of Keith and Associates to design an expansion of the main beach parking lot in the amount of \$24,950 (back-up)***

Keven Klopp, CRA Director, requested authorization for staff to procure the services of Keith & Associates to prepare an engineering design of an expansion in the main beach parking lot. At the southwest corner, there is a vacant strip of land which is owned by the City and can be expanded for an additional 22 parking spaces. The proposal from Keith and Associates is \$24,950 and would be funded through Other Contractual Services Account.

NEW BUSINESS – CONTINUED

Chair Noland thanked Mr. Klopp for having the insight to expand the parking for the City with an additional 22 parking spaces.

In response to Mr. Poplesky's question, Mr. Klopp explained that the original proposal was \$34,000 and negotiated due to various circumstances. However, because it is under \$25,000, the Board can move forward under State Law. Additionally, he said that no other quotes were taken due to the Competitive Consultant's Negotiation Act; which does not allow prices comparison for professional services. If desired, the Board could have rejected the proposal and sought out another firm.

Mr. Miller said that he has often wondered why the area was undeveloped. He said that this is land that can add additional parking spaces and generate additional revenue for the City.

MOTION was made by Vice Mayor Poitier and seconded by Mr. Miller to approve Item E2, approving Keith & Associates to redesign an expansion for the main beach parking lot.

Roll Call: YEAS: Mr. Ganz, Mr. Miller, Mr. Popelsky, Vice Chair Poitier, and Chair Noland. NAYS: None.

Mr. Klopp said that he has been in contact with the neighboring condominium association and they are aware of the project. Also, because new consulting engineers are about to be selected, he explained that this is the first project that Keith & Associates will undertake, under the \$25,000 limit, due to CCNA requirements, we have not given a first contract this fiscal year.

ITEM E3**TAPE 1, COUNT 0290****Advertisement of bids from contractors interested in reconstructing the Cove Shopping Center Parking Lot in accordance with the previously approved master plan and site plan. (back-up)**

Keven Klopp, CRA Director, said that Staff will go out for bid for the Cove Shopping Center Parking Lot Improvement Project. This project was approved in concept by the Board after a charrette was held; and will implement many of the recommendations of the Master Plan. Once bids are obtained, they will be brought before the Board for consideration. Additionally, he asked the Board to review recommendations for revising the Façade Grant Program, in which he provided a similar example in Cape Coral. Nonetheless, due to current conditions, they are revising their program based on linear feet and only the property owners can apply, not the business owners.

Continuing, Mr. Klopp said that the second consideration would be a five (5) year forgivable loan, rather than a grant. This would address the concern that the property

NEW BUSINESS – CONTINUED

owner might sell after the property and parking lot have been improved. He welcomed the Boards input.

Vice Chair Poitier requested clarification on whether Mr. Klopp is recommending a price on the linear feet in front of the building. For example, if a property owner has four (4) units, instead of receiving \$40,000, will the grant be based on linear feet in front of the building.

Mr. Klopp said that currently, the building owner would receive \$10,000, not \$40,000. Our criterion indicates one (1) grant per building; some buildings have 10 tenants and they still receive \$10,000 as a single standalone building. He said that the program has not been as successful; however, if the grant were given based on each business, or linear feet basis it could become more successful.

Continuing, Mr. Klopp explained that individual circumstances were considered by the Board for exceeding the \$10,000 limit. The developers want clarity and flexibility and allowing a linear feet program will provide greater comfort in participating.

Mr. Ganz said that this approach would have assisted with a situation whereby a doctor's office requested additional funds. He thanked Mr. Klopp for introducing this idea.

Mr. Miller said that the grant program should be reexamined.

Mr. Klopp said that he will meet with Keith and Associates and hopefully provide information to the Board by February on whether to proceed with construction.

Mr. Popelsky said that it would be a great opportunity to offer the property owners additional assistance if CRA funds are available. He said that he was under the impression that each individual store was eligible for \$10,000. He agreed that the linear feet basis is a better concept and does not object to more support for the businesses.

Mr. Klopp also suggested combining both linear feet and the number of doors. If a business has a lot of linear footage, but only one (1) entrance, their façade will not be as complicated, as one that may have multiple entrances. He said that he will develop a workable plan for the Cove Shopping Center.

Mr. Popelsky reminded Mr. Klopp that the Board has agreed to assist with the sidewalks.

ITEM E4**TAPE 1, COUNT 539****CRA Resolution 2009/009 Authorizing Retainer of Andrew Maurodis as CRA Legal Counsel**

Andrew Maurodis, CRA Attorney, said that the contract fee has not changed.

NEW BUSINESS – CONTINUED

MOTION was made by Vice Mayor Poitier and seconded by Mr. Ganz to adopt Resolution 2009/009.

Roll Call: YEAS: Mr. Ganz, Mr. Miller, Mr. Popelsky, Vice Chair Poitier, and Chair Noland. NAYS: None.

BOARD/ADMINISTRATION COMMENTS

Keven Klopp, CRA Director, provided copies of a letter from Gerald Ferguson, Director of Planning & Growth Management/Building, regarding Antilla Plaza II; a two (2) story mixed used unfinished building on the S-Curve that has been vacant and unmaintained for approximately three (3) years. The letter is a result of a due diligence request from a potential buyer; it was determined that the site plan approval for the building has expired. With regard to zoning, there are property rights that should not be discussed; however, from a CRA perspective, there may be an opportunity for the CRA to assist in getting the building finished and into active use.

Andrew Maurodis, CRA Attorney, said that the site plan approval lasts 18 months, once expired, you lose the site plan. He explained that there are several issues that must be taken into consideration. Also, he advised that we must inform anyone who intends on purchasing the building that they will have to go through the process and get approved again. He said that the Board can consider an ordinance to provide some release as a way to recognize the economic issues. He said that once the potential buyer does his/her due diligence, they want to know that they are entitled; meaning you can go in and build it. Since there are many negative answers, the Code can possibly be amended to provide relief for the 18 month provision.

Chair Noland asked that the Administration develop something. She said that the building is already built and the priority is getting it opened and cleaned up; thus, getting it on the tax roll.

Vice Chair Poitier said that it is up to the Board to assist during the economic downfall. If a temporary ordinance will expand the time of the site plan, from 18 months to possibly 36 months, it will also provide jobs. She spoke in favor of allowing them to finish the building if they have the money. She said that it is important to ensure that they have been approved with a bank loan.

Mr. Maurodis said that the ordinance should be applied to buildings that are constructed.

Vice Chair Poitier suggested that only the buildings that were started and incomplete during the recession should receive these benefits, because there are many developers who get site plans approved and then sell the site plan with the development.

Mr. Ganz asked if this will go city wide or only in the CRA area, as well as for projects that construction has not began but have already been approved.

BOARD/ADMINISTRATION COMMENTS – CONTINUED

Mr. Maurodis said that it can be tailored. Normally, it would be citywide, but the CRA is a distinct area and the key is not allowing someone to get a site plan approval, bank it and try to sell it. This is a targeted approach, you have a building that is already built and you provide two (2) choices; 1) allow them to finish it, or 2) have it demolished.

Mr. Ganz agreed that once you are in the process and the building is built, that the Board should assist as much as possible.

Mr. Miller asked if we still have the pending buyer.

Mr. Klopp said he would prefer not to answer.

Mr. Miller said that the ordinance should be enacted sooner rather than later.

Mr. Maurodis advised that the item will have to go before the Planning and Zoning Board and then the City Commission because it is a land development regulation; we must adhere to the processes.

Mayor Noland asked when the next Planning and Zoning Board meeting is.

Mr. Popelsky replied on the first Thursday of each month.

Mr. Ferguson replied January.

Mr. Maurodis said that it can be adopted in February. Additionally, he said that this is through the recommendation of the CRA Board.

Mr. Ferguson said that knowing that the Commission is moving in this direction will help with the comfort level the people are looking for.

Michael Mahaney, City Manager, asked about residential. He said that there are houses in the City that have been sitting around for 18 months; one specific case is \$900,000 for the lot and now it is sitting there. He also asked about code changes.

Mr. Ferguson explained that with single family, there is not an issue of site plans, only a building permit; however, the site plan expiration does apply to multi-family projects.

Mr. Mahaney asked that the Board consider if the Code has changed within the last 24 months.

Mr. Ferguson said that he is not aware of any other projects in this situation. Although there are site plans that have not been built, he is only aware of this one that has been partially constructed.

BOARD/ADMINISTRATION COMMENTS – CONTINUED

Vice Chair Poitier said that if the Code has changed, the commercial building can be exempted quicker than the single family homes, if it is in the CRA District. She commented on exceptions to the CRA Rule with regard to construction.

Mr. Ferguson said that we are discussing zoning code changes as the City has no jurisdiction over building codes. In terms of the zoning code, Mr. Ferguson said he cannot recall any changes in the last two (2) years that would affect the construction, i.e. setback changes or dimensional changes.

Vice Chair Poitier said that the Commission has the authority to relieve it if so.

Mr. Ferguson concurred. He said that as a zoning issue, you can look at a vesting or other method.

Mr. Miller clarified that the subject building is on 2nd Street. He said that whatever initiative it takes to move forward, and if something is learned later on, it can be addressed at that time.

Chair Noland said that whatever is done will cover other buildings already constructed that were suddenly stopped because of the economic conditions.

Mr. Maurodis said that the ordinance would not target this one building; however, it can apply only to the CRA. He said that the ordinance will reflect specific guidelines, i.e. a building with substantial work.

Mr. Popelsky stated regarding multi-family homes, he suggested to the start where the economic downturn began to the present, depending on if work had begun and then ceased.

Mr. Maurodis said that he will draft something for the City Commission's approval.

Mr. Popelsky said that he has no objections to the proposed or to Mr. Miller's comments. He said that the S-Curve improvement should be completed.

It was the consensus of the Commission to move forward with the process.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:40 p.m.

PEGGY NOLAND, CRA CHAIR

ATTEST:

ADA GRAHAM-JOHNSON, MMC, CITY CLERK