



**Deerfield Beach Community Redevelopment Agency  
MEETING MINUTES**

Tuesday, May 10, 2011, 6:30 P.M.

City Commission Chambers, Deerfield Beach City Hall

The meeting was called to order by Chair Noland at 6:26 p.m. on the above date in the City Commission Chambers, City Hall.

Roll Call:

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

Also Present: Burgess Hanson, City Attorney  
Andrew Maurodis, City Attorney  
Samantha Gillyard, Deputy City Clerk

**APPROVAL OF THE AGENDA**

**DIGITAL TIME STAMP: 6:27:16**

**MOTION** was made by Mr. Ganz and seconded by Mr. Popelsky to approve the May 10, 2011 agenda as submitted.

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

**GENERAL ITEMS**

**ITEM 1**

**DIGITAL TIME STAMP: 6:27:58**

**CRA Resolution 2011/012 - A Resolution establishing a policy by which the CRA Director may initiate property acquisition on behalf of the CRA Board subject to the Board's final approval in accordance with Florida Statutes, the City of Deerfield Beach procurement code, CRA Resolution 2011- 011, and the CRA Board's due diligence expectations.**

Keven Klopp, CRA Director, outlined Item 1 regarding property acquisition.

Mr. Miller arrived at 6:28 P.M.

**GENERAL ITEMS - CONTINUED**

Mr. Klopp outlined the CRA Real Estate Acquisition Policy (attached). He said that the policy allows the initiation of an offer by the CRA Director, not necessarily requiring the Board to approve the initiation of an offer. This policy, as written would allow Mr. Klopp to proceed and then the Board would get involved in the later stages; approval of the contract prior to closing.

Continuing, Mr. Klopp said that the alternative is for any offer made would come to the Board first, and individually give him approval on each to make an offer. Although this is rather cumbersome, it is much more transparent and more controlled. This policy indicates that the director would initiate the offer; if done, then you would have to make a determination on various scenarios; i.e. how many appraisals. He said that he has had individual discussions with the Board and this was one concern. He also commented on other areas to be addressed: within what percentage of the fair market value could an offer be made; how old must the appraisal be before a new appraisal is necessary. He continued outlining the policy; if approved tonight, he would be allowed to proceed.

Chair Noland commented on policy #5, obtaining an inspection. She asked if the property has a building, would Mr. Klopp check to see if any work performed was permitted.

Mr. Klopp replied yes, that could be a part of it.

Chair Noland said that we have had a lot of difficulty with properties and said that some residents have had to go back and correct things because the previous owner did not have a permit for work.

Mr. Klopp said that it can be included in the inspection report as well.

Continuing, Chair Noland asked if 90 days is the norm for other CRA directors.

Mr. Klopp said that the latest he saw was 60 days. He said that because there are procedures, sometimes 90 days will give the opportunity for approval, when 60 days does not.

Chair Noland asked if other CRAs have the same jurisdiction.

Mr. Klopp said that some CRA's do not have any policies; however, some have extensive policies. Notwithstanding, many CRAs are involved in more acquisitions than Deerfield Beach.

Chair Noland asked if there were other properties out there, would the Board be informed of that.

**GENERAL ITEMS - CONTINUED**

Mr. Klopp said that if there were other properties, besides the five (5) that the Board agreed on, the redevelopment plan would have to be amended.

Vice Chair Popelsky asked Mr. Klopp if he will seek assistance from a realtor.

Mr. Klopp replied no, not at this time. He said his intent is to work through this with legal representation only.

Chair Noland commented on saving money from the sale of the property by using an attorney. She also commented on using an attorney for her personal closing.

Mr. Ganz suggested that there be more than one appraisal; as well as comparables that include the previous purchase of the property. Additionally, he recommended that the policy reflects 60 days instead of 90. He further stated that this appears to give much authority to Mr. Klopp; however, it indicates ratification of the CRA Board. He asked what happens if Mr. Klopp enters into an agreement and comes back to the Board and they decline; is there a cost to that and how does it affect everything?

Mr. Klopp said that it depends on how the contract is written, if there are escrow funds involved and whether or not there is a rebate language in the clause.

Vice Chair Popelsky asked if it could be contingent.

Andrew Maurodis, City Attorney, said that they would make the offer contingent upon approval by the Board; however, there may be earnest money for the down payment for the initial offer, which would be small. He explained that because the Board is making the offer, they would not put the down payment at 10%.

Mr. Ganz said that may put them in jeopardy of losing properties.

Mr. Maurodis said that people usually assume a \$10,000 deposit. Generally, the first offer is either 1% or \$1,000 earnest money, subject to CRA approval, which would make it pretty quick. Upon approval, the deposit would be the amount that is needed and then onto closing proceedings. The seller would know that the money is not worth anything until it is approved by the Board.

Mr. Ganz asked Mr. Klopp to identify where the policy reads that the Board will only deal with previously identified as possible purchase properties.

Mr. Klopp said that it may not say it in the policy, but can be added.

Mr. Ganz said that the Board has decided on the various properties that they are interested in and the public is well aware of them, so that there are no surprises. The Board previously stated that they will not pay more than 10% over fair market value; however, if the policy is adopted, it allows Mr. Klopp to purchase a property anywhere in the CRA, 10% above fair market value. He said that he is not comfortable with that

**GENERAL ITEMS – CONTINUED**

type of freedom, because it does not lend itself to transparency in his opinion. Therefore, he requested adding some sort of qualifier and that the Board proceeds with the five (5) properties they agreed on. He said he appreciates the fact that they are doing this without a realtor. Notwithstanding, Mr. Ganz said that this is a great deal of authority to give up; thus, recommending Mr. Klopp to individually update the Board members.

Mr. Maurodis said that the discussions will be more informative because of the Sunshine Law.

Mr. Ganz said that if Mr. Klopp advised him of a property that he did not agree with, he would ask that it be placed on the agenda for discussion.

Mr. Maurodis said that they would be given the information to determine what course of action to take outside of the conversation.

Mr. Ganz said that he will support the policy with the following changes to be included: 60 days, more than one (1) independent appraisal with comparables, and limited to the five (5) properties the Board previously agreed on.

Mr. Klopp asked if they wanted to put a policy on the earnest money; that it be within the purchasing authority of the CRA Director limiting it to \$10,000.

Mr. Maurodis said that each offer has to be approved.

It was clarified that they would have the opportunity to approve it after the offer is made.

Chair Noland said that if they accept the offer, then Mr. Klopp would come back to the Board with the figure, then they would put up the funds in good faith.

Mr. Maurodis said that whether there is an offer or counteroffer, it has to be presented to the Board.

Mr. Klopp said that he understands that if he makes them an offer, and gives them a deposit that it is non-refundable.

Mr. Maurodis said that it is only non-refundable at such time that the Board approves the offer.

Mr. Ganz read item (iii) of the policy regarding paying 10% above fair market value. He said that he would hope that the properties are bought in under that threshold amount. He said that if it is limited to the five (5) properties, he supports it.

Mr. Maurodis said that for other reasons, it will be limited to the five (5) properties; nevertheless, they will add it.

**GENERAL ITEMS - CONTINUED**

Mr. Ganz asked if the policy will be outdated after the properties are sold or off the market.

Mr. Klopp said that the policy could read only properties listed in the adopted redevelopment plan; thus, if the plan is changed, the policy is still current.

Mr. Maurodis said that after the first property, the policy may be amended.

Mr. Miller supported the idea of working expeditiously. He said that based on the resolution, it says that the Board must approve expenditures in excess of \$10,000; however, he thought the Board already agreed on authority up to \$25,000.

Mr. Maurodis said that amount is for change orders.

Mr. Miller expressed concern with the type of appraiser being chosen. He asked if there are guidelines for the appraiser's competence.

Chair Noland said that they look at the Broward County Property Appraiser's website at the fair market value and taxes.

Mr. Miller reiterated his concerns about the appraisal process, tax disputes, and the fact that everyone knows how much the Board is willing to negotiate. Mr. Miller asked if there is a possibility to add a property, outside of the five (5), if it is a great deal.

Chair Noland said that the redevelopment plan would have to be amended.

Mr. Klopp explained the process for amending the redevelopment plan.

Mr. Miller outlined his preferences for the policy, 60 days and the offer being contingent upon approval.

Mr. Klopp said that he has been seeking appraisers who are commercial appraisers with CRA experience in Florida; which could be added.

Mr. Maurodis said that he would not constrain it to that affect. He said you can only try to get the best appraisal possible.

Mr. Ganz said that there are concerns with appraisers; however he would rather not want to follow the footsteps of other CRA's and what they are using. He said that there is a limited use property that had four (4) appraisals on it; all were over a year old by the time the City used them. He asked why they did not use the actual previous property purchase of that parcel as a comparable. He said he spoke to an appraiser who said that there was an abnormality; the actual purchase price listed was a mistake made by the person who sold the property and assumed it was a certain size when it was much larger than realized. The person who bought it took out a loan that was substantially larger than what it appraised for. He said that this is why he insists on comparables and

**GENERAL ITEMS - CONTINUED**

having multiple appraisals done. He recommended having at least three (3) appraisals. He asked if this limits the Board.

Mr. Maurodis said that he wants to see what the formula for the price is and whether the 10% over the fair market value has to be changed. He said that with either two (2) or three (3) appraisals, the change would have to include "a fair market no greater than 10% of the average of the appraisals taken by the City". He requested feedback from the Board.

In response to Mr. Miller's question, Mr. Klopp replied that an appraisal can cost approximately \$2,000.

Chair Noland agreed with three appraisals, because you can use an average of the three (3) and take the 10% from there.

Mr. Maurodis said that with three (3) appraisals, it would be pretty solid. He also recommended changing the language to 10% higher than the average of the two appraisals.

Mr. Miller commented on using the word average with having an appraisal that is far off from the others.

Mr. Maurodis said implementing a policy will determine what makes the appraisal way out.

There was a brief discussion regarding discarding any appraisals that seem farfetched.

Mr. Maurodis said that you can add a provision that any one of these procedures may be waived, by unanimous vote of the sitting board.

**MOTION** was made by Mr. Miller and seconded by Ganz to approve Item 1, CRA Resolution 2011/012, as amended.

Chair Noland clarified the changes: change to 60 days, three (3) appraisals, and 10%.

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

**ITEM 2**

**DIGITAL TIME STAMP: 6:56:07**

**Discussion regarding summary report of Deerfield Beach Green Market**

Keven Klopp, CRA Director, said that the Green Market has finished for the season and introduced Kris Mory, CRA Coordinator, to present the item.

**GENERAL ITEMS - CONTINUED**

Ms. Mory said that the green market ended on May 1, 2011. She provided a brief synopsis of what transpired throughout the season with the market. She said that the market began on November 21<sup>st</sup> and started with 32 vendors. Unfortunately, there was not a lot of produce when they started; nevertheless, they average about 18 vendors per week throughout the balance of the season. At the last market, there were 13 vendors. The Market Company did not keep a count of the people who attended. She estimated approximately 200 daily; average sales per vendor were \$180 per week.

Ms. Mory said that at the end of the season, she requested suggestions from the Market Company to make it better: 1) venue - Sullivan Park is a difficult spot and they recommended moving it to the Cove Shopping Center Parking Lot; 2) marketing better, utilizing social media, local radio spots, e-mail blasts, people signing up thru e-mail data base; 3) shorten the market. One criticism was that there was not enough fresh produce; thus they recommended shortening the season from January to April, not only because of lack of produce, but conflicts with holidays, i.e. Christmas, Thanksgiving, Jewish holidays, and New Year's Day. There is a contract with the Market Company, which can be renewed.

Chair Noland said that it would be much better in the Cove Shopping Center for visibility. She said that she went to other neighboring green markets and many vendors had problems with the vendor they hired. She suggested opening it up to the Cultural Committee as they have a vested interest in the community and raising funds. If successful, they could give a percentage to a not for profit organization that the City is no longer able to finance. However, she has no doubt that it can be successful. Moreover, Chair Noland expressed her concerns with The Market Company not following up, how the event was promoted, how certain elements were not consistent, and their lack of concern. She also agreed with the lack of produce during the winter months. She commented on the type of items that were sold compared to the type of items sold at Boca Raton's green market.

Mr. Maurodis said that it would be fine to communicate with the Cultural Committee.

Chair Noland said that there were individuals from the Cultural Committee in attendance with a booth, but after 2 or 3 times, they stopped going. Chair Noland again reiterated her remorse for using the Market Company.

Mr. Miller agreed with moving it to the Cove and starting it later. Additionally, he said he has not heard anything positive about the Market Company. He also asked if the committees would be paid.

Chair Noland said that they would be paid based on what they charge. She said that the Cultural Committee is familiar with the art festival and has expertise in finding the right people. She said that the Historical Society may not have the experience working with this type of event.

**GENERAL ITEMS - CONTINUED**

Mr. Miller said that he does not want to limit it to the Cultural Committee.

Chair Noland said that if the Cultural Committee were to run it, they would have to seek volunteers.

Mr. Miller said that he would like to include entertainment and promotion in the CRA budget and to hold off on using the Market Company again.

Mr. Ganz said that the Cultural Committee prove themselves every year with the Art Festival. He thanked the Market Company for their assistance this year, but agreed to try someone new next year. Additionally, Mr. Ganz said that he does not like escorting people through a glass ridden street under the highway.

**ITEM 3****DIGITAL TIME STAMP: 7:09:50****Discussion regarding preliminary design considerations of the Main Beach Parking Lot Area Improvements Plan**

Keven Klopp, CRA Director, said that the redevelopment plan took out structured parking. Chen and Associates is very preliminary in their work; however, he wanted to allow discussion of the possibilities.

Safiya Brea, Senior Engineer, Chen Moore & Associates, said that they have met with City staff about issues they want to address with the parking lot. The survey has begun and should be done at the end of the month. The geotechnical investigations have already begun as well as utilities and traffic research. They have begun the preliminary layout with regard to entrances from Hillsboro Boulevard and making sure there is a thru lane from Hillsboro Boulevard to 2<sup>nd</sup> Street, etc. She also listed other ideas they have received from Staff. The next step is to put together a preliminary draft and allow the Board to add any thing they would like to see, prior to the final conceptual plan. Finally, they will move on to the design phase. Ms. Brea entertained questions by the Board.

Vice Chair Popelsky asked if there was a resident meeting.

Ms. Brea replied yes, there were three meetings with the public prior to them beginning the conceptual plan. Moreover, she said that they have not met with the Commissioners, but has an idea of what they would like to see.

Mr. Miller referred to the map, Deerfield CRA Beach Parking.

Ms. Brea said that the map outlines what they have the capacity of accomplishing.

Mr. Miller said that in the southwest corner, the spaces are not indicated.

Ms. Brea said that they may have been added later.

**GENERAL ITEMS - CONTINUED**

Mr. Miller said it appears that the existing entrances have been closed off, and spaces have been added. He asked where the entrance is.

Ms. Brea replied that the entrance will be on Hillsboro Boulevard and 2<sup>nd</sup> street. There will be one street access lane from Hillsboro Boulevard to 2<sup>nd</sup> Street.

Mr. Miller asked if this entails closing 1<sup>st</sup> street.

Ms. Brea replied that they will not be able to completely close it because of the fire station. However, they will install do not enter signs on the west side, which allows entrance only for emergency vehicles.

Mr. Miller asked if this is contingent on allowing people to come directly east from Hillsboro Boulevard, and now turn north.

Ms. Brea replied yes.

Chair Noland left the meeting at 7:15 p.m.

In response to Mr. Miller's question, Ms. Brea said that there are 326 existing spaces, but the goal is to have 420 spaces.

Mr. Miller asked if there is a timeline with the improvements on A1A.

Burgess Hanson, City Manager, said that he does not see any reason to not move forward with this, despite what occurs with A1A.

Mr. Miller expressed concern with the lane configuration on Hillsboro Boulevard.

Ms. Brea said that they can fix the lanes on the east side without improvements to A1A.

Mr. Hanson said that they are closing off 1<sup>st</sup> Street because there is a traffic issue there and 1<sup>st</sup> Street would be open to the hotel. He said he would encourage an automatic gate for fire rescue and other public safety vehicles. He also commented on the additional storage abutting the fire station; it will appear to be a part of the building instead of being out on its own.

In response to Vice Chair Popelsky's question, Ms. Brea replied that right now, the fire station will remain there until space is found some place else. She said that if the City finds another location for the fire station, they can arrange the parking lot to accommodate that.

Mr. Hanson said that the fire station is a way out; as you cannot use CRA funds to build a fire station, it would have to be matched with City funds.

Mr. Maurodis said that you can use CRA funds.

**GENERAL ITEMS - CONTINUED**

Mr. Hanson said the funds can be used for public restrooms, etc.

Mr. Ganz asked that the CRA Director pass on the public input that has been received to Ms. Brea.

Vice Chair Popelsky said that he does not want to prolong this and asked what the next step is.

Ms. Brea said that once the survey is complete, they will submit the first draft on July 19<sup>th</sup>; then the Board can add what they would like before the final conceptual plan. They would then incorporate those ideas.

Mr. Miller asked if the changes can be accomplished before November.

Mr. Hanson said that we would start after season, because of additional environmental permitting processes.

**ITEM 4****DIGITAL TIME STAMP: 7:22:50****Mid-year accomplishments report**

Kris Mory, CRA Coordinator, shared the CRA's accomplishments over the last 6 months. She outlined the Mission of the CRA; CRA performance measures; CRA Goals and Strategic Measures;

Keven Klopp, CRA Director, took over for Ms. Mory. He continued outlining the accomplishments: Deerfield Beach Pier Reconstruction, Hillsboro Streetscape (poles and overhead wires have been removed). He said that FP&L is done, and Ric-man will restart their work.

Mr. Miller asked if the rocks will be removed.

Mr. Klopp said that they will be filled with the required amount of sod; however, it does not mean they will remove all the rocks, but enough to meet the required standards.

Mr. Miller asked if it will start fairly soon.

Mr. Klopp replied yes. He said they are staging, bringing the equipment out and should be underway in a matter of days. Moreover, Mr. Klopp continued outlining the accomplishments for the CRA. He said that Billabong is marketing Deerfield Beach. He said that they are extremely popular in the United States. He commented on property acquisition, the 5 Year Capital Plan, ADA compliant sidewalks, beach enhancements, and the green market.

Mr. Miller commented on the bus stop behind the hotel that does not have a back.

**GENERAL ITEMS - CONTINUED**

Mr. Klopp said that it has been repeatedly reported to Broward County.

Burgess Hanson, City Manager, said that they will remove it and keep it in trust at Public Works.

**BOARD/ADMINISTRATION COMMENTS**

Congressman Allen West - Keven Klopp, CRA Director, said that Congressman Allen West will be speaking Wednesday, June 8, 2011, at the Florida Atlantic Research and Development Authority, Deerfield Beach, from 8:00 a.m. to 12:30 p.m. He outlined various topics that will be discussed, new financing options for businesses, resources and challenges, importing and exporting, etc.

Chattahoochee - Mr. Miller said that there is Chattahoochee around a palm tree, at the pier and a resident is concerned that it may be detrimental to the palm.

Walt Bratton, Assistant Director of Parks & Recreation, said that they have taken a look at it and will make sure that the test that occurs on the second palm tree is installed, just south of the pier building, so to put a buffer around the palm to support it. There should not be any damage to the tree.

Mr. Miller said that he concurs with the resident's concerns, based on what he sees.

Mr. Bratton said that the resident has good concerns, but there will be another test to the second palm tree; it is a different vendor and it will be put in later this week.

Burgess Hanson, City Manager, said that they are trying to find the most maintenance free aesthetics for the palm trees because a lot of the grates were flipping up or missing; the flower and plants installed were not grown very well.

Vice Chair Popelsky left the dais temporarily at 7:33 p.m.

Continuing, Mr. Hanson said that they want to see how the trees stand up to the elements and then will make a decision.

Mr. Miller said it could prevent water and fertilizer from getting to the tree.

Mr. Hanson said that is why they are out there, to receive that type of input, not only from Staff, but also the public, and the Commissioners. Mr. Hanson said that there is no cost to put these in. Additionally, there are liability concerns with the way they are being maintained.

Mr. Miller said that the goal is admirable, but objected to the possibility of killing the palm trees.

**PUBLIC INPUT**

Vice Chair Popelsky returned to the dais at 7:35 p.m.

Marge Hilton, 1101 SE 5<sup>th</sup> Court, Deerfield Beach, commented on the possibility of moving the fire station and building a community center in the area. She asked if there will be public meetings regarding moving the fire station.

Vice Chair Popelsky said that he suggested that since the fire station is on Jewish property and is 40 years old, to possibly moving it west or to the southwest corner. He said he has no objection to discussing it with the residents; however, it may not be possible due to limited funds.

Burgess Hanson, City Manager, said he believes what was being referenced was not a community center, but may be a community outreach booth to assist visitors with information.

Marty McGeary, 1442 SE 6<sup>th</sup> Street, Deerfield Beach, commented on the noise that comes from a fire station. She asked that they take the residential area into consideration because of the noise.

Mr. Hanson said that the City cannot financially move the fire station at this point.

Vice Chair Popelsky said that he suggested it because it was a choice piece of property to do something else with it; nevertheless, it could be 5 or more years from now, or never.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 7:40 PM.

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PEGGY NOLAND, CRA CHAIR

ATTEST:

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ADA GRAHAM-JOHNSON, MMC, CITY CLERK