



**Deerfield Beach Community Redevelopment Agency
MEETING MINUTES**

Wednesday, November 12, 2014, 6:30 P.M.
City Commission Chambers, Deerfield Beach City Hall

The meeting was called to order by Chair Robb at 6:31 p.m. on the above date in the City Commission Chambers, City Hall.

Roll Call:

Present: Mr. Bill Ganz
Mr. Joseph Miller
Mr. Richard Rosenzweig
Vice Chair Ben Preston
Chair Jean M. Robb

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

Absent: None

APPROVAL OF MINUTES

DIGITAL TIME STAMP: 6:31:35

October 21, 2014

MOTION was made by Vice Chair Preston and seconded by Mr. Rosenzweig to approve the October 21, 2014 minutes as submitted. Voice Vote: YEAS: Mr. Ganz, Mr. Miller, Mr. Rosenzweig, Vice Chair Preston and Chair Robb.

APPROVAL OF THE AGENDA

DIGITAL TIME STAMP: 6:31:44

November 12, 2014

MOTION was made by Mr. Miller and seconded by Mr. Rosenzweig to approve the November 12, 2014 agenda as submitted. Voice Vote: YEAS: Mr. Ganz, Mr. Miller, Mr. Rosenzweig, Vice Chair Preston and Chair Robb.

GENERAL ITEMS

ITEM 1

DIGITAL TIME STAMP: 6:31:55

CRA Resolution 2014/012 - A Resolution of the City of Deerfield Beach Community Redevelopment Agency approving the appropriation of funds remaining in the Redevelopment Trust Fund to certain projects; and providing for an effective date.

GENERAL ITEMS - CONTINUED

Kris Mory, CRA Director, explained that Item 1 is an administrative item that has been carried out for three (3) consecutive years. The carryover outlines how much money is being carried over from one fiscal year to the next; \$1,226,549. Although this figure is preliminary, it will be finalized in the CAFR as a result of the audit. She explained that the funds must be spent within three (3) years.

MOTION was made by Mr. Ganz and seconded by Mr. Miller to approve Item 1, adopted CRA Resolution 2012/012. Roll Call: YEAS: Mr. Ganz, Mr. Miller, Mr. Rosenzweig, Vice Chair Preston and Chair Robb.

ITEM 2**DIGITAL TIME STAMP: 6:33:26**

CRA Resolution 2014/013 - A Resolution of the Community Redevelopment Agency of the City of Deerfield Beach, Florida, awarding Bid #2014-15/05 for the holiday lighting and decorations to Brandano Displays, Inc. for an amount not to exceed \$31,628 in accordance with the bid specifications.

Kris Mory, CRA Director, said that the CRA passed a line item for special events in the Fiscal Year 2015 budget; holiday celebration. In previous years, the event was held at the Cove Shopping Center, but has now been moved to the beach. The Cove Shopping Center will still be decorated; however, the focus is to decorate from the intersection of NE 2nd Street and A1A throughout the pier entrance buildings, including the pier and down to Ocean Way to create an experience similar to Tradewinds Park so people can drive through. The beach lighting will be displayed for an entire month, with the holiday celebration being on December 6th from 5 p.m. - 9 p.m. Due to the price, the item was competitively bid; wherein, two (2) proposals were received. Brandano's proposal was the least expensive with the best value for this scope of service.

Chair Robb opened the public hearing; there were none to speak. Thereafter, she closed the public hearing.

There was a brief discussion regarding the visitation to the area, the location and turtle season.

MOTION was made by Mr. Miller and seconded by Vice Chair Preston to approve Item 2, adopted CRA Resolution 2012/013. Voice Vote: YEAS: Mr. Ganz, Mr. Miller, Mr. Rosenzweig, Vice Chair Preston and Chair Robb.

ITEM 3**DIGITAL TIME STAMP: 6:37:01**

Request from Dr. Joseph Ortlieb to address the CRA Board regarding sidewalk installation on SE 15th Avenue*

GENERAL ITEMS - CONTINUED

Kris Mory, CRA Director, said that SE 15th Avenue is under construction; less than two (2) weeks ago, the sidewalks were poured on the east side of the road. Dr. Ortlieb is dissatisfied with the elevation of the sidewalk, which is slightly higher than the preexisting conditions. His concern is that the higher side will trap water on his property and cause additional flooding. Thereafter, Ms. Mory provided photos of the pre-existing conditions which illustrated a drainage problem.

Ms. Mory said that the contractor did not follow the plan exactly as he felt the change would better match the property layout.

Chair Robb asked who was overseeing the contractor from the CRA.

Ms. Mory said that the project manager Hiep Hyunh oversees it and when circumstances such as these occur, the City's engineer will double check. Additionally, the design engineer of record is responsible for the project. The plans call for the sidewalk to be slightly lower than how it was poured. Ms. Mory presented three (3) options to the Board: 1) Remove the sidewalk and lower the plan's elevation which is an easy fix and the contractor would have to pay for it. She said that Dr. Ortlieb is not pleased with that because he believes the sidewalk should be lower to match his previous layout. Nevertheless, the design plans call for the sidewalk to be higher than the existing conditions.

Continuing, Ms. Mory said that the second option is to remove the sidewalk and sufficiently lower it to attain an elevation that is 4 inches lower than the threshold. The 4 inch parameter was requested by Dr. Ortlieb; however, it is not supported by the plan. Staff does not support this option because it would allow drainage of Dr. Ortlieb's property into the public right-of-way; notwithstanding, it could be done at a cost of \$1900. She also said that the Board could leave it as is and take no further action. The final option is to maintain the sidewalk at its current elevation and share the expense of installing a new drainage system in the parking lot.

Ms. Mory said that in conversation, Dr. Ortlieb felt that debris from the construction project may have made his drainage system worse than it is now; which has not been confirmed. If the Board decided to succumb to those charges, a cost estimate was prepared to replace the French drain and the entire parking lot at a total of \$18,773.95. She proposed that the Board share half of the expense with Dr. Ortlieb or share the cost of the entire improvement on his property. She said it is the Board's decision; if any other option is chosen, other than keeping the property status quo, the Board will have to direct her. The options of sharing the funding for an improvement on Dr. Ortlieb's property will require the Board's approval.

Ms. Mory continued to provide photos of the pre-existing conditions, as well as today's existing conditions, which maintain ADA compliance. The area left of the sidewalk is between zero and an inch and three quarters.

GENERAL ITEMS - CONTINUED

Tom Connick, 411 E. Hillsboro Boulevard, Deerfield Beach, said that recently the contractor broke the water lead into Dr. Ortlieb's building; which caused his office to close for half a day. The problem that occurred is that the sidewalk installed along 15th Avenue is too high. He said he requested a meeting with Dr. Ortlieb and Ms. Mory regarding the issues. He explained that from the entrance/exit at 15th Avenue into the Cove, to the south boundary of Dr. Ortlieb's property, the sidewalk rises up suddenly and has an adverse affect on his property. If the sidewalk were installed to rise at the northern boundary, it would not have been an issue.

Continuing, Mr. Connick said that he met with Dr. Ortlieb and Ms. Mory; Ms. Mory advised that the CRA would pay for the drain field and removal of a propane tank on his property and Dr. Ortlieb would pay approximately \$4,700 for resurfacing, which Dr. Ortlieb agreed to. He said that when he received an e-mail it was different than what was proposed. The meeting was held last Wednesday and going into this issue, there will be a dispute as to what the City claims will fix the situation. The smart thing to do is for the City to pay for the drain field and remove the propane tank and Dr. Ortlieb will pay for the resurfacing. He said that they were also told that if they wanted to come before the Board, they could; notwithstanding, they decided to come before the Board to explain what was going on and urged them to visit the site. Furthermore, he said that they can work with the City if they decided to lower the sidewalk; however, there are serious questions as to what the City is saying is an adequate solution, because it will likely create problems. He said Dr. Ortlieb does not complain about the temporary issues, but something that will cause him permanent problems needs to be addressed. He said that lowering the sidewalk is not tenable and will cause more friction.

Mr. Ganz asked why the City would be responsible for removing the propane tank.

Mr. Connick said in dealing with a propane tank, it would need to be removed; however, the City can leave it there.

Dr. Joseph Ortlieb, 313 SE 15th Terrace, Deerfield Beach, said he was going to resurface his back parking lot aesthetically. The original picture shown with massive flooding was immediately after a rainstorm. The French drain needs to be cleaned and would work if it were cleaned within two (2) hours; therefore, that is not a problem. The problem is the sidewalk was raised so now it is less than 3 inches below the threshold to his door. He said he was not going to do any major renovations to his parking lot, but because of the sidewalk issue, a cascading effect has occurred. He said the propane tank is a part of the cascading effect, if the parking lot is taken up to change the drain, it will encounter the propane tank. He said the sidewalk is about 8 inches up and is sudden. After complaining, one of the solutions was to eliminate the 9 middle sections of the sidewalk and drop it down, which is not professional.

In response to Mr. Ganz's question, Dr. Ortlieb replied that he was not going to remove any pavers, but was going to resurface for approximately \$1800.

Mr. Ganz asked if he had a drainage problem prior to the project commencing.

GENERAL ITEMS – CONTINUED

Dr. Ortlieb replied that two (2) hours after rain, the French drain fills up as illustrated in one of the photos. Now there is more debris and it has to be cleaned out, which he would have had to do anyway. If there is severe rain now, he will risk flooding because of the sidewalk.

Vice Chair Preston asked if going back to the original spec's would eliminate the problem.

Dr. Ortlieb replied that the original spec's are higher than his original land elevation. He said he spoke with the contractor on site prior to the concrete being poured and said it appears higher than his existing pavement; if that is the case, it will cause flooding for him and he was assured that it will not be higher, as regulations would not allow it. Additionally, he said that Ms. Mory was there when she told him that the City would help him by replacing the drainage and removing the tank.

Ms. Mory provided a presentation outlining the construction project, which shows the inches in difference between the existing and the proposed. The difference in elevation is a matter of $\frac{3}{4}$ of an inch.

Mr. Ganz said the sidewalk should be returned to the pre-project elevation.

Mr. Connick said that the issue is; it is being claimed that the pre-project elevation was that it goes down. Although it makes sense to have the sidewalk straight, but having it at a lower level so it does not add to the flooding.

Mr. Ganz said it will also provide a way for the water to leave the parking lot that previously did not exist before the project.

Mr. Connick said the sidewalk is coming in because it is higher, it is not going out.

Dr. Ortlieb said that he has been there for 17 years and it has looked like a beachfront after the rain.

Mr. Ganz said it appears to have been a long term drainage issue.

Dr. Ortlieb agreed, and said that is what is supposed to be solved, but it is being made worse for him. He commented on cars speeding down 15th Avenue and causing more water to settle onto his property.

Mr. Ganz suggested that the City repair and redo the sidewalk based on the spec's or adjust them to reach a compromise, but not so much that it relieves Dr. Ortlieb's responsibility to his private property. He suggested that the sidewalk be at a level that satisfies Dr. Ortlieb and works properly, at the CRA's expense. Additionally, 50% of the cost for replacement of the drain is fair, as it has been stated that it needed to be cleaned. Furthermore, Mr. Ganz disagreed with financing the removal of the tank and resurfacing, as it falls into private property.

GENERAL ITEMS - CONTINUED

Dr. Ortlieb said that if they leave the sidewalk then all of the other things have to be done, but if they reduce the sidewalk, then the drain can be cleaned and he can cosmetically resurface his parking lot which was his intent. He said that Staff proposed leaving the sidewalk as is and taking care of everything else, which would be necessary. He expressed that if the sidewalk is reasonably reduced, it would be acceptable; however, he was told that there was initially a sidewalk there, but that is inaccurate as it was only pavement.

Chair Robb asked what would appease Dr. Ortlieb.

Mr. Connick replied to have the new drainage paid for, removal of the tank and Dr. Ortlieb will pay for resurfacing.

Chair Robb opened the public hearing.

Shirley Kirksey, 243 SW 7th Court, Deerfield Beach, said she has a problem with her drainage and it causes a problem for her husband who is in a wheelchair. She said after talking with several City employees, it will be handled 2 to 3 years from now. She asked for assistance.

Chair Robb said that the City Manager will assist.

Chair Robb closed the public hearing.

Chair Robb said she believes the Board should acquiesce to Dr. Ortlieb's requests, as they are not unreasonable.

Mr. Miller asked how much it will cost to meet Dr. Ortlieb's requests.

Ms. Mory said the cost of tank removal is unknown at this time, but the quote provided includes removal and replacement of asphalt and installing a new drain which is \$18,773.95. Ms. Mory said there are a lot of unknowns, the location of the French drain or the propane tank; however, the contractor can quote tank removal and backfill, but there may be a surprise.

Mr. Miller said there was a major fire south of 10th Street and the firemen blocked off streets due to a propane tank; thus, since propane could be a potential hazard to the public, that it may be best to remove it.

Ms. Mory said that since the bid is already at \$18,800, there is not much money in the projects contingency, and the amount exceeds her change order ability to approve it. Whatever action is taken, the Board must phrase the motion to fund the tank removal if desired.

GENERAL ITEMS - CONTINUED

Andrew Maurodis, City Attorney, said something may have to come back to the Board to formalize it.

Ms. Mory also said that a budget transfer may be necessary.

In response to Mr. Miller's question, Mr. Connick said that Dr. Ortlieb was going to contribute \$4,700.

Vice Chair Preston objected to voting on this without having an exact figure. He said that it should be further researched for accurate details and then resubmitted to the Board.

Mr. Rosenzweig suggested reaching out to Propane USA for a price on removing the tank.

Chair Robb said that removing the propane tank should be the City's responsibility, as it could be a public hazard.

Mr. Miller said that there is a timeline on the project and another meeting is needed; furthermore, he said voting on something without having the full amount is not wise, but a decision needs to be made quickly.

Ms. Mory said that Dr. Ortlieb's property has already been skipped in terms of asphaltting the apron and there is no reason why it cannot be delayed.

Charlie DaBrusco, Director of Environmental Services, said he would like to lower the sidewalk back to the original plan. Prior to construction, there was a four (4) inch difference between his doorway and the area where the sidewalk is. He said he will make it a 5 inch difference and will be a little lower in the center portion. He explained how to obtain the elevation of the original pavement and whatever is installed will be at that height or a little lower. If Dr. Ortlieb overlays the asphalt, it will cause a problem on his site by raising the existing grade another inch; thus, he will have to remove the asphalt and resurface to not go any higher. Mr. DaBrusco recommended draining the tank and building the drain field back to where it was.

Mr. Ganz clarified that if the sidewalk is changed, then no further work is needed; however, if the sidewalk remains the same, then all the other work would have to be done. Furthermore, keeping the sidewalk the same still poses the same problem Dr. Ortlieb spoke of.

Mr. Connick said that the discussion was to change the sidewalk so that it would dip, which is not practical; it should stay in a straight line as opposed to dipping.

Mr. Ganz said that since they were willing to leave the tank where it was if no work was done; thus, he agreed with draining it to ensure it is not a public safety issue.

GENERAL ITEMS - CONTINUED

Mr. Miller said that safety is the main priority and he would like verification that it will not be a safety hazard after it is drained.

Chair Robb said that the Board needs to know the costs of everything outlined and suggested it be discussed on December 2nd.

In response to Mr. Rosenzweig's question, Mr. DaBrusco replied that it is unknown whether the tank was permitted and does not want to remove it, as any type of fuel tank removal can become costly.

Continuing, Mr. DaBrusco said that he would like to complete the project and install the sidewalk so that he can work with Mr. Connick on the elevations, because within 18 inches of the sidewalk is the existing asphalt. If the agreement is to lower it beyond what was originally agreed upon, something can be worked out. He said he would prefer the contractor paying to replace the sidewalk since it does not meet the plans; nevertheless, a small portion may have to be paid from contingency.

MOTION was made by Mr. Miller and seconded by Vice Chair Preston to lower the sidewalk to the original specifications, if not lower.

Mr. DaBrusco said that the existing driveway, on the north and south side, is 18 inches away from the sidewalk and if a side is lowered 3 or 4 inches, it will be lower than the driveway. He said he is trying to come close to the existing elevations or lower than original. There will be a dip in the middle because that is how it existed.

Mr. Connick agreed.

Roll Call: YEAS: Mr. Ganz, Mr. Miller, Mr. Rosenzweig, Vice Chair Preston and Chair Robb.

BOARD/ADMINISTRATION COMMENTS**DIGITAL TIME STAMP: 7:25:20**

CRA Director - Kris Mory - Ms. Mory requested rescheduling the December 9th meeting to December 15th at 6:30 p.m. She said that the only item on the agenda will be the 100% design of Sullivan Park and 15 minutes will not be an adequate amount of time; thus, she suggested starting the Special City Commission Meeting at 7:00 p.m.

MOTION was made by Mr. Miller and seconded by Vice Chair Preston to reschedule the December 9th CRA Meeting to December 15th at 6:30 p.m. Voice Vote: YEAS: Mr. Ganz, Mr. Miller, Mr. Rosenzweig, Vice Chair Preston and Chair Robb.

PUBLIC INPUT

There were no comments from the public.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:26 p.m.

JEAN M. ROBB, CRA CHAIR

ATTEST:

Samantha Gillyard, CMC, City Clerk