

**MINUTES OF THE COMMUNITY REDEVELOPMENT AGENCY BOARD MEETING
HELD ON TUESDAY, NOVEMBER 8, 2011 AT 6:30 PM IN
CITY COMMISSION CHAMBERS, CITY HALL,
100 E. BOYNTON BEACH BLVD., BOYNTON BEACH, FLORIDA**

PRESENT:

Jose Rodriguez, Chair
Bill Orlove, Vice Chair
James "Buck" Buchanan
Woodrow Hay
Steve Holzman
Mark Karageorge
Marlene Ross

Vivian Brooks, Executive Director
James Cherof, Board Attorney

I. Call to Order

Chair Rodriguez called the meeting to order at 6:31 p.m.

II. Pledge to the Flag and Invocation

Mr. Karageorge gave the invocation and led the Pledge of Allegiance to the Flag.

II. Roll Call

The Recording Secretary called the roll. A quorum was present as noted above.

IV. Agenda Approval:

A. Additions, Deletions, Corrections to the Agenda

Mr. Karageorge pulled items VII. A and G.

Ms. Ross also pulled item VII. A.

Vice Chair Orlove pulled item VII. B and item IX. B and D. He requested item XI. G be moved up for discussion and felt it should be discussed before XI. E and F. Chair Rodriguez suggested leaving it as is.

Mr. Holzman requested to add under XII. New Business, a discussion on the abatement for graffiti in the CRA.

Motion

Mr. Hay moved to approve the agenda as amended. Vice Chair Orlove seconded the motion that unanimously passed.

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

A. Disclosure of Conflicts for Items Presented to the CRA Board on Agenda Items

Vice Chair Orlove disclosed that he had an email discussion with Kim Kelly on Item IX. D. Mr. Karageorge disclosed he also had an email conversation with Ms. Kelly.

B. Informational Announcements

Mr. Hay announced the Seacrest Streetscape Beautification Celebration was very well attended. Most of the Commissioners were in attendance and there was representation from the departments that were involved.

He also reported that he attended the ground breaking event for Seabourn Cove, which was north of WalMart on U.S. 1. There will be 308 units there and would be an asset for those coming into the City from the south.

Vice Chair Orlove advised that many of the Board members attended the Florida Redevelopment Association (FRA) Conference, which was a state-wide conference in Orlando. One of the discussions he sat in on was place-making strategies for public spaces, which dealt with spaces being public, park or municipal and how to draw people to those places. He also attended a discussion on special events, which was very helpful and interesting.

Ms. Ross indicated she also attended the FRA Conference and thought the content was excellent. She also attended the WalMart VIP celebration and the Streetscape celebration. She commented all the artwork on Seacrest and MLK was very beautiful and wanted to acknowledge Debby Coles-Dobay and the Arts Commission for their work. She wanted to remind everyone that the Chamber of Commerce monthly luncheon would be held on Wednesday, November 9th at 11:30 a.m.

Mr. Karageorge reiterated the WalMart opening was a great success. The groundbreaking for Seabourn Cove, the Seacrest Streetscape, FRA, and everything else everyone mentioned was very successful.

VI. Announcements & Awards

A. Toys for Tots

Kathy Biscuiti, Special Events Director, announced that on November 1st the Toys for Tots drive with the Marine Corps was kicked off for the third year. The Marines are at the Boat Parade and collect toys on the water during the parade. She was requesting people to be cognizant of the children that do not have anything for Christmas and to donate to one of the many sites around the City, such as the Civic Center, the Schoolhouse Childrens Museum, the CRA, and the Chamber of Commerce. Toys would be collected until December 9th.

Ms. Biscuiti reminded everyone that Sunday, November 13th would be Sunday Funday. It would be at the Boynton Harbor Marina. There will be a petting zoo and the theme would be Pilgrims and Indians. There would also be a steel drummer there and Two Georges is offering food and drink specials.

The following Sunday, November 20th, will be the second Downtown Open Market at the Civic Center. There will be indie crafts, vintage goods and gifts geared towards the holiday season.

On December 3rd, the annual holiday parade, tree lighting, and concert will take place at the 100 block of East Ocean Avenue. Bass Transit, a Chicago tribute band, would provide the entertainment.

The following Friday, December 9th will be the boat parade at the Boynton Harbor Marina with family activities and a band. The City Manager would be a judge and Ms. Biscuiti was trying to get radio stations to be judges so it could be promoted.

VII. Consent Agenda

- A. Approval of Minutes – CRA Board Meeting October 11, 2011

This item was pulled by Mr. Karageorge and Ms. Ross.

- B. Approval of Period Ended October 31, 2011 Financial Report

This item was pulled by Vice Chair Orlove.

- C. Monthly Purchase Orders
- D. Consideration of Approval of Business Signage Grant to SML Enterprises LLC d/b/a DIY Frozen Yogurt
- E. Consideration of Approval of Extension of Time for Interior Build-Out Grant to Palm Orthopaedic Institute, Inc.
- F. Consideration of Approval of Rent Subsidy Grant to GPS PEO, Inc.

- G. Consideration of Approval of Rent Subsidy Grant to The Law Offices of Angelo A. Gasparri, LLC d/b/a Debt Relief Law Center of PBC

This item was pulled by Mr. Karageorge.

VIII. Pulled Consent Agenda Items

VII. A. Approval of Minutes – CRA Board Meeting October 11, 2011

Mr. Karageorge advised on page 15, third paragraph, it talks about where he wanted to roll over the funds. He wanted them rolled over into a dedicated account to be used as the CRA Board sees fit, not what was currently there.

Motion

Mr. Karageorge moved to approve the minutes as amended. The motion was seconded by Mr. Hay and unanimously passed.

Ms. Ross advised that on page two when Mr. Karageorge was speaking it states, “he commented he attended the tri-city expo, where the Boynton Beach Community Redevelopment had an exhibit”, she wanted clarification that it was the Boynton Beach Chamber's expo and wanted it clarified in the minutes.

Motion

Ms. Ross moved to amend the minutes as stated. The motion was seconded by Vice Chair Orlove and unanimously passed.

VII. B. Approval of Period Ended October 31, 2011 Financial Report

Vice Chair Orlove inquired if the \$25,000 of contingency funds that had not been used rolls over and could it be used in the current fiscal year.

Susan Harris, Finance Director, stated this was the budget for the new fiscal year. She explained in last year's budget, the contingency fund was for this year's budget. There was \$75,000 from last year and was used in this year's budget for projects.

VII. G. Consideration of Approval of Rent Subsidy Grant to The Law Offices of Angelo A. Gasparri, LLC d/b/a Debt Relief Law Center of PBC

Mr. Karageorge wanted to thank the applicant for leaving Boca Raton and relocating to Boynton Beach.

Motion

Mr. Karageorge moved to approve the Rent Subsidy Grant. The motion was seconded by Ms. Ross and unanimously passed.

IX. B. Delray Beach Community Land Trust Information

Vice Chair Orlove wanted to thank staff for including the information on the land trust. It helped him understand what a land trust was and also wanted to ask the Executive Director if this information applied for Ocean Breeze West.

Ms. Brooks stated that Vicki Hill, who works in the CRA office, put together a PowerPoint presentation giving information on her own perspective. She lives in Delray Beach and purchased her home in Delray Beach Community Land Trust.

Mr. Hay added that with the Ocean Breeze project on Seacrest Boulevard, there was a lot of talk and fear going around about land trusts, that nothing would be owned. He looked forward to the presentation that would hopefully eliminate some of the fears of land trusts. A short presentation was shown.

Vice Chair Orlove noted that he saw the land trust in Delray had membership and support opportunities. He inquired if that was similar to what would happen in Boynton Beach. Ms. Brooks believed that in Ocean Breeze, there would be an owner's association. There would most likely be members of the community who would make up the board. That was typically how land trusts work. There would be sponsorship opportunities through the land trust. Vice Chair Orlove mentioned that there would be opportunities for members of the community to donate funds that would be of help to this development.

XI. D Information Regarding Utility Capacity Charge for Restaurants

Vice Chair Orlove mentioned he had an email communication with Kim Kelly regarding this topic. He expressed that he was surprised that in order for her to expand her business, the fees involved were quite steep. According to Ms. Kelly, each seat she would add would be an additional \$250.18. That was a very high fee to pay, as our objective was trying to promote businesses within the CRA and to have those businesses expand. He stated he had an email communication with the Executive Director and understood there was some discussion with the City regarding this. Ms. Brooks stated there was going to be a study done to look at the relationship between the current pricing and the actual costs. She also mentioned that in the CRA, the outdoor seating was exempt from fees, which originally was an incentive. Chair Rodriguez advised this was a discussion about how much it would cost to expand an interior of a business and agreed that any impact should be minimized if someone wanted to expand. He further advised this would be brought up to the City Commission for discussion, who would have decision making authority to change it.

Ms. Brooks stated that if a new restaurant came in and had 150 indoor seats, which was the minimum needed for a full liquor license, the fee would be around \$40,000, just for that particular item and excluding any other fees or costs associated with it.

IX. Information Only

- A. Public Comment Log
- B. Delray Beach Community Land Trust Information

This item was pulled by Vice Chair Orlove.

- C. Arts Commission Recommendation of Marina Entry Art Selections
- D. Information Regarding Utility Capacity Charge for Restaurants

This item was pulled by Vice Chair Orlove.

X. Public Comments

Chair Rodriguez advised the public they were allowed to speak on items that were pulled on the agenda. Vice Chair Orlove indicated he would also like the public to be able to speak on Information Only items. Chair Rodriguez advised it was not part of the agenda procedure and process. Vice Chair Orlove inquired of Attorney Cherof if the public was allowed to speak on items that were pulled for only informational purposes as well. Attorney Cherof advised that was possible only after a motion was made to change the rules of the day and get board consent to deviate from the usual process of not speaking to informational items.

Motion

Vice Chair Orlove moved to allow public comment to allow all agenda items or non-agenda items. The motion was seconded by Mr. Hay and unanimously passed.

Attorney Cherof indicated this change of rule was applicable for this meeting only and does not carry over.

Angelo Gasparri, 269 NW 64th Street, Boca Raton, wanted to let the Board know that moving his offices to Boynton Beach was an extraordinarily exciting opportunity to locate in the CRA and evaluate the chance to take advantage of the grant. He advised he could not think of a better place to serve southern Palm Beach County than this location and looks forward to doing so for many years.

Libby Stroud, 132 NE 13th Avenue, wanted to publically thank the Board for everything done for the Heart of Boynton. She advised she heard there may be additional funds available and was again requesting reconsideration with matching funds for the Heritage Celebration. She thanked the Board for the monies given in the past and hope the Board would be willing to match the funds they raise for the Celebration.

Kim Kelly, 529 E. Ocean Avenue, owner of Hurricane Alley wanted to thank Board Member and Mayor Rodriguez, Board Member and Commissioner Orlove and Board Member Karageorge for the communication and assistance with problems with the Building Department and the long process in helping her to understand how everything worked. The CRA had been exceptional. She advised she wanted to discuss the utility charge and the cost of \$9,300. That was a big expense for her. The renovations to be able to expand the restaurant carried close to \$15,000 in costs. She wanted to try to get the burden off the small businesses that were making the downtown vision come to life. She indicated she would hopefully be the first restaurant in the downtown district that would be 150 seats and had a liquor license in a full run restaurant. She was asking for a discount, waiver or whatever possible to help offset the costs in return for helping to build the downtown.

XI. Old Business

- A. Consideration of Approval of HR Manual – Definition Revision (Tabled 10/11/11)

Motion

Mr. Karageorge moved to remove the item from the table. Vice Chair Orlove seconded the motion that unanimously passed.

Ms. Brooks advised this item was tabled to enable a meeting with the City's new Human Resources Director. The policy was reviewed and the City's policy is that 36 hours would be full-time. The purpose of the review was to have the CRA policies consistent with the City's.

Chair Rodriguez inquired how many hourly employees the CRA had. Ms. Brooks indicated there were two. This policy only applies to hourly employees. There was discussion on edits that would be made to make the CRA Policy Manual consistent with the City's Policy Manual.

Motion

Mr. Buchanan moved to make the manuals conform so that it would be the same for the CRA and the City. Mr. Hay seconded the motion that unanimously passed.

- B. Renegotiate the Terms/Fees with the Palm Beach County Commission on Ethics (Tabled 10/11/11)

Motion

Mr. Karageorge moved to remove the item from the table. Ms. Ross seconded the motion that unanimously passed.

Attorney Cherof advised there was no back up on this item. He explained that two issues were moving forward. First, the Executive Director of the Palm Beach Commission on Ethics indicated when he spoke at Lake Worth, that an agreement was entered into regarding coverage the County was in the process of considering as an amendment to their Ordinance. It would include special districts, such as the CRA. If that was the result, there would be no agreement necessary. Secondly, Attorney Cherof advised he reached out to one of the members of the State of Florida Commission on Ethics and they were going to take up issues regarding expediting procedures and reviews at a State level. However, they do not yet have the paperwork ready to share. He recommends this matter be tabled for one more meeting.

Motion

Mr. Buchanan moved to table the matter for one more meeting. Mr. Holzman seconded the motion that unanimously passed.

- C. Consideration of Issuing an RFP for a Tenant for the Oscar Magnuson House

Ms. Brooks advised she wrote the RFP/RFQ, mirroring what was done with the Ruth Jones Cottage, with similar terms. However, there was more to consider with this project, mainly cost that the Board needs to take into consideration and discuss. Ms. Brooks advised the cost of the project was \$838,500, plus a contingency, based on experience with other projects. With a contingency, it would cost close to \$1 million. There are a lot of fees that are forgotten when these projects are started, which could be another \$100,000. The Board encumbered \$300,000 for the project with a shortage of \$722,000. A mortgage would have to be procured for almost \$500,000, which would require City Commission approval. Ms. Brooks suggested other things to consider would be to possibly broaden the RFP to attract a variety of businesses rather than just a restaurant. It would be very costly to convert a house into a restaurant as it takes the least intense use and goes to the highest intense use. However, the street may not be ready for retail use. The other issue to consider would be the economic environment. Ms. Brooks suggested allowing the Ruth Jones Cottage to get up and running and get the events planned so that people are accustomed to coming to Ocean Avenue. The Oscar Magnuson House was a big project and a large investment for whatever partner that would be chosen.

Mr. Buchanan inquired what kinds of businesses the CRA thinks would work at that location. Ms. Brooks suggested possibly a law firm or a professional office. In any event, converting from residential to commercial would carry a great cost. There was discussion about holding off on the RFP until such time that a restaurant could be put at that location as it would be the best type of business for Ocean Avenue.

Motion

Mr. Buchanan moved to take staff's advice and hold off on the RFP. The motion was seconded by Mr. Hay and unanimously passed.

D. Consideration of Lease Terms with Adventurous Palate for Ruth Jones Cottage

Mike Simon, Development Director, advised this item was to consider some of the lease terms that had been negotiated and part of the RFP with the owner of the Adventurous Palate Food Company. The intricacies and the boiler plate language that was typically in a lease, was not included in the back up material. Those are things that would transfer from commercial lease to commercial lease. CRA legal counsel was deciding whether it would be the same language of previously used leases. It was also suggested, at the same time staff was directed to bring back a lease for approval, to work with the owner and REG and discuss issues like the health department application and approval, and to find out what type of equipment was allowed among others. As with the 710 lease when the current CRA office was built out, items of responsibility for the cost of certain things were identified in the lease, such as the approvals, the architectural fees, and the HVAC system. Those obligations need to be clearly defined. The purpose of the lease outline was to receive direction from the Board as far as terms and if there was anything in those terms that was not supported.

Mr. Buchanan inquired why the second year of the lease term was \$5.00 per square foot base rent plus expenses, and the third to fifth years was \$5.10 per square foot. Ms. Brooks advised the 2% was out of the RFP. The CRA was trying to get a stabilization period for the owner because there was not a lot of traffic in that area yet.

Mr. Karageorge suggested the utilities responsibility belongs to the tenant and should clearly be spelled out in the lease.

Motion

Mr. Buchanan moved to approve. The motion was seconded by Mr. Holzman and unanimously approved.

- E. Reconsideration of Conducting Study to Narrow Boynton Beach Blvd. from Seacrest Blvd. to Federal Highway in the Amount of \$56,400 to Kimley-Horn under Continuing Contract

Ms. Brooks advised the project was about streetscaping. It may or may not involve losing any lanes. The issues over time were roads got wider, more and more land was taken away where plants could be planted, and maintain efficient parking. What was happening now with many of the businesses along Boynton Beach Boulevard was people literally had to back out onto Boynton Beach Boulevard. DJ's Restaurant wanted outdoor dining and it was impossible to do, due to the configuration and the Florida Department of Transportation (FDOT) taking over so much of the laneage year after year to the point that nothing could be done. Ms. Brooks stated there were discussions on what people see when they drive into the City. When travelling on Boynton Beach Boulevard, a person would see concrete poles, wire, paving and it was not visually inviting. In addition, there was no room to help businesses improve their facades and make any landscaping improvements.

Chair Rodriguez advised he had received many calls and emails on this issue. He wanted to clarify that this issue was for a recommendation on streetscape. Some of the elements discussed may include some narrowing of the streets, but it was a study at the present. It was not a street narrowing recommendation; it was a streetscape and beautification recommendation. He wanted to clarify the scope of the project.

Ms. Brooks explained the process that Kimley-Horn would follow with FDOT. They would do traffic analysis, design options and then discussions would take place with the community about options desired.

Mr. Buchanan indicated his support of the project and saw it as more than a streetscape project, it was also a functionality project. He opined that there was another very unattractive entrance to the City which was North Federal Highway. He wanted to know if it was possible to include a couple of improvements in the study, possibly burying the utilities from Boynton Beach Boulevard to Gateway among other things. Ms. Brooks would follow up with Kimley-Horn.

Motion

Mr. Buchanan moved to go forward with the study. Mr. Holzman seconded the motion with discussion.

Vice Chair Orlove advised that at the Florida conference, there was a discussion about one of the cities in Pinellas County that did something similar where they took a four lane roadway and made it a two lane which made it more attractive. He indicated he was in favor of the project, but not at the cost of sacrificing other items that needed attention, such as the Heritage Celebration, and the Kinetic Art Exhibit. If \$56,400 was

going to be spent for a study, where would the money come from? Ms. Brooks advised that \$30,000 would come from the overage from the millage changes and the balance would come from the project fund contingency.

Mr. Hay concurred with Vice Chair Orlove. He felt the money spent for a study should be allocated to other projects discussed in the past.

There was further discussion on the pros and cons of funding the study, some in support and some against the spending of the funds.

Valerie Pleasanton, 510 E. Boynton Beach Boulevard, representing Ace Hardware, expressed her concern that the businesses in the area felt the City was targeting them and wanted them to leave the area. She felt that this was a project where something was being fixed that the business owners did not perceive as broken. She stated all the traffic coming down the Boulevard creates income for not only the businesses, but for the City. She further stated that when the City devises these "traffic calming" ideas to narrow the street and make it walkable and beautiful, it all sounds wonderful, but the end result is less traffic coming down the Boulevard and less dollars in the pockets of the business owner. If that happens, she could not afford to run a business in downtown Boynton Beach. In addition, she advised she had a semi-truck come to the store two times a week that travels down Boynton Beach Boulevard. She could not imagine how, if the street were narrowed, it would possibly get in and out of the store. She asked the Board to consider the business owners that are already there and struggling.

Chair Rodriguez commented to the speaker and reminded her that this was simply a study and nothing was being done except potentially funding a study if the motion passed, to look at options available without taking any action to minimize any business. There would be opposition to anything that would hamper a business on Boynton Beach Boulevard as the intent was to increase business and not stop it.

Vice Chair Orlove wanted to further discuss the issue. He asked Attorney Cherof for a legal point of order. Attorney Cherof advised that, as in the last issue, the support of the Board would be needed for further discussion to override the Chair's position, as the Chair controls the meeting until such time the Board sets otherwise by majority vote.

Motion

Vice Chair Orlove moved to have a discussion with staff regarding this issue only regarding finance. Mr. Hay seconded the motion. The motion passed 4-3 (*Chair Rodriguez, Ms. Ross, Mr. Buchanan dissenting*).

Vice Chair Orlove inquired if this were passed and the \$56,400 were spent, how much would it leave in terms of money that could be allocated for other projects.

Ms. Harris advised in the Project Fund Contingency, there would be \$40,000 remaining. In the General Fund Contingency, there would be \$25,000, after taking out the funds for the study.

Vote

The motion passed unanimously.

F. Consideration of Providing Seed Funding for the International Kinetic Art Exhibit and Symposium 2012

Ms. Brooks advised this item was recommended by one of the Board members as an option to use additional funding for the Kinetic Art Symposium, to be held in 2013. The request was to provide some seed funding so they could proceed with workshops now. The Arts Commission was asking for \$30,000 total, \$20,000 for creation and production of an art show book and promotional materials, and \$10,000 to fund five artists to participate in the Exhibit and Symposium. It would be up to the Board to fund the entire amount or any other amount agreed upon. It would be held in the downtown area if the Arts Commission wanted the CRA to be a partner, but not if the art would be spread all over the City. Ms. Brooks indicated she was in support of the event and planned on adding it to their budget next year as an event, but did not anticipate the request for seed money and, as a result, it was brought before the Board.

Debby Coles-Dobay, Public Art Administrator, explained that the goal was to have the event in February, 2013. The plan was to have a workshop in 2012, where all the stakeholders are brought together to concentrate on the planning of the event, the partnerships, sponsorships, and participants. It would be opened up to City staff, the CRA, the Boards and the Commission in order to get a feel for the project. She stated since the workshop was taking place in the current budget year, that was the reason the request for seed money was being made.

Vice Chair Orlove inquired of Ms. Coles-Dobay what the total budget for the event would be. She advised there were three components to the event. One component was an academic and educational program that was being partnered with the Palm Beach State College and Palm Beach School District. The goal was to obtain \$75,000 for that portion. Those two entities were going to contribute those funds on the basis of bringing in a resident artist to work with them in collaboration to come up with a model for a full-size kinetic project to be fabricated and showcased at the Symposium. An additional \$50,000 would be for the Symposium itself and the \$30,000 would be part of the Exhibit. Avenue of the Arts was already budgeted with \$15,000 annually. Additional featured artists would come on board to exhibit elsewhere in the City to heighten the event. This was something that needed to be done in order to make the event a kick-off and call attention to it. The total sponsorship sought was \$155,000, but broken out in

the different aspects. This would provide year-round awareness internationally, because of the partnership with International Kinetic Artist, Rein Triefeldt.

Vice Chair Orlove commented that through discussions, ideally this would be on the Avenue of the Arts, using Ocean Avenue. There was also discussion about using Intracoastal Park or other areas on Federal Highway, as well. Ms. Coles-Dobay indicated those were possibilities, but wanted to keep it concentrated for the exhibit effect and keep it totally in the CRA district. She also advised that she has had communications with Florida Power and Light because of their solar project they have in Martin County. Contact had also been made with other energy companies, a major dealership, and the Palm Beach County Cultural Council for sponsorship and partnership opportunities.

Attorney Cherof advised that last year the Attorney General issued an opinion that was previously discussed about the distinction of spending CRA trust funds for promotional activities, and spending it on bricks and mortar. The emphasis of the Attorney General's opinion was first the bricks and mortar expenditure had to come and then, perhaps, money could be spent to promote those projects. It was a very nebulous opinion and did not draw a clear line for anyone, but it was clear that the Attorney General was contemplating that the expenditure of trust funds would be restricted to recognizable advancement to the CRA mission to eliminate slum and blight. He further advised if the CRA was going to move in the direction of this type of expenditure, that it be done with the caveat that the CRA would look at how the funds would be spent and, perhaps, reach out to the Attorney General's Office for a further opinion or to the Florida Auditor General.

When asked if the opinion meant the item should be tabled or approved with a contingency, Attorney Cherof indicated either one would be acceptable, as long as it was approved contingent upon clarification of the expenditure being consistent with the mission of the CRA and the trust fund language.

Mr. Buchanan questioned why seed money would be needed for artists if they could come under next year's budget. Ms. Coles-Dobay explained the program would be started in April of 2012, so the funds would be spent right away.

Motion

Mr. Hay moved to support the idea based on the comments of legal to add the contingency and for the amount of \$30,000. The motion was seconded by Vice Chair Orlove with discussion.

Ms. Ross inquired if there was a deadline and thought possibly it should be tabled until a later date. Ms. Coles-Dobay indicated she wished for funds to be available for the workshop in February. There was continued discussion on the funding of this project

with all the other projects requesting funding. It seemed premature to commit to \$30,000 in seed money for an event that may or may not happen. Possibly, the CRA could assist at a later date, once there were sponsorships and donations for the project.

Vote

The motion failed 2-5. (*Chair Rodriguez, Ms. Ross and Messrs. Holzman, Buchanan and Karageorge dissenting*).

G. Consideration of Budget Amendment Resolution for the Increase in City/County Millage Rates

Ms. Brooks advised this was to account for the increase in millage from the County and City and thus the increase in TIFF, the \$150,000 allocated for the high school, the \$40,000 to the Promenade DIFA agreement, and the \$30,000 towards the Boynton Beach Boulevard Study.

Motion

Mr. Karageorge moved to approve Resolution No. 11-04 to allocate \$150,000 to the Old High School Study, \$30,000 to the Boynton Beach Boulevard Study and \$40,000 to the Promenade DIFA agreement. The motion was seconded by Mr. Holzman and unanimously passed.

H. Consideration of Approval of Model Home Designs for the Ocean Breeze West Development

Ms. Brooks advised that under the development agreement, the home designs must be approved. The only change to what was in the back-up material was that the CRA requested the back porches be made eight feet deep as opposed to four feet deep.

Motion

Mr. Holzman moved to approve the designs on recommendations of staff. The motion was seconded by Mr. Hay with discussion.

Ms. Ross inquired why some models had windows and some did not.

Mike Campbell from Habitat for Humanity, advised it was a cost measure. All the windows are impact resistant and are put in where they would be effective and efficient.

Carol Mahoney, 737 SW 1st Avenue inquired if the zoning had been changed on this property. Ms. Brooks advised it did not need to be as it was already residential. Ms. Mahoney was asked to contact Ms. Brooks or Mr. Campbell to answer her questions.

The motion was passed unanimously.

I. Consideration of Approval of Resolution R11-05 Ocean Breeze West Execution of Documents

Attorney Cherof advised this was a blanket resolution that would cover the transfer of each and every parcel within this particular plat and would resolve who could sign documents for closing and transfer. This would in turn resolve issues title companies may raise regarding authorization.

Motion

Mr. Hay moved to approve. The motion was seconded by Mr. Karageorge and unanimously approved.

XII. New Business

A. Consideration of Granting Palm Transit Bus Stop Information Sign License at 222 N. Federal Highway

Mr. Simon advised this was to approve the allowance of a solar powered information sign at the existing bus stop on City property, at the corner of East Boynton Beach Boulevard and N. Federal Highway.

Mr. Buchanan inquired as to the purpose of this as it was very unattractive. Mr. Simon informed him that it provided information to those waiting for a bus, as opposed to sheets of paper. Wherever Palm Tran could get approval from a property owner where a bus stop is located, one of these signs would be installed. Mr. Buchanan would like a condition on the approval in the event sometime down the road the City wanted to exercise a right to an escape clause.

Motion

Mr. Buchanan moved to approve the sign with the condition that with some reasonable notice, the City could have an escape clause. Ms. Ross seconded the motion that unanimously passed.

B. Discussion on the Abatement of Graffiti in the CRA district

Mr. Holzman stated he added this item because he had noticed throughout the CRA, there had been an increase in graffiti, located at Gateway Boulevard, east by Federal Highway, all along Federal Highway, MLK Boulevard and throughout the CRA. One of the things often discussed was the appearance of the downtown and the City. When graffiti is added to the already existing situation, it compounds things. Mr. Holzman

added that it should be something that is stopped immediately and the CRA should assist the public to eliminate it. With the addition of monies the CRA has, assistance should be given to business owners to clean up the downtown. He advised possibly funds between \$10,000 and \$15,000 be put towards nuisance abatement, specifically as it relates to graffiti.

Chair Rodriguez advised monies had been set aside for nuisance abatement but was unsure if that included graffiti in the allocation.

Nancy Byrne, Interim Development Director, advised a discussion occurred in their management meeting about graffiti in the CRA area. It was her understanding that Code Enforcement informs the business owner and presently the onus would be on the business owner to clear it up. If there was direction from the CRA to ask the City to take into account a different policy, then that would be the discussion needed. The police photograph the graffiti because they keep a log of all the tagging. If it were City property, Public Works would be responsible for removing it.

There was further discussion about the usage of the nuisance abatement funding and the procedures followed to tag owners. More discussion ensued about possibly offering a grant or a subsidy and not lien the property owner. There were other suggestions on how to hold a business owner responsible and different procedures to possibly be put in place, but no there was consensus on the subject.

XIII. Executive Director's Report

- A. Project Status Update and HOB Investment Update

XIV. Future Agenda Items

None

XV. Adjournment

There being no further business to discuss, the meeting properly adjourned at 8:36 p.m.



Ellie Caruso
Recording Secretary