

**LAKE WORTH COMMUNITY REDEVELOPMENT AGENCY  
REGULAR MEETING  
LAKE WORTH CITY HALL COMMISSION CHAMBERS  
TUESDAY, FEBRUARY 24, 2009  
6:00 P.M.**

**I. ROLL CALL:**

The Chair called the meeting to order at 6:00 p.m. on the above date in the Commission Chambers located at 7 North Dixie Highway, Lake Worth, Florida.

Present were CRA Members Mark Rickards, Brendan Lynch, Donna Ross, Ed Grimm, Wes Blackman, Shanon Materio & Wayne Marcinkoski.

Also present was CRA Director, Joan Oliva

**II. PLEDGE OF ALLEGIANCE:**

**III. APPROVAL OF MINUTES:**

- a. January 13, 2009
- b. January 27, 2009 Workshop Meeting
- c. February 10, 2009 Special Meeting
- d. February 17, 2009 Workshop Meeting

**Action:** Motion was made by Mr. Lynch to approve all of the minutes seconded by Mr. Blackman.

**Vote:** All Ayes

**IV. AGENDA – ADDITIONS/DELETIONS/REORDERING:**

Staff stated that item VII.c commercial enhancement grant for All Good Things Antiques needs to be deleted from the agenda.

**Action:** Mr. Lynch approves the agenda less item VII.c. Seconded by Ms. Ross.

**Vote:** All Ayes

**V. PUBLIC PARTICIPATION ON NON-AGENDAED ITEMS (3 minute limit):**

Dee McNamara- Les Evans makes our downtown parking lots look like slums. Has the CRA attempted to return his money for those lots since he cannot do anything with them. Tom Ramiccio utilized some of the bank parking lots for valet charging \$5 per head. How much did our public parking contribute to the general fund? Did the CRA receive an accounting with transparency from the Street Painting Festival? Why don't I qualify for a small business loan from the CRA since I am opening a fashion house on Lake Avenue.

Lawrence McNamara- Commissioner Mulvehill and I have met with the Publix representative to discuss establishing a route for a 14 person mobility vehicle to transport the elderly and those without cars to the market. Most of these routes are within the CRA district. We are asking the CRA to consider funding the cost of a driver's salary which is

approximately \$35K annually this will fulfill the CRA's purpose to reduce blight and providing a means of mobility. Please place this on your agenda for you meeting in March.

**VI. DISCUSSION AGENDA:**

**a. Palm Beach County Fire Rescue- MSTU Exemption**

The City of Lake Worth is considering entering into an Interlocal Agreement with Palm Beach County for the provision of fire and emergency medical services. Fire and emergency services would no longer be provided by the City, but instead, by Palm Beach County. This would require the City to opt into the County Municipal Service Taxing Unit (MSTU). The MSTU would partially pay for the services to be provided by the County. The County Fire Rescue Department has requested the City to consider exempting the County Fire/ Rescue MSTU from the payment of TIF revenues to the CRA. This requested MSTU exemption will not reduce current TIF revenue to the CRA but would be applied prospectively – and would reduce tax receipts on future CRA valuation increases.

Another possible implication of the merger of City fire services with the County may stem from adjustment of the City's annual operating ad valorem tax rate. If the City wishes to not increase the taxes on Lake Worth property owners, it may choose to reduce its annual operating millage rate (currently 7.65 mils) to offset the cost of the new County Fire MSTU (currently 2.95 mils). The possibility of the City reducing its annual operating millage in the coming fiscal year would directly reduce City payment of TIF revenues to the CRA. The City Finance Department has not yet provided the CRA with an estimate of future lost revenue.

Staff introduced Mr. Mark Bates the City's Administrative Services Director. Mr. Bates stated that following City Commission direction, the Administration has been working with the County Fire Rescue Department to develop and refine Agreements that would allow contracting the City Fire Rescue services with the County beginning October 1, 2009. County Fire Rescue services would be paid through the following sources: County Fire Rescue MSTU (Municipal Services Taxing Unit) with supplemental revenues from other areas including:

- a. Annual supplemental City payments to the County Fire Rescue Dept.,
- b. Patient transport and inspection service revenues earned by the County, and
- c. Future increases in all City Property Values
- d. Exemption of the MSTU from paying the CRA on future property value increases.

Mr. Bates stated that the station location will be the same and the county will continue to maintain the two firehouses with four responding units. The County wide millage rate of 3 mils will not change. This rate is established by taking the average of all of the property values. The City of Lake Worth's property values are under average. Mr. Bates stated that this is only one of the possible scenarios. The City Commission will be scheduled to discuss the exemption at the next Commission meeting. This discussion must occur by April and the decision will affect the budget for next year. It will not have an impact until October 2009.

Chair stated that this will take away about 50% of the CRA's budget. It will be difficult for

the CRA to try and be effective and meet the goals in the redevelopment plan.

Mouse Osher- I help the City as much as I can especially with comments of the people that don't want to speak in front of the public. I understand what you guys are going through. I agree with the CRA Board on this topic.

**b. Agenda Preparation**

To facilitate the preparation of agendas, the Chair has asked for a discussion regarding the procedures for the inclusion of items on the CRA's agenda. Currently, the Executive Director and Chair develop an agenda. The final agenda is approved by the Board Chair. The agenda and back-up materials are prepared in advance of meetings, and for the sake of order and efficiency, appropriate time should be given for the development of each item.

When individual Board members wish to add an item to a future agenda, the item is brought to the attention of the Board under the Board comment portion of the agenda or during a workshop. Consensus from the Board is reached and the item is placed on the next CRA agenda. This procedure is advantageous because it allows items to be researched, presented and discussed with as much background information as possible. Items are added after there is agreement from the Board regarding its appropriateness and relation to the CRA and the Redevelopment Plan.

Other considerations can then be taken into account, such as the current work/ action plan and budgetary constraints.

The Board may wish to consider creating a "New Business" category for the agenda. Items would be added and brought to the attention of the Board by the Commissioner wishing to discuss the item. After discussion at a meeting, the Board could reach consensus on how to address the issue and under what schedule. If the Board decides action is appropriate and necessary, backup could be prepared for a future meeting.

Mr. Marcinkoski stated that he was surprised and disappointed to see this item on the agenda. In the past it has been a Wednesday deadline. I am not sure why the policy is being changed. Mr. Marcinkoski stated that he was disappointed that his items were not added to the agenda. The Board stated that they were not aware of the process to place items on the agenda.

Mr. Blackman stated that during board member comments the board can interact with each other. Mr. Lynch stated that the Board should reach consensus out of respect for the grant applicants waiting in the audience.

The Board reached consensus to place items on the agenda that are requested by Board Members as new business.

**VII. CONSENT AGENDA:**

- a. ~~Residential Rehab Grant- 501 South B Street Pulled from Consent~~
- b. ~~Residential Rehab Grant- 119 South J Street Pulled from Consent~~
- c. ~~Façade Grant- All Good Things Antiques Deleted~~
- d. Façade Grant- 102 North Dixie Highway

- e. **Patrons Attraction Grant- Lake Worth Bike Night**
- f. **Patrons Attraction Grant- St. Patrick's Day Parade**
- g. **10<sup>th</sup> Avenue North and F Street- Additional Corner Feature**

Ms. Ross pulled items a & b.

**Action:** Motion was made by Mr. Lynch to approve the consent agenda with only items a & b being pulled for discussion seconded by Mr. Blackman.

**Vote:** All Ayes

**a. Residential Rehab Grant- 501 South B Street**

Staff stated that the applicant is requesting the full amount allowed from the Home Repair Grant (\$15,000) to primarily cover new foundation and wood paneling work and an additional \$7,619.82 from the Beautification grant to cover painting, driveway repair and landscaping work. Ms. Demers has verified that work has yet to begin.

Ms. Ross had the following questions and statements for the applicant:

- Appeared that the driveway was already painted
- Did not think that paver bricks are necessary; it is not a life and safety issue
- Problem with the sod
- Problem with the Palm Trees

Ms. Ross stated that we are adding luxury items that don't qualify. Staff stated that part of the grant is for beautification. Ms. Demers stated that the wood paneling on the side of her house is deteriorating. Ms. Ross did not want to fund the pavers, palms and new driveway. Ms. Ross stated that the house appears to look like it is in great condition. Mr. Marcinkoski recommended this item be tabled until after the sidewalk mobile workshop on Friday because the pictures included in the packets do not give an accurate presentation of what the house looks like. Mr. Blackman stated that he was concerned if we were going to be using queen palms.

**Action:** Motion was made by Mr. Marcinkoski to table this item until after the sidewalk mobile workshop seconded by Mrs. Materio.

**Vote:** All Ayes

CRA Board stated that they will be at the applicant's house between 9:30-10:30a.m.

**b. Residential Rehab Grant- 119 South J Street**

Staff stated that Ms. Neary is requesting financial assistance from the CRA to cover the following expenses: new roof and the installation of 11 new impact resistant windows. She is not entitled to the full amount. Ms. Ross stated that high impact is more expensive than an energy efficient window. The applicant stated that they are willing to pay the difference for the windows. The applicant stated that they found out about the grant through a brochure that was sent in the mail.

**Action:** Motion was made by Ms. Materio to fund the grant for the amount that she has

asked for seconded by Mr. Lynch.

**Vote:** All Ayes.

**Kathleen McGivern-** My lawn looks a lot worse than the properties that you've reviewed this evening. I realize I do not live in your district too bad for me. I don't believe it is the CRA's job to be giving hand outs. These properties are not blighted and they do not have life and safety issues. Funding these properties is not the CRA's purpose. Where does it end? Tropical Ridge is blighted. This is why the public is not happy with some of these CRA projects.

Chair stated that item a. was tabled.

**Lynn Anderson-** The entire grant situation should be rethought just because of the economy. If you are going to give any grant money make the applicants bring in three bids not just one. Local contractors are a great idea. Paying for a sprinkler system for a house on South B Street that looks great; this is pathetic. Impact glass windows and doors is absurd. This Board needs to rethink how they are spending their money.

#### **VIII. ACTION AGENDA:**

Mr. Grimm stated that he is recusing himself from this discussion and the vote. Mr. Grimm exited the meeting at 8:18pm.

a. **10<sup>TH</sup> Avenue Gateway Project-Turn lane at North "A" and 10<sup>th</sup> and undergrounding of Utilities on 1615 10<sup>th</sup> Avenue North**

Discussions have taken place with the property owner of the lots located on the southeast corner of 10<sup>th</sup> Avenue North and North "A" Street for well over a year. Originally, the owner, Mr. Arnold Putterman, aka 10<sup>th</sup> Avenue Development, LLC. had an approved site plan for a 20,000 square foot office complex.

The owner/developer of the property, 10<sup>th</sup> Avenue Development, LLC. was a recipient of three grants, two from the CRA and one from the County. The Commercial Enhancement Grant from the CRA was given to the developer for construction costs, with a maximum payout of \$25K and the Gateways Assemblage Grant offering another \$15K. All improvements were to be completed by April 24, 2008. The Development Regions Grant, offered thru the County, offered the developer a maximum grant amount of \$50K, in exchange for the business creating five (5) full-time jobs within twenty (20) months and maintaining those jobs for a twenty-four (24) month period.

An alleyway and utility easement run through the middle of the property from the northern property line to the south property line. The original approved site plan included a paver courtyard between the two buildings. The courtyard connected the two buildings over the alleyway and utility easement. The original site plan expired in July of 2008.

Several meetings took place between the CRA, the City and the owner of the property in the fall of 2008. Costs were estimated by the CRA contractor, Burkhardt Construction, for the burying of the utility lines under the alleyway portion of the property. The approximate cost for relocating the two existing 55 foot power poles from where they are now shown on the plan in the alley between A and B south to the alley near the back of the property line, including design costs, is estimated at \$36.5K.

In a meeting that took place in December of 2008, the owner's design team informed the CRA that a new plan had been developed that included the incorporation of one of the office building structures over the utility easement and affected alleyway. This change in design meant that not only would the electric lines need to be buried but the City would need to allow a structure to be placed over those buried lines.

Subsequently, discussions took place between the design team and the City Utility Director, Rebecca Matthey. Although the City does not currently allow any structures to be built over electric utility lines, Ms. Matthey did agree to allow for the possibility if City specifications for the allowance could be met. Plans were developed by the City and sent to the CRA design team so a cost estimate could be determined. The cost estimate for the City approved plans is \$105K. Ms. Matthey has indicated that Utilities may be willing to offer up to \$25K for the construction of the improvements. The final decision for granting the incentive lies with the City Commission.

Mr. Putterman was contacted by the CRA office and has stated that he may be willing to provide up to \$15K towards the improvement in exchange for the granting of the area needed for the turn lane.

Due to time constraints related to the construction of the gateway improvements, the issue of whether or not to construct the turn lane and the possible undergrounding of the electric lines must be decided. There are three (3) possible alternatives:

(1) The CRA may wish to pay for the bulk of the costs related to the necessary required improvements totaling approximately \$105K. If a tri-party agreement between the City and the property owner can be completed within the next thirty (30) days, the CRA would be responsible for up to \$65K of the total costs. Construction would run concurrently with the 10<sup>th</sup> Avenue Gateway project.

(2) The contractor must install the poles as designed and seen on the current plans. The property owner would agree to dedicate the needed area for the turn lane now and the CRA and City could offer a type of development credit to the owner that would grant him up to \$90K towards his project once plans have been submitted and approved by the City and permits have been granted. The property owner would be responsible for the construction related to the undergrounding of the electric lines in accordance with City requirements. A time period could be included in the agreement, giving the property owner a deadline for development in order to receive the grant towards the improvements.

(3) The turn lane could not be constructed at this time and the poles could be placed in accordance with the existing plans. The property owner may be required, at some time in the future, to dedicate the area needed for the turn lane as a condition for site approval for the development of the property. In that case, the owner would be responsible for all the costs associated with the design and construction of the turn lane. Once a site plan is approved the owner/developer may apply for a grant from the CRA, helping to defray some of the costs of development.

Depending on the direction of the Board, funds may need to be added to the total project budget. The total project budget approved by the Board was \$8.49M. Owner contingency included in that total project cost equals \$250K. To date, approximately \$170K of

contingency has been expended on construction administration, improvements to 10<sup>th</sup> and "G" Street and water main design fees, leaving a balance of approximately \$80K.

The property owner is only willing to pay \$15K at this time. The Utility Department would be willing to give the property owner a grant for \$25K.

Mr. Marcinkoski asked if putting the turn lane in could be a condition for the site plan to be approved. Mr. Blackman stated that upon site plan approval one of the conditions could be to put the turn lane in; in order to be approved.

**Action:** Motion was made by Mr. Blackman to go with option #2 presented to Mr. Putterman and expect a response in time for the March 10, 2009 CRA meeting and to direct staff to come before the Board with the appropriate source of funding seconded by Mrs. Materio.

**Vote:** All Ayes

**IX. CRA BOARD ATTORNEY REPORT:**

Legal counsel provided the Board with a memorandum addressing issues that occurred at the joint meeting with the City Commission. The three main issues were: (1) Time Period for Completing Redevelopment Activities (2) Using Tax Increment Funds to Finance Certain Municipal Projects and (3) Whether the Community Redevelopment Area must be Contiguous.

**X. EXECUTIVE DIRECTOR'S REPORT:**

Action: Motion was made by Mr. Lynch to adjourn  
Motion dies for lack of a second.

Staff stated that the Street Painting Festival was a success. The mobile meeting is at 9:30am on the 27<sup>th</sup> at the Church of Nazarene. Staff stated that the plans for 812 North Dixie Highway is being reviewed by staff in the planning department.

**XI. BOARD MEMBERS' COMMENTS:**

**Wayne Marcinkoski-** I would like to add going west of A Street on 10<sup>th</sup> Avenue North to the next agenda. I think this should be a part of the Gateways Project and reviewing the CRA boundaries. Biggest Street Painting crowd, in the future we need to discuss how it should be run this would be a good item to discuss.

**Donna Ross-** We should walk the neighborhoods and take down addresses and send them letters for rehabilitation grants.

**Wes Blackman-** We must reaffirm to people about all the great things that the CRA could do. There is a purpose to why we exist. The City operates from the 1991 standard housing code and it was very difficult to find a copy. We should look into adopting the county's code. Who do you talk to?

**Shanon Materio-** No comment.

**Brendan Lynch-** Street Painting Festival was a success.

**Mark Rickards-** I want everyone to feel like we are on the same page and everyone to feel included on the agenda preparation. Street Painting Festival was a success.

XII. **ADJOURNMENT:**

Meeting adjourned at 09:23 p.m.

Minutes Approved 3/10/09



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Mark Rickards  
Chair, CRA Board



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Emilia Theodossakos  
Recording Secretary