

**LAKE WORTH COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
LAKE WORTH SHUFFLEBOARD COURTS
TUESDAY, MARCH 11, 2008
5:30 P.M.**

I. ROLL CALL:

The Chair called the meeting to order at 5:30 p.m. on the above date in the Shuffleboard Courts located at 1121 Lucerne Avenue, Lake Worth, Florida.

Present were CRA Members Brendan Lynch, Matt Constantine, Matt Tompkins, Mark Rickards, Wayne Marcinkoski & Shanon Materio.

Also present was CRA Director, Joan Oliva

II. PLEDGE OF ALLEGIANCE:

III. APPROVAL OF MINUTES:

- a. February 26, 2008

Action: Mrs. Materio made a motion to approve the February 26, 2008 seconded by Mr. Marcinkoski.

Vote: All Ayes

III. AGENDA – ADDITIONS/DELETIONS/REORDERING:

Action: Motion was made by Mr. Marcinkoski to accept the agenda as written seconded by Mr. Lynch.

Vote: All Ayes

IV. CONSENT AGENDA:

- a. Brownfield's- Authorize Executive Director to execute contract with Tetra Tech

Action: Motion was made by Mr. Rickards to approve the consent agenda seconded by Mr. Constantine.

Vote: All Ayes

V. ACTION AGENDA:

- a. 1105 6th Avenue South- Authorize Chair and Executive Director to prepare Assignment Agreement or Terminate the Option Agreement regarding the Purchase and Sale of Property, located at 1105 6th Avenue South

On July 31, 2007, the CRA Board entered into an Option Agreement for the Purchase and Sale of Property, located at 1105 6th Avenue South (aka "PUGH" property). The option agreement would terminate in July 2008, unless the Buyer and Seller agree to extend the Option for an additional one hundred and eighty days or if Buyer exercises it right to close on the property.

Due to the discussion by the City Commission and Housing Trust Group at the Commission's March 6th, 2008 workshop meeting, the CRA Board may wish to assign the Option agreement to HT Lake Worth, Ltd. or terminate the Option Agreement. The CRA would

still bear the responsibility of paying half of the demolition costs, up to \$150,000. This cost is in addition to the incentive payment of \$22,500, also for demolition.

Action: Motion was made by Mr. Lynch to terminate the agreement seconded by Mr. Rickards.

Mr. Tolces stated that Mr. Wilson with the Housing Trust Group stated that he has had meetings with the property owner that have been very productive. Mr. Wilson requested that the Board take no action on this item tonight.

CRA Board made the following comments:

- Terminating the agreement is the best course of action
- We have brought a potential broker to this site
- Sensitive deadline for the tax credits
- Free market principle
- Terminate now so that both developers have a fair shot

Dee McNamara- Developers all want to come to this very valuable ocean front town. More than 10,000 developers in Florida can no longer get financing. Is Lake Worth a sucker town? Are we that unintelligent to give money to a developer, they are making money? The Lucerne took us for a ride. It sold for 5 million dollar and they hustled us out of money. Keep in mind if a developer does not have the money they should not develop.

Shawn Wilson- We have spent quite a bit of our resources to work with the City and the CRA. We are asking that the CRA take no action on this issue until 2 weeks from tonight.

Mary Lindsey- The last two weeks I have seen significant changes regarding the CRA its authority and who's in charge. There are a lot of consequences of terminating this agreement. We need to fully explore what the ramifications of terminating this contract will be. It's important to clarify what exactly is going on with the CRA.

Mr. Wilson stated that he would like to have some exclusive time to negotiate with the property owner.

Action: Motion was made by Mr. Lynch to call a question seconded by Mrs. Materio.

Vote: All Ayes

Action: Motion was made by Mr. Lynch to terminate the agreement seconded by Mr. Constantine.

Vote: 5 Ayes, 1 Nay

b. Clarification of CRA by-laws, officers, terms and notice of meetings

Staff stated that the current CRA By-Laws, in Article 2, Officers and Employees, reads as follows:

2.1 **Officers and Terms.** The officers of the CRA shall be a Chair and a Vice-Chair, of which the term of office shall be two (2) years. Nominations shall be held on or before August 1 unless otherwise approved by the CRA. If a vacancy is filled within 6 months of nominations, the term may exceed two (2) years and will expire after the following two (2) year term.

2.2 **Chair.** The Chair shall be nominated by a majority vote of the members, and a recommendation for appointment shall be sent to the Lake Worth City Commission. The Chair shall preside at all meetings of the CRA and shall execute instruments in the name of the CRA as may be

required, appoint such committees from time to time as may be deemed appropriate, and shall have general supervision, direction and control over the business and operations of the CRA.

Staff stated that the current Chair, Matt Tompkins, was voted to serve as Chair in December of 2006. According to the CRA Staff Memo, the new Chair would be fulfilling the remainder of the Mr. Clemens term which would expire in August 2007. Jeff Clemens previously served as Board Chair for the period between August 16, 2005 and December 12, 2006. The motion made and approved by the CRA Board was stated as follows:

Motion made by Mrs. Materio to nominate Mr. Tompkins as the new Chair of the CRA Board, seconded by Mr. Marcinkoski. The vote was unanimously approved in favor of the nomination. The City Commission approved the nomination at their meeting on January 16, 2007.

Clarification is needed due to the last sentence of the By-Laws which states - *If a vacancy is filled within 6 months of nominations, the term may exceed two (2) years and will expire after the following two (2) year term.* Therefore, a question has arisen as to whether Mr. Tompkins term is due to expire on December 12, 2008, or August 1, 2009.

Staff requested that the Board change the language to one of the following:

1. The newly appointed Chair shall serve for the period of time remaining from the date of his or her appointment until the August 1st date, plus an additional two year term.
2. If a vacancy is declared, the Board may nominate a Chair to serve for the remainder of the term of the past Chair and for an additional two year term. Upon expiration of the two year term, the Board will schedule nominations for a new Chair.
3. If a vacancy is declared, the Board may nominate a Chair to serve for the remainder of the term of the past Chair and will schedule nominations for a new Chair on or before August 1st.

In an effort to be more environmentally friendly and efficient, Staff believes that sending meeting notices via e-mail is a preferable alternative to direct mail or hand delivery. We will continue to post all notices on the web site and at City Hall.

Staff also requests the following change in Section 3.5 Notice of Meetings. The additional language requested is in italics and bolded.

3.5 Notice of Meetings. The Executive Director will *e-mail, mail or deliver* written notice of each regularly scheduled meeting to Commissioners at least three (3) days prior to such meeting. Written notice of any special meeting shall be *e-mailed, mailed or delivered* at least two (2) days prior to such meeting unless notice of the meeting is waived in writing by all Commissioners before, at or after the meeting. Notice of all special meetings and regular meetings shall be provided to the public, appropriate City officials and the news media. Notice of emergency meetings shall be provided to the public, appropriate City officials and the news media as is reasonable under the circumstances.

Action: Motion was made by Mr. Marcinkoski to leave the CRA By-laws as is.

Motion dies for lack of a second.

Mr. Tolces stated this item has been put on the agenda for clarification to address a hole in the by-laws. Will the Chair serve 2 years or 2 years plus 18 months?

Action: Motion was made by Mr. Rickards to table this discussion to the next regularly scheduled CRA meeting seconded by Mr. Constantine.

Vote: All Ayes

VIII. BOARD MEMBERS' COMMENTS:

Mark Rickards- No comment.

Wayne Marcinkoski- I feel that I am being held from getting the correct information from the CRA Board attorney. I was just asked to hold while a vote was taken and now I can't get an answer. I think that this is unfair.

Matt Constantine- No comment.

Shanon Materio- No comment.

Brendan Lynch- No comment.

Matt Tompkins- No comment.

IX. ADJOURNMENT:

Meeting adjourned at 6:02 p.m.

Minutes Approved 3-25-08

Matt Constantine

Matt Tompkins Matt Constantine
Chair, CRA Board
Vice Chair CRA Board

Emilia Theodossakos

Emilia Theodossakos
Recording Secretary