

APPROVED

COMMUNITY SERVICES BOARD MEETING November 10, 2008- 7:00 P.M.

CITY COMMISSION CHAMBERS – 1ST FLOOR 100 N. ANDREWS AVENUE

	<u>Present</u>	<u>Absent</u>	<u>Board Members</u> <u>Cumulative</u> <u>From 10/08</u>	
			<u>(P)</u>	<u>(A)</u>
Marjorie Davis		A	0	11
William Goetz	P		10	1
Michael Kimmey		A	6	5
Avery Dial	P		11	0
Margaret Birch	P		10	1
Emmett Kater		A	7	4
P.J. Espinal	P		7	4
David Maymon	P		9	2
Christopher Priester	P		8	2
James Currier	P		5	2
Maureen Persi	P		2	3
Janice Hayes		A	1	2
Nadia Locke	P		3	0
Kevin Hull	P		1	1
Donald Karney	P		2	0

Staff Present:

Angelia Basto, Administrative Support
Susan Batchelder, Assistant Community Development Manager
Jeff Modarelli, Director of Economic Development

Margaret A. Muhl, Recording Secretary

Call to Order

Chair David Maymon called the meeting to order at approximately 7:00 p.m. Roll call was taken, followed by the Pledge of Allegiance.

Board and Staff Introductions

Susan Batchelder stated that Margarett Hayes was not present tonight due to this being her birthday. She announced that Mr. Kevin Hull was a new member on this Board.

Kevin Hull stated that he owned an accounting and finance recruiting firm, and he wants to give back to the community. He also serves on the Board of Directors for the Make A Wish Foundation in South Florida.

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Maureen Persi stated that she was a retired school principal, and has been involved in her community for years and wants to give back.

Ms. Batchelder proceeded to introduce staff who was present this evening.

Approval of Minutes

October 13, 2008

Chair David Maymon stated that the minutes were approved as presented.

Cultural Arts and Tourism Report

Jeff Modarelli stated that recently the City Commission added a new duty to this Board's duties which is cultural arts and tourism. In the past few meetings, there has been an introduction as to what the Board's duties would be. There was also a presentation from the Broward County Cultural Division. He stated that he tried to get the CVB (Convention and Visitors Bureau) to a meeting, and the earliest that could be accomplished would be January, 2009. In December, he would like to have the City's Parks and Recreation Department come before this Board and explain what all they do and give an overview and how it ties into cultural arts and tourism. On the back end of that, he would inform the Board as to what the City does regarding tourism.

Mr. Modarelli further stated that they had talked about going on visits, and one of the things that the Economic Development Advisory Board does is go on visits every other month to places such as the Riverwalk. He stated that he could give a list of venues and then they could schedule the visits.

Chair David Maymon asked for Mr. Modarelli to list the venues that were available.

Mr. Goetz asked if the Economic Development Board was a City Advisory Board. Mr. Modarelli confirmed and said that a lot of their duties were similar to cultural arts and tourism. However, when the Commission decided to make that a duty of this Board, their intent was to emphasize that portion. He added that he did provide the Economic Development Board a report of what happens with this Board.

Mr. Modarelli proceeded to read as follows:

- African-American Research Library & Cultural Center
- Bonnet House
- Broward Center For Performing Arts
- Cinema Paradisio
- Fort Lauderdale Antique Car Museum
- Fort Lauderdale Children's Theatre
- Historic Stranahan House
- Inside Out Theatre Company
- Museum of Art
- Swimming Hall of Fame

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- Museum of Art & Discovery Sciences
- Riverwalk
- Third Avenue Art District

Mr. Modarelli stated that they were also open to other suggestions.

Chair David Maymon asked if the Board could be provided with the list of venues just read. Mr. Modarelli confirmed. Chair David Maymon asked if they could schedule a visit before the end of this year. Mr. Modarelli said that could be done. Chair David Maymon said that normally they do not have a December meeting, but they were going to do so this year if the Board approves since there was some business that needed to be addressed.

Mr. Modarelli stated that the venues read could also come before this Board and give a presentation. He added that when visits are done those are in place of the Board's usual meeting.

Chair David Maymon suggested that such visits could also occur on a different night than when the meetings are scheduled.

Ms. Espinal asked what was the purpose of going to one of the listed venues.

Mr. Modarelli explained that many times the different locations could feed off each other, and if they understand what is being done at each venue, than it would help give a picture as to how this Board could leverage the cultural arts occurring in this City. The idea is to get a bird's eye view and see what each group is doing. He added that there might be some places not on the list that the Board might want to visit.

Chair David Maymon stated that they were still looking for some guidance regarding these new duties.

Ms. Birch asked if a brief synopsis could be supplied regarding the venues on the list. Mr. Modarelli confirmed. He further explained that they had a calendar of City events available. There were events at the War Memorial Auditorium scheduled for this month.

Chair David Maymon suggested that they hold a "brainstorming" session.

Mr. Modarelli suggested that they hear from the CVB and Parks & Recreation, and once their information is presented, then a brainstorming session could be scheduled.

Mr. Goetz stated that some of the other cities use 1% of private development funds to be used for public art or design, and he would like to see what other municipalities were doing in that regard. He stated that the County offers a number of grants that they might be able to take advantage of also.

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Ms. Espinal suggested that when they schedule the brainstorming session, they should invite the individuals who presented their programs. Also, when they are talking about funding, they need to consider area businesses as sponsors and contributors.

Chair David Maymon stated that Parks & Recreation would make their presentation in December, and CVB would come to the Board's January meeting. Then, they could schedule visiting a venue and when to hold the brainstorming session.

Report On Neighborhood Stabilization Program (NSP)

Ms. Batchelder stated that in July the government passed the Housing & Economic Recovery Act, and HUD was given 60 days to create a program for its distribution. It consisted of \$3.92 Billion to assist state and local governments for the redevelopment of abandoned and foreclosed homes. Of that, the City, being an entitlement City, received or will receive \$3,700,096. The program is divided into five strategies. The final document consists of 56 pages and it contains extensive definitions, addresses, and other information. Ms. Basto will send the Board the link to the site so they would be able to review the document in its entirety.

Ms. Batchelder further stated that the bulk of the money went to banking and loan institutions for foreclosure prevention. The monies that went to the cities and states was primarily for the purchase and rehabilitation of abandoned properties and resale. The City has a foreclosure prevention program that uses SHIP and CDBG dollars. The five strategies are:

- Land banking for acquisition and disposition.
- Foreclosure acquisition, rehabilitation, resale, direct homeownership assistance, and housing counseling for single-family homes..
- Demolition of blighted structures (those that have been foreclosed or abandoned).
- Acquisition, rehabilitation, and rental of properties.
- Planning and Administration.

Up until the time of this program, there has not been an acceptable practice when using Federal funds to land bank. This program gives up to four years for land or abandoned houses to be purchased, and land bank for redevelopment or build new homes and then sell them. The City has allocated \$1 Million to this strategy.

Ms. Batchelder said that one of the changes in this program, as opposed to the regular CDBG Program, is that this helps not only low and very low income individuals, but also moderate income individuals because the income could go up to 120% of the mean. She advised that \$1,230,096 is dedicated to the second strategy.

Ms. Batchelder advised that \$50,000 has been dedicated to the demolition of blighted structures that have been foreclosed on or abandoned. She explained that normally, depending on the size of the structure, it costs approximately \$6,000 to demolish a single-family home.

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Ms. Batchelder explained that if they did not have sufficient qualified homebuyers, the properties could be rented. Any program income that comes back into the NSP Program gets put back immediately into that program for further acquisition and rehabilitation. At the end of four years, any monies coming back into the program goes immediately back to HUD.

Ms. Batchelder advised the Board that HUD allowed the City to use 10%, or \$370,009 for planning and administrative expenses over the four-year period. This is the fourth strategy listed. The completed application is due to HUD no later than December 1, 2008. Once approved, and the contract is executed, the City will have 18 months to commit the funding to specific projects, and 4 years to expend the funds.

Ms. Espinal asked if this includes all vacated properties. Ms. Batchelder explained that this is foreclosed properties, and whether anyone is still living in them is a gray area which they have not yet gotten into because it involves the Relocation Act which requires another series of funding. They are talking about properties that were foreclosed and are vacant. Ms. Espinal asked who would generate the priority list, and would it be individuals already on lists for rehabilitation or foreclosures. Ms. Batchelder said there are no lists for foreclosed properties, but they have a purchase assistance program, and they are working with individuals in that regard. Of course, if a house becomes available they would be provided the opportunity to purchase the property. She stated that they did not yet have the money for this, and therefore, have not generated any type of list.

Ms. Espinal stated that she was concerned about individuals who own a lot of apartments, and that they could become larger landowners as a result of this. Ms. Batchelder further explained that this involves Federal funds, and if land goes up for sale it has to be bid on. In this case the property would not go up for sale, except for qualified homebuyers. She further stated that one of the main purposes of the program was that they did not want the properties falling into disrepair, and bringing down the values of the houses in other neighborhoods. She added that the rental properties would be owned by the City, and there would be a maintenance company and they would not go to another landlord. She stated they would use the 10% allotted for administration to hire someone to oversee the program and possibly put out RFPs to non-profits and housing authorities to come in and do the actual acquisition.

Ms. Birch asked if there is any type of category where a homeowner association would be eligible to participate. Ms. Batchelder stated that if a homeowner association is a non-profit organization, they would be eligible to participate. Ms. Birch asked if the property would have to be located within the boundary of the homeowners association. Ms. Batchelder stated that was a good question and she would check on that and report back.

Mr. Goetz stated that each year they are asked to review the annual action plan, and assumed that this was going to be a supplement to that. He continued stating that they never get information as to how successful the program had been. Therefore, he did not see the point in recommending this to the Commission unless there is a provision that would provide some quality assurance with the bottom line of

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outcomes, and how the programs would be evaluated. He continued to explain that HUD had what they called best practices, along with databases that collect information that could be used to evaluate programs. He suggested that as a Board they insist that all such programs be accompanied by criteria so they would be able to judge their success. Ms. Batchelder stated that every year they did performance measurements that were submitted to HUD for their databases, and copies could be provided to this Board. Mr. Goetz stated that what had been provided to the Board in the past was inconsequential. Ms. Batchelder reiterated that the applications contain the anticipated goals which are linked to the performance measures/outcomes. She further stated that performance measures were what they discussed. Mr. Goetz stated that performance measures were not the same as outcome measures. Ms. Batchelder explained that they were the same. Mr. Goetz stated they were defined differently by different people. Ms. Batchelder further explained what they filled out regarding performance measures.

Ms. Batchelder explained that there was nothing for this Board to approve and this information was only being supplied as a courtesy.

Mr. Goetz stated that he would like this Board to suggest to the Commission that this be part of the criteria for approving any of the programs.

It was stated that accountability was important, but before such a recommendation was made the Board should be provided the performance measures that were already in place. This Board should not make their criteria more strict than what was already required.

Mr. Goetz stated that he was not saying they should dictate the outcomes, but suggest that regardless of the program, it had to have defined outcomes by which they would be evaluated. He stated that was said in regard to the CDBG grants, but that was not the case. Ms. Batchelder stated that was provided because the applications contain the anticipated goals, which are linked to the performance measures/outcomes.

Ms. Espinal stated that the comments being made by Mr. Goetz indicate that this Board is gun shy about people handling the money because the City and other agencies have been called to question and irregularities have been discovered. Therefore, they just want to have some sort of assurance. The documents stated that if anyone had comments they were to submit them in writing by November 25th. Ms. Batchelder added that anyone could attend the Commission meeting when it was going to be presented.

Mr. Hull asked if there is a projection as to how many foreclosures would be assisted by this program. Ms. Batchelder stated she believed there was a projection, but it would be market driven. Mr. Hull asked what would be the average price that would be targeted. Ms. Batchelder stated that according to the rules of the program, it has to be discounted at least 25% below market value.

Mr. Goetz further stated that the Feds have changed and bungled things lately, and there is no transparency in what they do, and therefore, unless they define outcome measures in advance, there is no idea where things are going or how good the programs have been. Then, they end up being investigated by outside agencies.

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Ms. Batchelder further stated that there was a different aim for each strategy, and each strategy was also broken into percentages for income. She stated that more information was provided in the Board's back-up materials. She added that the properties had to be located within the City, and they already had a meeting with the County where there had been some discussion as to doing a consortium effort and try and negotiate the prices.

Ms. Espinal stated that she was concerned about her area because the homes were being flipped constantly, and she was afraid they would end up with more Section 8 housing which would provide continued instability due to the ratio of rentals against homeownership.

Ms. Batchelder explained that there was another aspect of the problem, and one of the mandates given to them by the Commission was that they were looking at single family homeownership, but with the situation of the foreclosures and skyrocketing mortgages, they have to provide some rentals or they would not be able to provide affordable housing. The properties purchased for the most part would be owned by the City to be turned over eventually. The acquisition for rehabilitation or rental was only 1/3 of the monies. She stated this was a legitimate concern which should be voiced to the District Commissioner in writing. She further stated that if they only concentrated on homeownership, they would be pricing people out of the market.

Mr. Goetz stated they needed to make sure there was criteria for the mortgages being granted so that the individuals would be qualified.

Ms. Batchelder explained that one of the other changes in this program that was not done in other grant programs was that it allowed for people who had owned property previously to do so again. She stated that many people were locked into the ARM mortgages that were foreclosed on due to the adjustments. This program is aimed more in helping the situation, in addition to the low and very low income individuals.

Other Business

Chair David Maymon explained that the Board needed to vote on whether they would meet in December or not.

Ms. Batchelder stated the reason to have a meeting in December was due to there being another Certificate For Public Convenience and Necessity. The Board received the ordinance, and the Board was to review 27-192. The Ordinance gives everything that was to be provided with the application. She advised that insurance did not have to be provided in the application, but once it was approved by the Commission the insurance had to be submitted to the Occupational Licensing Bureau. In Item (c) it states: "At the meeting the Community Services Board shall review each application by considering the date of the application, the violation history of the applicant, the testimony provided by the applicant, and the comments from the members of the public." It does not preclude the Board from looking at what other information has been provided, but these items were what the Board was to base their recommendation on. She suggested that the Board review this and ask staff any questions they may have on it.

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Mr. Goetz asked if at the last meeting this Board did not pass a motion stating that the violation history of the applicants were to be included with the applications. Ms. Batchelder stated that was one of the criteria, but it did not include the drivers, only the applicant. Ms. Espinal stated that she believed the drivers to be important.

Chair David Maymon stated that he would have to go back and review the record to see if such a motion had been passed.

Mr. Goetz stated the motion was phrased that it referred both to the applicants and the drivers, and the motion passed 10-1.

Ms. Batchelder stated that it was not a prerequisite of the application. Mr. Goetz stated that it was certainly something to be considered by this Board. Ms. Batchelder stated further that the Board was to consider the applicant's history of violations.

Chair David Maymon reminded the Board that when they wanted to speak they needed to raise their hands because this was a parliamentary system.

Ms. Batchelder stated that she was not an attorney and not here to argue the ordinance, and was only present to read the ordinance and explain to the Board what they were to consider when reviewing the applications. Therefore, once the Board reviews this and if they have any questions, they should get them back to staff so answers could be provided at the next meeting.

Mr. Dial stated that according to the minutes, it appeared that a motion was passed stating that violation reports were to be provided with future applications. However, it states violation reports, and it was unclear as to whether that was for the applicant or the drivers. Therefore, they may have to check the record further.

Mr. Goetz stated that he had made the motion and it was for both the applicants and the drivers. This was his recollection.

Ms. Batchelder stated that would require a change in the ordinance, and she may review this with the City Attorney's office.

Chair David Maymon stated that for clarification purposes just because this Board made a motion, it did not necessarily carry the "teeth" for the ordinance to be amended. He asked if the Commission would have to vote on it. Ms. Batchelder stated that the City Attorney's office would have to rewrite the ordinance, and then approved by the City Commission.

Ms. Espinal asked if when the applications were submitted did staff check to make sure that all information was provided. Ms. Batchelder confirmed. Ms. Espinal asked if this Board could request the Commission that the ordinance be reviewed and changed so the applicant and the driver's record be submitted as part of the application process.

Chair David Maymon stated that as a Board they could make such a motion and vote on it. If it passes that would be an advisory motion to the Commission.

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Motion made by Ms. Espinal and seconded by Mr. Dial that staff create a letter of request from this Board to the Commission and the City Attorney's Office for them to review the ordinance and possibly amend it to say that the applicant's and drivers' license records be submitted with the application.

Mr. Dial stated that they had voted at the previous meeting on a motion to do so, and this might give it more "teeth" and further their objective. He stated that in one of the cases the applicant did not have any drivers at that time, so therefore, in that case such information could not be provided.

Mr. Goetz stated that he thinks this is a good idea, but sometimes it takes a while to get the ordinance changed. He would prefer not to wait that long in order to find out whether drivers had traffic violations. He added that such information could be provided to the Board for them to consider when making their decision. He stated that staff did not review violation records. In the past they had received violation records.

Ms. Espinal stated that they need to move forward with this and do whatever was necessary.

Ms. Locke asked if their letter could say that the individual's licenses should be reviewed.

Ms. Batchelder stated that they were now getting into legalities, and they do not yet know if the request will move forward. Therefore, she suggests they vote on their motion, and she will present it to the City Attorney's office. She added that Item #10 was very specific to the applicant. Vote taken was as follows: YEAS: 12; NAYS: 3.

Ms. Batchelder reiterated that she would report back at the December meeting regarding this matter.

Motion made by Ms. Espinal and seconded by Ms. Birch that this Board meet in December. Board unanimously approved.

Good of the Order

No report.

There being no other business to come before this Board, the meeting was adjourned at approximately 8:16 p.m.

Respectfully submitted,

Margaret A. Muhl,
Recording Secretary