

MINUTES OF MEETING
DANIA BEACH COMMUNITY REDEVELOPMENT AGENCY
TUESDAY, DECEMBER 11, 2018 – 5:30 P.M.

1. Call to Order/Roll Call

Chair Lewellen called the meeting to order at 5:30 p.m.

Present:

Chair:	Lori Lewellen
Vice-Chair:	Lauren Odman
Board Members:	Chickie Brandimarte
	Bill Harris
	Tamara James
Executive Director:	Rickelle Williams
City Attorney:	Thomas Ansbro
CRA Secretary:	Thomas Schneider

2. Citizen Comments

There were no comments at this meeting.

3. Administrative Reports

Director Williams distributed a CRA projects status report to the Board.

3.1 2019 Arts and Seafood Celebration Report

Director Williams briefly reviewed the memo included in the agenda packet.

3.2 PATCH Holiday Craft Bazaar

Director Williams reviewed the flyer included in the agenda packet and described the holiday activities to be featured at the event.

4. Presentations

4.1 Art of Community Grant Update

Director Williams reviewed the information included in the agenda packet, and presented a video of interviews conducted at the community workshops.

Gary Moore, artist for the grant project, gave an update on the status of the grant.

A brief discussion ensued about Stirling Collins and the Collins family.

4.2 Legal overview of Affordable Housing Initiative - James Brady, Esq., Saul, Ewing, Arnstein & Lehr

Director Williams introduced Attorney Brady, who gave a PowerPoint presentation which is attached to and incorporated into these minutes.

Chair Lewellen questioned the CRA's second mortgage holder status and the use of a land trust in the case of foreclosure.

Attorney Brady explained the restrictions that should be put in place and joined-in by the institutional lender in order to protect the agency. A land trust could probably be done or we could do a carve-out where the agency has an enforceable right to buy the defaulted promissory note. He further explained proper vetting of entities that submit proposals pursuant to the Public Notice of Disposition.

Board Member Brandimarte asked what the worst case scenario would be and if Director Williams has past experience on exactly this type of proposal.

Attorney Brady gave the example of a single proposer who responds to the public notice, takes on all six lots, and then goes bankrupt. He noted the Board and staff are attentive and he is confident they would avoid this kind of downside, though it is a possibility.

Director Williams noted she was employed at the Housing Finance Authority of Miami-Dade County that provided funding and oversight for similar programs, but she has not done this specific program in this capacity.

Board Member James asked how often Attorney Brady has seen the worst thing that could happen.

Attorney Brady responded he has never seen the ultimate downside occur in one of these kinds of operations with a CRA providing for affordable housing. He emphasized the importance of proper vetting of the proposal so you have the correct debt/equity ratio and economic elements.

Board Member James noted she is happy Attorney Brady continually emphasizes the importance of vetting proposers, and spoke of the vetting process. She questioned how a land trust works.

Attorney Brady explained the trust owns, develops, and maybe rents or disposes the property to the end user. He has not looked deeply into use of a land trust because he does not understand that to be part of the program. He noted the Board's tough questions go to ensure the success of the effort.

Vice-Chair Odman asked if the majority of cities that are doing a similar model are not using a land trust.

Attorney Brady responded that is correct. He noted whatever model is used will have a certain amount of risks; the key is to minimize the risks on the front end, not on the back end.

Board Member Brandimarte noted we definitely need a pilot program to see how it works before we make any kind of other major decisions. It would be too much of a risk of the taxpayers' money.

Attorney Brady responded he considers the six parcels the pilot program; they may be the floor of where we ought to be.

Chair Lewellen spoke of the lottery program being put together and said she understands a homeowner could behave as any other, such as having a roommate or renting out a room. Her other concern is that a home could go to someone who is not deserving of it based on income; she wants to make sure this is fair to everybody who is applying. She briefly addressed the land trust.

Attorney Brady responded the restrictions for the end-user could be micro-managed, but they are very difficult to police. Additionally, while micro-restrictions can be applied, you have to ask if that is what you want to say to your community. He addressed who should be sought to be the end-user, which would be worked out in the process. He noted the land trust would be subject to the covenants and restrictions that were discussed.

Board Member Brandimarte spoke of end-users, and gave an example of a single person who initially qualified and who later was joined by a companion, who together would no longer qualify based on their combined income. She added it sometimes could be unfair.

Attorney Brady responded that the concerns are sound, but perhaps in the prioritization of all the things to be considered, the concern expressed should be of minimal importance because you have helped that particular end-user. This program presents a big opportunity to help the community.

5. Consent Agenda

Items Removed from Consent Agenda: #5.5

- 5.1 Minutes:
Approve Minutes of the November 13, 2018 CRA Board Meeting
- 5.2 Travel Requests: None
- 5.3 RESOLUTION NO. 2018-CRA-023

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY ("CRA") OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CRA OFFICIALS TO ISSUE A PUBLIC NOTICE OF DISPOSITION IN ACCORDANCE WITH SUBSECTION 163.380 (3)(a), FLORIDA STATUTES, FOR THE PURPOSE OF SOLICITING PROPOSALS FOR THE DEVELOPMENT OF AFFORDABLE HOUSING IN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

5.4 RESOLUTION NO. 2018-CRA-024

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DANIA BEACH COMMUNITY REDEVELOPMENT AGENCY ("CRA") OF THE CITY OF DANIA BEACH, FLORIDA, ACCEPTING A GRANT AWARD IN THE AMOUNT OF FIFTY NINE THOUSAND FIVE HUNDRED DOLLARS (\$59,500.00) FROM THE FREDERICK A. DELUCA FOUNDATION FOR THE PATCH MOBILE MARKET PROGRAM; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Chair Lewellen motioned to approve the Consent Agenda, with the exception of Item #5.5; seconded by Board Member James. The motion carried unanimously.

5.5 RESOLUTION NO. 2018-CRA-025

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COMMUNITY REDEVELOPMENT AGENCY ("CRA") OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CRA EXECUTIVE DIRECTOR TO ENTER INTO A "PIGGYBACK" AGREEMENT FOR REAL ESTATE BROKERAGE AND LEASE MANAGEMENT SERVICES WITH COLLIERS INTERNATIONAL SOUTH FLORIDA, LLC AND THE CITY OF DANIA BEACH, FLORIDA ("CITY"); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2018-CRA-025.

Director Williams gave a brief overview of this item.

Board Member James motioned to adopt Resolution #2018-CRA-025; seconded by Board Member Harris.

Ken Krasnow, Executive Managing Director, Colliers International South Florida, LLC, introduced the Colliers' team and gave an overview of the services to be provided.

The motion carried on the following 5-0 Roll Call vote:

Board Member Brandimarte	Yes	Vice-Chair Odman	Yes
Board Member Harris	Yes	Chair Lewellen	Yes
Board Member James	Yes		

6. Proposals and Bids

There were no proposals on this agenda.

7. Discussion and Possible Action

There were no discussion items on this agenda.

8. Board Member Comments

Board Member Brandimarte noted she liked the idea of locating retail establishments on the bottom floor of a parking garage as described by Mr. Krasnow with Colliers International.

9. Information Items

There were no items on this agenda.

10. Adjournment

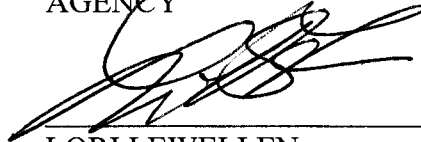
Chair Lewellen adjourned the meeting at 6:31 p.m.

ATTEST:



THOMAS SCHNEIDER, CMC
CRA SECRETARY

COMMUNITY REDEVELOPMENT
AGENCY



LORI LEWELLEN
CHAIR – CRA

Approved: January 22, 2019



#4.2



SAUL EWING
ARNSTEIN
& LEHR ^{LLP}

Legal Overview of Affordable Housing Initiative

PRESENTED BY JAMES C. BRADY, ATTORNEY AT LAW
SAUL EWING ARNSTEIN & LEHR LLP
DANIA BEACH CRA LEGAL COUNSEL

8 Legal Considerations

1. GOAL OF
COMMUNITY
REDEVELOPMENT

2. MISSION OF
DANIA BEACH
CRA

3. AUTHORITY AND
REQUIREMENT FOR
AGENCY PLAN

4. PROVISION FOR
AN AFFORDABLE
HOUSING ELEMENT

5. STATUTORY
AUTHORIZATION

6. IMPLEMENTATION

7. FUNDING
SUPPORT

8. PROTECTION
OF INVESTMENT

1

Goal of Community Redevelopment:

To Eradicate Conditions
of Slum and Blight

163.335

FINDINGS AND DECLARATIONS OF NECESSITY.—

(1) It is hereby found and declared that there exist in counties and municipalities of the state slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state;

2

Mission of Dania Beach Community Redevelopment Agency

THE MISSION OF THE CRA IS TO CREATE AND IMPLEMENT ECONOMICALLY SOUND REDEVELOPMENT AND REVITALIZATION ACTIVITIES IN THE CITY OF DANIA BEACH, TO IMPROVE THE UNIQUE SMALL TOWN QUALITY OF LIFE, WHILE SIMULTANEOUSLY FACILITATING INVESTMENT, COMMERCIAL DEVELOPMENT, INNOVATION AND GROWTH FOR OUR DIVERSE POPULATION.

3

Authority and Requirement for Agency Plan

163.360 COMMUNITY REDEVELOPMENT PLANS.

(1) Community redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment.

4

Provision for Affordable Housing Element



163.360 COMMUNITY REDEVELOPMENT PLANS.

(2) The community redevelopment plan shall:

(c) Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing in the area. The county, municipality, or community redevelopment agency shall coordinate with each housing authority or other affordable housing entities functioning within the geographic boundaries of the redevelopment area, concerning the development of affordable housing in the area.

5

Statutory Authorization



163.380 DISPOSAL OF PROPERTY IN COMMUNITY REDEVELOPMENT AREA.

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part.

6

Implementation



163.380 DISPOSAL OF PROPERTY IN COMMUNITY REDEVELOPMENT AREA.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest for uses in accordance with the community redevelopment plan and in accordance with such reasonable disposal procedures as any county, municipality, or community redevelopment agency may prescribe.

7

Funding Support from General Fund



THE CITY OF DANIA BEACH HAS ELECTED TO SUPPORT THE MISSION AND GOALS OF THE CRA BY DIRECT BUDGETARY SUPPORT FROM ITS GENERAL FUND, AS CONTRASTED WITH TAX INCREMENT FUNDING ARISING DIRECTLY FROM THE AD VALOREM REVENUES GENERATED FROM THE LANDS WITHIN THE CRA BOUNDARIES. THIS FUNDING MODEL IS NOT ONLY LEGALLY ACCEPTABLE, BUT DISTINCTLY APPROPRIATE

Unlike enterprise funds, the use of which is restricted to enhancing the particular applicable enterprise, General Fund revenues are restricted only by the requirement that such Funds be spent for a public purpose, in this case, the mitigation or eradication of conditions of slum and blight and building the community envisioned in the CRA Mission and CRA Plan.

8

Protection of Investment



CAN LOTS BE SOLD TO BUILDERS WITH A DEED RESTRICTION OR CLAUSE THAT, FOR A CERTAIN SALES PRICE, THE BUILDER HAS TO DO AFFORDABLE HOUSING?

Yes. Sub-section 163.380(1) anticipates this concern. The Legislation specifically provides that the lands sold or otherwise disposed of may be transferred subject to covenants and restrictions designed to assist in preventing the spread of slum and blight or to otherwise carry out the purposes of the CRA Mission.

HOW CAN THE CRA BE PROTECTED FOR THE AMOUNT OF THE DEPOSIT?

Aside from covenants and restrictions, there are a number of ways to protect the public-investment. For instance, revenue-sharing provisions may be embedded in the transaction with the developer; a promissory note, secured by a mortgage executed by the end buyer can be employed. This is the common practice.

ARE THESE PROGRAMS COMMON?

Yes. These models and practices about which we speak are typical throughout South Florida communities. We have identified many local cities with similar programs.

Current Steps



HOMEBUYER READINESS

- Residency Requirement
- Homebuyer Education
- Housing Counseling
- Income Verification
- Lender Approval
- Lottery Selection
- Award/10-Year Mortgage Forgivable Loan
- Closing

PROPERTY DEVELOPMENT

- Architectural Plans
- Notice of Public Disposition
- Developer Proposal Evaluation
- Conveyance to Developer with Deed Restrictions and Covenants
- Construction
- Conveyance to Homebuyer
- Closing

Q & A



JAMES C. BRADY
SAUL EWING ARNSTEIN & LEHR, LLP
200 EAST LAS OLAS BLVD, SUITE 1000
FORT LAUDERDALE, FLORIDA 33301

PRACTICE AND AREAS OF LEGAL SPECIALIZATION

Specialization:

- * **MUNICIPAL LAW** (City Attorney for Lauderdale Lakes and other municipal entities since 1975): Interpretation, drafting and administration of municipal ordinances and related laws; attendance at city council/commission meetings; advising the city council/commission on legal matters; conduct of litigation and related matters such as, but not limited to, municipal labor relations, civil service rights, bond issues, planning and zoning, local planning agency matters, code enforcement, and community redevelopment; counsel for West Parkland Drainage District in 1977.
- * **COMPLEX LAND USE LITIGATION** Litigation of private and public rights regarding the use and regulation of land, including, but not limited to, land use and zoning issues, eminent domain and regulatory takings, as well as due process and Bert J. Harris Private Property Rights Protection Act issues.
- * **ADMINISTRATIVE LAW** (land development and governmental approvals): Appearances before municipal, county and state regulatory boards; strategy, preparation and conduct of presentations for land use, development and variance hearings, platting, zoning and site approvals, special exceptions and conditional uses; representation of professionals, such as architects and engineers, before quasi-judicial boards.
- * **REAL ESTATE:** Real estate transfers, mortgage placement and negotiation; project planning and documentation; examination of abstracts of title; title clearance; preparation of contracts; closing real estate transactions and disbursal of funds.
- * **PUBLIC HOUSING:** Negotiations and preparation of documents for tax exempt mortgage financing; coordinating between various governmental entities and private participants in bringing projects to conclusion.
- * **CONDOMINIUM LAW:** Preparation and interpretation of condominium documentation; research and litigation; filings with the Office of Interstate Land Sales Registration and Department of Housing and Urban Development.

* APPELLATE PRACTICE:

Cali v. Meadowbrook Lakes View Condominium, 59 So.3d 363 (Fla. 4th DCA 2011)

Gonzalez v. Unemployment Appeals and Craven Thompson & Assoc., 26 So.3d 595 (Fla. 4th DCA 2010)

N & D Holding v. Town of Davie, 17 So.3d 819 (Fla. 4th DCA 2009)

Catherine P. Stevenson v. City of Wilton Manors, CACE 09-30042, 17th Judicial Circuit

USA Express, Inc. v. City of Hallandale Beach, H. Development and Domus, CACE 07-25646, 17th Judicial Circuit

Town of Lauderdale-By- The-Sea v. Sea Colony, Inc., 958 So.3d 819 (Fla. 4th DCA 2007)

USA Express, Inc. v. City of Hallandale Beach and Gulfstream Park, LLC, CACE 06-19638, 17th Judicial Circuit

AT & T Wireless Services of Fla. v. WCI Communities, Inc., 932 So.2d, 251 (Fla. 4th DCA 2005)

Micky Biss and USA Express, Inc. v. Environmental Quality Control Board of Miami-Dade County and Miami Dade County, 04-25259, 11th Judicial Circuit

RaceTrac Petroleum, Inc. v. City of Oakland Park, CACE 04-08866, 17th Judicial Circuit

Madison Hotel Corp and Amjad Hammad v. Broward County and the Board of Adjustment of Broward County, 4D03-2586, 4th District Court of Appeal

Madison Hotel Corp. and Amjad Hammad v. County of Broward and the Board of Adjustment of Broward County, CACE 03-03506, 17th Judicial Circuit

First Nationwide Mortg Corp v Brantley, 851 S.2d 885 (Fla. 4th DCA 2003)

Golf Club of Plantation, Inc v City of Plantation, 847 So.2d 1028 (Fla. 4th DCA 2003)

Christensen Shipyards, Ltd v Derecktor-Gunnell, Inc, 825 So.2d 1004 (Fla. 4th DCA, 2002)

City of Lauderdale Lakes v School Bd of Broward County, 824 So.2d 952 (Fla. 4th DCA 2002)

Broward County v. G.B.V. International, Ltd., 787 So.2d 838 (Fla. 2001).

City of Deerfield Beach v. Boca Dominium, 795 So.2d 145 (Fla. 4th DCA 2001)

G.B.V. Intern., Ltd. v. Broward County, 709 So.2d 155 (Fla. 4th DCA 1998)

Golf Club of Plantation, Inc. v. City of Plantation, 717 So.2d 166 (Fla.4th DCA 1998).

Enterprise Leasing Company v. City of Lauderdale Lakes, 637 So.2d 24 (Fla. 4th DCA 1994).

Cox & Palmer Construction Corporation v. Michael A. Shiff & Associates, 568 So.2d 1329 (Fla.4th DCA 1990).

George W. Johnson v. Thomas Bednar, 552 So.2d 928 (Fla.4th DCA 1989).

City of Miramar v. Amoco Oil Company, 524 So.2d 506 (Fla.4th DCA 1988).

Dean Richardson v. City of Pompano Beach, 511 So.2d 1121 (Fla.4th DCA 1987)

City of Oakland Park v. Oakland Forest Corporate Center, 515 So.2d 1055 (Fla.4th DCA 1987)

City of Lauderdale Lakes v. Herman Corn, Trustee, 427 So.2d 239 (Fla.4th DCA 1983).

City of Lauderdale Lakes v. Herman Corn, Trustee, 415 So.2d 1270 (Fla. 1982).

Melvin T. Goldberger v. Bernice Roehner, 401 So.2d 897 (Fla.4th DCA 1981).

Melvyn Pollack v. Barbara Ann Pollack, 374 So.2d 556 (Fla. 4th DCA 1979).

City of Lauderdale Lakes v. Herman Corn, Trustee, 371 So.2d 1111 (Fla.4th DCA 1979).

City of Lauderdale Lakes v. Fraternal Order of Police, Lodge #100, 346 So.2d 642 (Fla.4th DCA 1977)

City of Tamarac v. Emil Kalafut, 332 So.2d 85 (Fla.4th DCA 1976)

General Practice (since 1973):

Corporate and business.

Litigation: personal injury; land use and administrative; appellate.

Real property: residential and developer transactions.

PROFESSIONAL/BAR MEMBERSHIPS

American Bar Association	Bar of the District of Columbia
Florida Bar Association	Virginia State Bar Association
United States District Court, Southern District of Florida	

PROFESSIONAL AFFILIATIONS

Governmental Legal Affiliations:

Dania Beach CRA 100 W. Dania Beach Blvd. Dania Beach, FL 33004	Consulting Attorney	2017-Present
City of Lauderdale Lakes 4300 N.W. 36th Street Lauderdale Lakes, FL 33319	City Attorney Resigned 9/30/2018	1976-2018
City of Lauderdale Lakes	Assistant City Attorney	1975-76
City of Miami Gardens 18605 NW 7 th Avenue Miami Gardens, FL 33056	Consulting City Attorney	2006-Present
City of Tamarac 5811 N.W. 88th Avenue Tamarac, FL 33321	Assistant City Attorney	1975-76
City of Hacienda Village Hacienda Village, FL 33312	Village Attorney	1984
City of Sunrise City Council 10770 West Oakland Park Boulevard Sunrise, FL 33351	Special Counsel	1987-88
City of Cooper City 9090 S.W. 50th Place	Special Counsel	2001-2005

Cooper City, Florida

General Legal Affiliations:

Saul Ewing Arnstein & Lehr LLP	Senior Partner	2017-present
Arnstein & Lehr, LLP	Partner	2006 -2017
James C. Brady & Associates	Head of 3-attorney firm	2001-2006
Brady and Coker 1318 Southeast Second Avenue Fort Lauderdale, FL 33316	Partner	1988-2001
James C. Brady, P.A. 1508 Southeast 3rd Avenue Fort Lauderdale, FL 33316	Sole practitioner	1977-88
Deutsch & Brady, P.A. 400 North State Road 7 Margate, FL 33063	Partner	1976-77
Zealy & Brady, a Partnership 2691 East Oakland Park Blvd. #400 Fort Lauderdale, FL 33306	Partner	1975-76
Deutsch, Deutsch, Goldberg & Young 2881 East Commercial Boulevard Fort Lauderdale, FL 33308	Associate attorney	1972-74

OTHER AFFILIATIONS

American Arbitration Association	Arbitration Panelist	1991-1996
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EDUCATION

Florida State University College of Law Tallahassee, Florida	Juris Doctorate, with honors	1972
Florida Atlantic University Boca Raton, Florida	Master of Education Bachelor of Arts,	1969

COMMUNITY SERVICE

Northwest-Progresso-Flagler Heights Advisory Board City of Fort Lauderdale Community Redevelopment Agency	Member	1999-Present
Historic Preservation Board City of Fort Lauderdale, Florida	Chairman Vice Chairman Member	1991-93 1988-91 1986-1996
Broward County Child Care Broward County, Florida	Hearing Officer	1985-90
Broward County Zoning Board Broward County, Florida	Member	1981-90
Downtown Council, Inc. Fort Lauderdale, Florida	Program Chairman President Vice President Member/Director	1984-89 1985-87 1983-84 1980-89
Charter Review Subcommittee Broward County, Florida	Governmental Structures Committee member	1988
Management Review Committee Broward County, Florida	Member	1987
Blue Ribbon Panel/Sales Tax Broward County, Florida	Panel member	1987
Vinnette Carroll Repertory Company	Pro bono attorney Board of Trustees	1986-1987 1987
Performing Arts Center Mayor's Blue Ribbon Panel Fort Lauderdale, Florida	Member	1986-87

Citizens for a Greater Fort Lauderdale Fort Lauderdale, Florida	Member	1986
Performing Arts Center Steering Committee Fort Lauderdale, Florida	Member	1984
Fort Lauderdale Chamber of Commerce	Manufacturing & Industry Subcommittee member	1983-84
Court Facilities Committee Broward County Bar Association	Member	1981
City of Fort Lauderdale Fort Lauderdale, Florida	License Review Board	1979-81
Broward County Tax Reform Committee Fort Lauderdale, Florida	Member	1981
Division of State Planning State of Florida Bureau of Land Planning Tallahassee, Florida	Research Assistant	1971-72

OTHER VOCATIONAL EXPERIENCE

Department of Health & Rehabilitative Service Pompano Beach, Florida	Counsellor II	1969-70
Broward County School District Deerfield Beach, Florida	Junior High Teacher	1968-69