



CRA Board Regular Meeting Minutes
Tuesday, March 22, 2022 – 4:00 p.m.
Arts Warehouse
Delray Beach, FL 33444

STAFF PRESENT:

Renee Jadusingh, Esq.
Kim N. Phan, Esq.
Gina Clayton

Christine Tibbs
Alexina Jeannite
Tracy Waterlander

Lori Hayward
Ivan Cabrera

OTHERS PRESENT:

Marjorie Waldo

Emanuel Dupree Jackson

Daniel Studdard

1. Call to Order

Chair Johnson called the meeting to order at 4:09 p.m.

2. Roll Call

CRA Board Members Present: Chair Shirley Ervin Johnson, Vice Chair Angie Gray, Deputy Vice Chair Juli Casale, Commissioner Ryan Boylston, Commissioner Kelsey Cordell Brooks, Commissioner Adam Frankel and Commissioner Shelly Petrolia.

3. Approval of Agenda

Motion by Commissioner Boylston, seconded by Vice Chair Gray, to approve the agenda. In a roll call vote, the **motion** passed (7-0).

4. Powerpoint Presentation for March Board Meeting

Included for information only.

5. Staff Reports

- A. Monthly Work Plan Report
- B. Arts Warehouse Report
- C. Funding Assistance and Community Engagement Report
- D. Property Management Report
- E. Social Media Report

Included for information only.

6. Public Comments on Agenda & Non-Agenda Agenda Items

Marjorie Waldo, CEO of Arts Garage, thanked the Board and expressed appreciation. She spoke on the A-G.U.I.D.E. workshop and provided specific recommendations.

Chair Johnson closed the public comments.

7. Consent Agenda

Prior to the Consent Agenda, Ms. Phan read into the record a Memorandum of Voting Conflict received from Chair Johnson regarding item 9A from the February Board meeting. She noted it was a disclosure of a special relationship between Chair Johnson and Rosemary Wilson. Ms. Wilson is a relative of Chair Johnson for a party in contract.

- A. February 22, 2022 – Regular Meeting Minutes
- B. CRA Financial Report – December 2021
- C. CRA Financial Report – January 2022
- D. Reinstatement And First Amendment To Site Development Funding Agreement - Glavidia Hair Studios

Motion by Commissioner Frankel, seconded by Commissioner Petrolia, to approve the Consent Agenda. In a roll call vote, motion passed (7-0).

8. New Business

A. Follow Up – Emanuel Jackson, Sr. Project, Inc. – 700 West Atlantic Avenue, Unit 700

Ms. Jadusingh provided background on the property. She noted she spoke with Mr. Dupree from EJS Project, and he confirmed they could pay \$250 a month. She reviewed options to continue the EJS Project lease. She stated they were considering applying for the Solid Waste Authority Grant for the next fiscal year in order to demolish the building. She reviewed the following options:

- A. Approve or disapprove Emanuel Jackson, SR. Project, Inc.'s monthly payment in the amount of Two Hundred Fifty and 00/100 Dollars (\$250.00) for a month-to-month tenancy for 700 West Atlantic Avenue, Unit 700. Further authorizing the CRA's Chair, Executive Director and legal counsel to execute any and all related documents.
- B. Approve or disapprove Emanuel Jackson, SR. Project, Inc.'s monthly payment in the amount of Two Hundred Fifty and 00/100 Dollars (\$250.00) on a revocable license agreement for 700 West Atlantic Avenue, Unit 700. Further authorizing the CRA's Chair, Executive Director and legal counsel to execute any and all related documents.

She noted they also needed Board direction for a termination date if either option A or B is approved.

Emmanuel Dupree Jackson, 30 Southwest 10th Avenue, Delray Beach thanked the Commissioners he spoke with prior to the meeting. He described the economic growth and impact of EJS Project. He shared data and statistics of the population they serve. He referenced letters of support from local organizations that were submitted to the Board.

Vice Chair Gray asked the Board to consider reopening Public Comment. Consensus was reached to reopen Public Comment.

Daniel Studdard, 625 Southwest 7th Avenue, Delray Beach, said he was a Behavioral Health Professional in the Palm Beach County School District. He spoke on specific students who had been impacted by EJS Project.

Ms. Jadusingh reiterated the rent proposal and the options for the lease agreement, including a month-to-month option or a revokable license. When asked, she recommended the revokable license.

A brief discussion ensued about the condition of the building and funding for demolition.

Vice Chair Gray thanked Mr. Jackson for his work. She supported the recommendation of the revokable license and an end date. She asked Mr. Jackson where they would move to if they needed to move out immediately.

Mr. Jackson stated they don't currently have a place to go so they would have to halt operations temporarily as they explored options.

Commissioner Petrolia said to Mr. Jackson that the lease time would be limited and encouraged him to begin looking at options now.

Commissioner Boylston noted Mr. Jackson frequently recognized the CRA publicly for the space they occupy. He expressed concern about charging EJS Project even \$250 a month during difficult financial times. He recommended a month-to-month agreement under the original terms.

Motion by Commissioner Boylston, seconded by Commissioner Frankel, to approve a month-to-month lease with original monthly payment.

A brief discussion ensued about the monthly amount.

Amended Motion by Commissioner Boylston, seconded by Commissioner Frankel to approve Option B, amending the monthly payment to the amount of one dollar (\$1.00) with a closing date in December 2022. In a roll call vote, **motion** passed (7-0).

A brief discussion ensued about the mission of the CRA and support of non-profits.

B. Follow Up – Achieving Goals Using Impact Driven Evaluation Funding Agreement – Old School Square Center For the Arts, Inc.

Ms. Phan reviewed the timeline of the item and summarized the actions considered and approved at the February 2022 Board meeting:

1. Issue the Old School Square Center for the Arts, Inc. ("OSSCA or OSS") a formal written notice of deficiency(ies) and opportunity to cure pursuant to the Achieving Goals Using Impact Driven Evaluation ("A-G.U.I.D.E.") Funding Agreement ("Notice of Deficiencies"); and
2. Issue the OSSCA reasonable notice for the Delray Beach Community Redevelopment Agency ("CRA") to access and examine all records, books, papers, or documents relating to the funding provided pursuant to the A-G.U.I.D.E. Funding Agreement; and
3. Should OSSCA fail to cure the deficiency(ies) to the satisfaction of the CRA, within fourteen (14) days from receipt of the Notice of Deficiencies, CRA Staff shall then issue written notice to OSSCA that the A-G.U.I.D.E. Funding Agreement is deemed immediately voided and notice that the CRA is entitled to recoup the portion of funds the CRA allocated and/or already disbursed to OSSCA pursuant to the A-G.U.I.D.E. Funding Agreement; and

4. The CRA's Chair, Executive Director and legal counsel may execute any and all related documents and take all necessary action to facilitate the above action(s).

She noted, as of February 22, 2022, the formal written notice of deficiency(ies) and opportunity to cure was issued on February 23, 2022, and it was received by OSSCA on February 24, 2022. She stated the CRA issued the reasonable notice to access and examine all records, books, papers, or documents related to funding on February 23, 2022. She reviewed additional dates and directives by the Board and confirmed the CRA staff received a cover letter and thumb drive from OSSCA on March 15, 2022. She said they received a letter from OSSCA's Attorney on March 18, 2022, and an additional letter from OSSCA on March 21, 2022, stating they were no longer seeking CRA grant funding.

Ms. Phan confirmed the CRA had not received all the information or documents requested in the Notice of Deficiency by the 14-day cure period from OSSCA and the information the OSSCA had submitted was insufficient for the CRA to fully evaluate OSSCA's performance, financial status, and to determine if the expenditure of funds was in accordance with the A-G.U.I.D.E. Funding Agreement.

Based on the information provided, CRA staff recommended:

1. Deem Old School Square Center for the Arts, Inc. ("OSSCA or OSS") has failed to cure the deficiency(ies) to the satisfaction of the CRA as set forth in the Notice of Deficiencies dated February 23, 2022, and pursuant to the Achieving Goals Using Impact Driven Evaluation ("AG.U.I.D.E.") Funding Agreement dated October 16, 2020 ("A-G.U.I.D.E. Funding Agreement");
2. Issue OSSCA formal written notice that the A-G.U.I.D.E. Funding Agreement is immediately voided;
3. Authorize the recoupment of the funding amount allocated for fiscal year 2020-2021 and disbursed by the CRA to OSSCA for the first quarter of the fiscal year 2020 - 2021 in the amount of One Hundred Eighty-Seven Thousand Five Hundred and 00/100 Dollars (\$187,500.00) by issuing a fifteen (15) days demand letter; and
4. Authorize the CRA's Chair, Executive Director and legal counsel to execute any and all related documents.

Deputy Vice Chair Casale asked if they had received enough information in order to determine whether OSSCA double dipped by utilizing both CRA funding and SBA funding.

Ms. Phan confirmed they cannot yet determine that answer with the information received. She noted OSSCA vaguely mentioned the CRA staff can examine their books, but they are currently located in storage and OSSCA does not have staff to assist in sorting the records.

A brief discussion ensued about the letters received from OSSCA's attorney.

Commissioner Petrolia noted how difficult the situation and decisions had been. She addressed false statements included in OSSCA's response letter. She supported all recommendations by City staff.

Deputy Vice Chair Casale asked if OSSCA successfully fulfilled the terms of their grant.

Ms. Jadusingh responded no based on the information the CRA had received to date.

Commissioner Boylston stated OSSCA legitimately believes they are in compliance.

Chair Johnson asserted the CRA had taken every step with OSSCA to address the concerns of the Board.

Commissioner Frankel departed the meeting prior to the vote.

A brief discussion ensued about personal attacks.

Motion by Commissioner Petrolia, seconded by Commissioner Boylston, to approve CRA staff recommendations one through four of item 8b. In a roll call vote, **motion** passed (6-0).

9. New Business

None.

10. Other Business

a. Comments by Executive Director

Ms. Jadusingh provided updates on the following:

- 98 NW 5th Avenue Groundbreaking Ceremony on March 25
- Carver Square
- NE 3rd Avenue Streetscape Improvements Project
- Arts Warehouse Resident artist Michelle Drummond
- Arts Warehouse Makers Market on April 23
- Delray Beach Community Resource Fair on March 26
- Authors Speaks Series on April 21
- Green Market
- Crafted On The Ave
- Delray Senior Resource Center

b. Comments by Board Attorney

No additional comments.

c. Comments by Commissioners

Commissioner Petrolia thanked CRA staff for their work with the OSSCA issue. She asked Ms. Jadusingh about travel to visit other CRAs. Ms. Jadusingh confirmed the statute expenditures for Board Members. She spoke on an upcoming visit to a CRA in Miami.

Deputy Vice Chair Casale thanked the CRA staff. She said she appreciated all the hard work and progress.

Vice Chair Gray thanked the CRA staff. She recommended signage for Crafted On The Avenue. She asked about the process for selecting Carver Square residents.

Ms. Jadusingh replied that Pulte completed the process through a lottery since they received so many applications. She recommended Pulte join the April Board meeting to provide an update.

Vice Chair Gray suggested a member of the Board should be in attendance for every selection round. She said she would make herself available for the next round(s).

Deputy Vice Chair Casale agreed they should be a part of the process to ensure it is fair.

Commissioner Brooks recognized Women's History Month. He said he was blessed and honored to be a member of the Board and to see progress in the City.

Chair Johnson thanked the City staff for the time spent on the OSSCA item.

11. Adjournment

There being no further discussion, the meeting was adjourned at 5:44 p.m.

Renee Jadusingh, Executive Director

Shirley Ervin Johnson, Board Chair