

**MINUTES OF THE SPECIAL COMMUNITY REDEVELOPMENT AGENCY BOARD
MEETING HELD ON WEDNESDAY, NOVEMBER 3, 2010 AT 6:00 PM
IN CITY COMMISSION CHAMBERS, BOYNTON BEACH, FLORIDA**

PRESENT:

Jose Rodriguez, Chair
Marlene Ross, Vice Chair
Woodrow Hay
Steve Holzman
William Orlove

Lisa Bright, Executive Director
James Cherof, Board Attorney

I. Call to Order – Chairman Jose Rodriguez

Chair Rodriguez called the meeting to order at 6:04 p.m.

II. Roll Call

All members of the Board were present.

III. Discussion of Trolley Contract, Appropriation of Funding and Budget Amendment

Chair Rodriguez recognized there had been several meetings regarding the trolley service and the residents had been afforded the opportunity to express their views on several occasions. There was consensus to have no further public comment.

A review was given of the current situation, that ultimately the money had not been budgeted in the CRA budget. The Board and staff had consistently tried to facilitate an agreement. The decision had to be based on what was right for all taxpayers in the City. Chair Rodriguez voiced concern that the trolley services would not qualify, according to the Attorney General's opinion, for the use of tax dollars. Another area of concern was the trolley traversed outside the CRA boundaries and yet it was funded with CRA dollars. Recent correspondence from the State Attorney General had challenged the use of those monies for non-redevelopment use outside the CRA district.

The monies not being available was another major concern. The CRA had a debt to the City and the City had voted to request payment for the road improvement work that has been completed. The Board has been focused on redeveloping the downtown area to support a trolley service downtown to support the businesses in the area. Chair Rodriguez favored moving on with the downtown development.

Mr. Hay understood the Chair's concerns and understood four months had been granted by the Board to re-evaluate the service and develop a plan for a transit system. He assumed Mr. Orlove's suggestion to consolidate the different transportation modes would be done. In fairness, an attempt should be made to consolidate services or modify services that would be affordable. Any step to save the trolley system should be undertaken before the service is terminated. Some funds would be received from Waste Management and if those funds materialize, they could possibly be diverted for the trolley. Until all options are explored, Mr. Hay could not support shutting the trolley system down.

Chair Rodriguez reiterated the core purpose for the trolley was for commuter parking and using the trolley to move customers around downtown. The trolley is not used in that capacity at all. There is no money at this time to fund the trolley and the legality of using the funds for a trolley is questionable. Exploring a trolley system in the future would be feasible, after the monies are spent to redevelop the downtown.

Vice Chair Ross added the Attorney General's opinion was very compelling.

Mr. Orlove agreed with Chair Rodriguez to some extent; however, he concurred with Mr. Hay that all alternatives should be considered first. Mr. Orlove emphasized his previous position that there should not be two transportation systems within the City. The trolley did have value for the citizens who live within the CRA district. Although other alternative transit systems should be investigated, the money is not available at this time and the usage of the trolley cannot be verified to warrant the expense.

Attorney Cherof explained there is a threshold issue that had to be determined first. It had become clear the trolley system had not evolved as originally envisioned. Before any monies could be expended, the Board must determine if the program would be appropriate within the parameters of the CRA plan. There has to be a nexus between the trolley service and benefits to the CRA and its plan or the money cannot be spent. A determination should be made first if the trolley services comply with the plan and serves a function of the plan. If the answer would be no, further discussion would not be necessary. Attorney Cherof noted the Acting Executive Director indicated there is no foothold in the plan and there is no record of that occurring.

Motion

Mr. Hay made a motion to determine the program is appropriate. The motion failed for lack of a second.

Motion

Mr. Holzman moved that the trolley system, as it exists, does not fall within the CRA plan. Vice Chair Ross seconded the motion. The motion passed 4-1 (*Mr. Hay dissenting*).

The effect of the motion, according to Attorney Cherof, would be a letter drafted to Molly's Trolleys to indicate the finding made. The contract would not be enforceable because it is not an appropriate function of the CRA as determined by the motion.

Ms. Brooks advised a budget amendment would have to be prepared for the funding of the trolley service to date in the amount of \$60,906 including the cancellation cost. The funds would be taken from the Executive Director Salary & Benefits line item.

Motion

Vice Chair Ross moved to amend the budget. (*There was no second to the motion.*)

Mr. Orlove felt there should be some adequate time to terminate the service. Chair Rodriguez contended the service should stop immediately since no funds were available. Attorney Cherof advised, as with any function, there may be the necessity to wind it down so the riders can be provided notice. Ms. Brooks indicated it cost \$1,704 a day. If the termination date were set, the budget amendment could be handled at the next meeting.

Motion

Mr. Orlove moved to cease operation of the trolley on Friday, November 12th and at the next CRA meeting a budget amendment be discussed that would involve the final numbers. Vice Chair Ross seconded the motion. The motion passed 4-1 (*Mr. Hay dissenting*).

Attorney Cherof mentioned he would evaluate the agreement if it was beyond the scope of the CRA and if the cancellation fee would have to be paid. Ms. Brooks advised the recent agreement approved by the Board was not executed because of the Commission action. The \$20,000 cancellation fee would come from last year's budget because the Board approved not having the trolley during the budget workshop. The additional monies for the four-month extension was not budgeted and planned to utilize the monies set aside for the 4th Street improvements owed to the City.

IV. Consideration of Approving Funding to the Boynton Beach High School Choir to Participate in the Holiday Parade and Concert

Ms. Brooks explained efforts had been ongoing for several years to have the Boynton Beach High School Choir perform at the Holiday Extravaganza. Now that they have won the National Championship the Choir has agreed to walk in the parade and perform on the main stage as the opening act. The fee is \$500 for the parade and \$500 to sing at the Extravaganza.

Motion


Vice Chair Ross moved to approve. Mr. Hay seconded the motion. The motion passed.

V. Public Comments

None.

VI. Adjournment

There being no further matters to come before the Board, Chair Rodriguez properly adjourned the meeting at 6:29 p.m.


Judith A. Pyle, CMC
Deputy City Clerk