



# **MIAMI-DADE COUNTY FINAL OFFICIAL MINUTES Metro Miami Action Plan Trust**

Office of the Metro Miami Action Plan Trust  
19 West Flagler Street  
Mezzanine Room 106  
Miami, Florida 33128

February 19, 2003  
As Advertised

Harvey Ruvin, Clerk  
Board of County Commissioners

Kay Madry Sullivan, Director  
Clerk of the Board Division

Jovel Shaw, Commission Reporter  
(305) 375-1289



**METRO-MIAMI ACTION PLAN TRUST  
MEETING OF FEBRUARY 19, 2003**

The Metro-Miami Action Plan (MMAP) Trust convened at 12:39 p.m., on February 19, 2003, at the Office of Metro-Miami Action Plan, 19 West Flagler Street, Mezzanine - Room 106, there being present Chairperson Dr. Marty Pinkston; Chair-Elect Mr. John T. Jones, Jr.; Trust members: Mr. Miguel A. Amion, Sr., Mr. Arthur J. Barnes, Mr. Tony Crapp, Jr., Ms. Marie B. Hyppolite, Ms. Beverly Kovach, Ms. Ruth Page, Mr. Herbert Robinson, Ms. Cynthia A. Stafford and Mr. Daniel A. Wick; (The following members were absent: Dr. Bradford Brown, Mr. Torris Cooper, Mr. Benedict P. Kuehne, Ms. Greicy Lovin Meighan, Mr. Andre McAden, Ms. Effie McCartney-Donaldson and Dr. Marzell Smith); MMAP President/CEO Vincent Brown; Staff members: Ms. Cindy Campbell, Ms. Laverne Carlisle, Ms. Rachel Fredericq, Mr. Jose Gonzalez, Mr. Carl Harrison, Ms. Joann Hicks, Mr. Caesar Phillips, Ms. Traci Pollock, Ms. Natelege Powell, Ms. Rashada Simmons, Mr. William Simmons, Ms. Gloria Taylor, Mr. Jeffrey Watson and Mr. Aaron Weeks; Mr. Gary Hartfield, Assistant to the Assistant County Manager Tony Crapp, Sr.; and Deputy Clerk Jovel Shaw.

Chairperson Pinkston called the meeting to order at 12:41 p.m.

**APPROVAL OF MINUTES (Clerk of Courts)**

It was moved by Chair-Elect Jones that the Trust approve its meeting minutes of January 15, 2003. This motion was seconded by Ms. Stafford, and upon being put to a vote, passed unanimously by those members present.

**REVIEW OF THE INFORMAL MINUTES OF THE EXECUTIVE COMMITTEE MEETING**

**I. MONTHLY STATUS REPORTS**

**A. Action Committees**

**1. Criminal Justice Sensitivity Action Committee (CJSAC)**

Chair-Elect Jones noted a meeting of the CJSAC was held on yesterday (3/18). He noted Ms. Cindy Campbell would present this report.

Ms. Campbell presented the foregoing report, which outlined the activities currently underway by CJSAC. She noted the CJSAC was engaged in efforts to plan the following workshops as part of the MMAP's annual conference: The "Nonviolence Economics: Planting the Seed and Reaping the Harvest" and the "From the School House to the Jail House - A Menu For Success." Ms. Campbell advised that staff had received confirmation from speakers/presenters for these workshops. She noted Mr. C.T. Vivian would be the speaker for the Nonviolence Economics Workshop; and Dr. Donna Elam and Dr. Robert Ingram would serve as presenters for the workshop entitled "From the School House to the JailHouse -- A Menu for Success." Ms. Campbell pointed out that

Dr. Ingram would host a pre-workshop at Miami-Dade County Public School facilities a few days before the conference.

Mr. Brown noted these workshops would be hosted as part of the upcoming MMAP conference. He also noted the CJSAC met at the Joseph Caleb Community Center on January 14, 2003, to discuss the plans and to address community concerns regarding these events.

Members of the MMAP Trust agreed to defer the foregoing report for consideration with all other items dealing with MMAP's Annual Conference, as requested by Chairperson Pinkston.

## **2. Education Action Committee**

Chairperson Pinkston noted the Education Action Committee did not submit a report.

## **3. Community Economic Development Action Committee (CEDAC)**

Mr. Barnes presented CEDAC's report entitled "Metro-Miami Action Plan Trust" dated January 31, 2003. He also presented a Memorandum of Understanding (MOU), dated January 9, 2003. Mr. Barnes asked that the person authorized to sign for the MMAP Trust sign off on page 3 of the MOU.

Mr. Barnes noted the CEDAC was engaged in collaborations with other organizations in an effort to tap into various other available resources, and this MOU was a result of those efforts. Mr. Barnes explained that according to the terms of the MOU, the committee's current responsibility was limited to receiving referrals and aiding program participation in the process of business creation (that is, the MMAP's Business Relations Program at the Florida Memorial Entrepreneurial Institute). He noted the committee would provide information on the importance of having good credit as well.

Mr. Barnes asked that staff be authorized to renegotiate the existing contract with Small Business Administration, which would expire within the next six months.

Mr. Brown noted the South Florida Field Office (SFFO) would be contacted regarding the need to renegotiate that contract.

Mr. Barnes pointed out Ms. Althea Harris was now in charge of administering the program, and she was the person who should be contacted from the SFFO.

## **4. International Trade Committee**

Mr. Amion presented the ITC's monthly report entitled, "International Trade Development," in which he noted the ITC was currently working with representatives from the state of Florida regarding participation in the upcoming April 2003 International

Trade Commission Conference. Mr. Amion noted MMAP would be participating in the conference.

**B. Units/Sections/Divisions**  
**1. Fiscal Management**

Mr. Brown noted each MMAP Trust member was provided with a report entitled the "Metro-Miami Action Plan Trust Projected Budgeted for Fiscal Year 2002-03," which included a fiscal summary for the current quarter as well as budget projection for the MMAP Trust through the end of this fiscal year.

Mr. Brown pointed out that the major deficit or the shortfall was reflected in the operations of the MLK Academy. He noted the budget projection for the Academy included salaries and costs associated with educational facilities, etc., for 200 students; however, only 160 students were currently enrolled. Mr. Brown also noted part of the deficit was incurred from one-on-one and small group learning environments intended to help students pass the FCAT and to assess the academic performance of students placed in these environments. He recommended the budget for the Academy be reevaluated, with emphasis on reducing this deficit after FCAT, and that strategies be developed by the Trust to address the deficit at that time.

**2. MLK Academy**

Mr. Brown presented the MLK Leadership Academy Monthly Report and stressed the importance of academics for students enrolled at the academy. He noted the Martin Luther King, Jr., (MLK) Academy was operating in a deficit due to the budgeted staff for 200 students. Mr. Brown stated adjustments need to be made unless the Trust bring forth policies to address the deficit. Mr. Brown suggested that budget cuts could be made to the General Fund and reallocated to the MLK Academy.

Discussion ensued among the Trust members regarding the cost for rent, the other tenants residing in the building along with the MLK Academy, the projected deficit, the lease agreement and the insurance coverage for the building.

In response to Mr. Jones' inquiry regarding discussed the Neighborhood Accountability Board (NAB) and the budgeted line item regarding an office for NAB with equipment along with one staff member, Mr. Brown stated the office was located in the same building with the MLK Leadership Academy.

Chairperson Pinkston stated an Executive Session would be held after the Trust meeting to discuss the MLK Academy.

**3. Teen Court**

Mr. Brown stated the foregoing reports were submitted for informational purposes.

#### **4. Housing**

Mr. Brown stated the foregoing reports were submitted for informational purposes.

#### **5. Economic Development**

In response to Mr. Barnes' comments regarding the inaccurate information contained within the graphs, Mr. Brown stated corrections would be made to reflect the correct information.

Mr. Barnes noted in connection with the pending loan by Peace of Mind (POM) Pest Control and B & B College Throwback USA, Inc., staff prepared a report informing Trust members that POM Pest Control had ceased operations. He noted a similar narrative was not prepared on Throwback USA.

Mr. Weeks provided an update on the status of the pending loan with Throwback USA upon Chairperson Pinkston's request. He noted this loan in the amount of \$50,000 was approved as start up monies for a business venture that deal with selling throwback jerseys to colleges during football season. Mr. Weeks noted delays in obtaining the required licenses caused the owner(s) to miss the targeted deadline for the college football season. He advised that the licenses were subsequently issued, and the first payment towards the repayment of this loan was received in the mail today (2/19).

## **II. PRESIDENT's ITEMS**

### **A. Agreement with Becker & Poliakoff for representation on leasing issues associated with Northside Metrorail Station**

Mr. Brown noted the MMAP Trust had retained the Law Firm of Becker and Poliakoff (B&P), P.A. as legal counsel to represent its interest in the Northside Metrorail Station Development Project. He introduced Mr. Rob Burnett, attorney B&P, whom he noted, was present today regarding this report.

Mr. Rob Burnett, attorney, Becker and Poliakoff, P.A. appeared before the MMAP Trust and provided an overview of the development agreement. He explained that this agreement was intended to establish the relationship between the MMAP Trust as a passive partner in the development of the Northside Metrorail Station project. Mr. Burnett noted this agreement was also intended to establish a limited partnership with the developer to be known as the Northside Station Limited Partnership, which had not been formed thus far.

Mr. Burnett clarified that pursuant to this agreement the MMAP Trust would not be required to render any services. He noted in terms of the relationship between the developer and the MMAP Trust, the obligation would be imparted upon the developer in any manner deemed appropriately. He urged Trust members to review the termination provision contained within Section 8 of this agreement, which he noted was intended to

allow the MMAP Trust to terminate the existing contract and renegotiate in the event the developer either filed or was forced into bankruptcy or in the event of some other unforeseen circumstance(s).

One of the major concerns to the Trust, Mr. Burnett noted, involved the revenues generated from fees imposed on the developer by MMAP. Mr. Burnett informed Trust members that an analysis of anticipated revenue profits to be derived by the MMAP Trust as a result of this project was outlined in Exhibit B of the agreement. He also informed them that revenue profits would be calculated based on a guarantee payment or a percentage of the rent received upon the project's completion. However, he noted that the County Commission would ultimately determine the method used to calculate these revenues.

In response to Chairperson Pinkston's inquiry regarding a review by the County Attorney's Office (CAO), Mr. Brown reminded the Trust members that the CAO has a conflict of interest to represent the Trust in any negotiations. He also noted the foregoing matter was time sensitive due to the developer seeking tax credit that was due March 26. Mr. Brown stated there are two events that need to occur prior to March 26, the approval of the foregoing agreement and the lease agreement for the Northside Metrorail Station project in order to apply for tax credit.

Discussion ensued among the Trust members regarding the process, the partnership, the liability and the developmental rights for the Northside Metrorail Station project.

It was moved by Ms. Stafford that the Trust accept and grant the authority to execute the agreement with Becker and Poliakoff, P.A. to provide legal services for the development project at the Northside Metrorail site. This motion was seconded by Mr. Amion, and upon being put to a vote, passed by unanimously by those members present.

Discussion ensued among the Trust members in connection with the lease agreement with Miami-Dade Transit.

Mr. Brown stated staff was seeking authority to execute the lease after a copy of the lease agreement has been provided to the Trust for review. He advised the Trust that the lease agreement was standard by the County and not many changes are made to this type of agreement. Mr. Brown stated the rent rate was based on the market value and Federal government requirements would be adhered too. He concluded by stating the only change that could occur would be if the County declared the property as surplus and MMAP obtain the deed to the property.

Chairperson Pinkston advised the Trust that the lease agreement could be approved subject to input from the Chairperson of the Trust.

Mr. Hartfield informed the Trust that the lease agreement should be reviewed by the appropriate Board of County Commissioners (BCC)' Committee prior to being considered by the BCC.

Mr. Brown noted discussions had been held with Assistant County Manager Tony Crapp, Sr. and Commissioner Rolle who chairs the Economic Development and Human Services Committee regarding consideration of the lease agreement with Miami-Dade Transit. He stated a copy of the lease agreement would be provided to all Trust members and input should be received by Friday, February 21.

It was moved by Chair-Elect Jones that the Trust accept the lease agreement and authority be granted to the President/CEO of MMAP to execute the agreement with Miami-Dade Transit. This motion was seconded by Mr. Barnes, and upon being put to a vote, passed unanimously by those members present.

**B. Staff Committee Assignments**

Mr. Brown stated the foregoing item was submitted for informational purposes.

**C. MLK Tort Claim**

Mr. Brown noted each Trust members should have received prior notification of the foregoing Tort Claim involving injuries a child sustained from a volleyball tether at 6444 Biscayne Boulevard. He advised that this notice be provided pursuant to Florida Statutes, which required that the plaintiff to notify the governmental entity (Miami-Dade County), prior to filing a lawsuit. Mr. Brown informed Trust members that according to the information provided in this claim legal Counsel for the plaintiff had concluded that the MMAP Trust may be liable for the injuries sustained by the child, rather than the Miami-Dade County School Board. He explained that the County could opt to pay the claim, deny liability, or take no action; however, a determination must be made within six months after receiving the claim.

Mr. Brown advised that this claim was currently under investigation by Miami-Dade County's Risk Management Division and upon conclusion of its investigation the Division would render a decision on the appropriate action to be taken by the County. He noted the plaintiff would be permitted to proceed with filing a lawsuit should Risk Management rule to deny liability or take no action.

Following brief comments regarding the extent of injuries involved, Trust members proceeded to consider the following agenda item.

**D. MLK/5220 Update**

Mr. Caesar Phillips presented the foregoing report, which he noted was intended to apprise the Trust members on the status of efforts underway to comply with the City of Miami. He noted staff was currently trying to address issues pertaining to the Certificate of Use (a change from an office to an educational use), including an upgrade in the existing fire alarm system to a horn/stroll system; to ensure that lighting/electrical

improvements were made by the Landlord, and to obtain from the Landlord an addendum to the existing lease agreement for the use of adjacent property as a play ground.

Mr. Phillips advised that staff met with representatives from the Risk Management Section of the Miami-Dade County General Services Administration (GSA), which resulted in efforts to include liability insurance coverage in the contract between the Trust and the Miami-Dade County School Board. He noted staff was currently assessing the value of the contents of all facilities currently occupied by the MMAP in order to develop a combined lump sum total for the content value for insurance purposes. Additionally, Mr. Phillips noted staff was working with Assistant County Attorney Richard Rosenthal to determine whether to proceed with a lease agreement versus entering a sublease agreement for the Academy.

Mr. Phillips and Mr. Brown responded to questions and comments from Trust members regarding the total amount invested by the Trust for repairs and renovations to the MLK Academy.

Following further discussion, Chairperson Pinkston stated an Executive Session would be held following the Trust meeting to discuss issues pertaining to the MLK Academy.

#### **E. Manager's FY 02-03 Quarterly Report**

Mr. Brown advised that the foregoing report, entitled, "The First Quarter Management Report for Fiscal Year 2002-03" was prepared in response to the County Manager's request that business plan objectives be submitted by the MMAP Trust.

#### **F. Conference Report**

Ms. Pollock presented the foregoing report entitled, "20th Annual Community Conference Update," which she noted the conference would be held May 8 - 9, 2003 at the Miami Beach Convention Center. She provided an overview of activities scheduled during the conference; including the golf tournament, the VIP reception featuring the renowned jazz vocalist Nancy Wilson, and the one-day conference featuring Mr. Andrew Young and Mr. Michael Eric Dyson, and other nationally and locally recognized guest speakers, followed by the Town Hall meeting. Ms. Pollock noted also scheduled, as parts of the conference were the following workshops:

- ◆ Business and Technology: The future is Now
- ◆ Innovative Development Strategies in Affordable Housing
- ◆ Nonviolence Economics: Planting the Seed and Reaping the Harvest
- ◆ From the School House to the Jail House: A Menu for Success

Ms. Pollock reassured members of the Trust that staff was finalizing the conference plans, and she invited each of them to participate in this upcoming Conference Planning Committee meeting on Friday, February 21, 2003.

Mr. Brown advised that guest speaker(s) retained by action committees would be paid from their respective committee budgets, the same as last year. He pointed out that the consultants were committed to raising up to \$100,000, which was included and outlined in the foregoing report. Unlike last year, Mr. Brown noted a CD brochure would be developed as marketing tool for this year's conference. He explained that staff was currently engaged in efforts to involve HOT 105.1 Radio Station and other sponsors to enhance the quality of the conference and to help underwrite some of the costs.

Mr. Gary Hartfield noted he participated in a tour earlier today of the new Downtown Miami location of the Courtyard by Marriott, which he noted was formerly known as the Holiday Inn. He said he was quite impressed with the magnitude of renovations. He noted these facilities were transformed into a phenomenal accommodation, with rooms starting at \$159 per night and as low as \$98 for governmental employees.

Following further discussion regarding the costs associated with guest speakers, Chairperson Pinkston and members of the Trust authorized Mr. Brown to proceed with negotiations to secure Andrew Young as guest speaker for the conference.

Following further discussion, Ms. Pollock suggested concerns regarding the lack of participation in the Town Hall meeting could be discussed at the Planning Conference meetings.

Chairperson Pinkston asked that staff prepare one comprehensive document outlining a semifinal plan, but preferably a finalized plan for review by Trust members, before the end of March 2003.

#### **G. Recognition luncheon for Carrie P. Meek**

Mr. Brown stated the Recognition Luncheon for former U.S. Congresswoman Carrie P. Meek Recognition Luncheon would be held on February 20, at the Sea Port of Miami. He noted MMAP had prepared a video presentation honoring U.S. Congresswoman Carrie P. Meek that included Congresswoman Meek's contribution to the MMAP's organization. Mr. Brown noted Congressmen Kendrick Meek and Alcee Hastings; Commissioner Barbara Carey-Shuler, Chairperson, Miami-Dade County Board of County Commissions; and others will be featured in the video.

In response to Mr. Brown's suggestion that representatives of the Trust also be featured in the video presentation, Chairperson Pinkston stated she would attend the Luncheon, and she would present the presentation on behalf of the Trust at that time.

#### **H. General Fund Preliminary Allocation**

Mr. Brown advised that the foregoing report was prepared in response to an e-mail from the Office of Management and Budget requesting a preliminary budget for the Trust. He noted the total amount of \$1,030,000, the same as last year.

## **I. MLK Academy Personnel Filing System**

Mr. Brown presented the foregoing report, which he noted was prepared in response to concerns raised by Trust members regarding the security of personnel files maintained at the MLK Academy. He explained that personnel files were secured in a central location in the Administrative/Human Resource Section of the MLK Academy. He informed the Trust that criminal background checks are being conducted for the staff through Miami-Dade County Public Schools.

## **III TRUST ITEMS**

### **A. Memorandum of Approval**

#### **1. Infill Housing Program**

Mr. Brown presented the foregoing Memorandum of Approval that involved a pre-development loan for the construction of seven single-family homes (Infill Housing sites). He noted the Executive Committee recommended approval of the Infill Housing Program and the loan.

Mr. Jones questioned whether the principal owners of the Palmetto Homes, Inc., were minorities.

Mr. Brown suggested that Palmetto Homes, Inc. be required to sign an Affidavit stating that the company was 100 percent or a majority owned-African American company, subject to a penalty of perjury for falsifying that document.

It was moved by Mr. Crapp, Jr. that staff proceeds with the unsolicited Request for Proposal (RFP) from Palmetto Homes, Inc., provided the company submitted a signed Affidavit stating that 100 percent or a majority of the principal ownership of the company was African Americans, as recommended by Mr. Brown. Mr. Amion seconded this motion.

Following clarification regarding this matter, the foregoing motion and seconded were withdrawn by Mr. Crapp, Jr. and Mr. Amion respectively.

Mr. Brown noted the RFP was forwarded to the MMAP Trust with a favorable recommendation from the Executive Committee. He noted staff amending the document considered had distributed a Memorandum of Approval by the Executive Committee. This explained that this development project was a pilot program aimed at working with the developer to provide affordable housing at a reasonable price, and a return on investment would not be sought.

Mr. Brown noted in response to concerns raised by Mr. Jones, that the concept of this project was introduced in 1998. He said this venue was aimed at exploring the viability of collaborating with developers as an alternative to providing affordable housing.

Following comments from Mr. Hartfield and other Trust members in support of the contract with Palmetto Homes, Inc., Mr. Barnes questioned whether the principal owners of Palmetto Homes, Inc. should be identified, prior to approving this loan.

Mr. Brown asked that the RFP be approved as moved by Mr. Crapp, Jr., with the inclusion of appropriate language instructing staff to prohibit the issuance of loan funds, pending the identification of all principal owners of Palmetto Homes, Inc. Also that staff be instructed to remand the foregoing RFP to the Trust should Palmetto Homes, Inc. fail to sign the affidavit stating that it was majority, African-American owned company.

Following further discussion, it was moved by Mr. Crapp Jr. that members of the Trust approve a \$70,000 pre-development loan to Palmetto Homes Inc. for construction of single family housing units on scattered sites in the North Miami area, subject to the submittal of an affidavit stating that Palmetto Homes Inc. was a minority owned company. This motion was seconded by Mr. Amion, and upon being put to a vote, passed by a vote of 11-0, Trust members Dr. Brown, Mr. Cooper, Mr. Kuehne, Ms. Lovin-Meighan, Mr. McAden, Ms. McCartney-Donaldson and Dr. Smith were absent.

## **2. WKL & Associates, Inc.**

The foregoing item was withdrawn, as requested by Mr. Brown.

## **3. 54th Street Development Project**

Mr. Brown presented the foregoing Memorandum of Approval entitled "Request for Loan to begin the 54th Street Development Project," which recommended that the Trust approve a 120-day loan in the amount of \$75,000 for pre-development costs associated with the development of property located at the SW corner of NW 27th Avenue and 54th Street to Peninsula Developers/Teja Associates Inc./ MMAP Foundation Inc. Mr. Brown pointed out that the Foundation's joint development partners, Mr. Alben Duffie and Mr. Otis Pitts had personally guaranteed the repayment of the \$75,000 loan within 120-days after the closing date. He noted this matter was forwarded to the MMAP Trust with a favorable recommendation from the Executive Committee.

Mr. Jones pointed out that the Trust members did not have before them any documentation to support the commitment made by Mr. Duffie and Mr. Pitts or who would receive the loan. He suggested representatives should present a written request to the MMAP Trust from the Foundation.

Mr. Weeks addressed concerns regarding the lack of written documentation providing for the repayment of the loan. He suggested that concern regarding the repayment of this loan could be addressed as previously recommended by Mr. Brown; or it could be accomplished though an agreement by the Foundation and its joint development partners.

Mr. Robinson emphasized the need for requests for loans/funding as well as written documentation supporting the respective requests must be presented to the Trust by a member of the Foundation, rather than Mr. Brown.

Following questions and comments from Chairperson Pinkston and Mr. Crapp, Jr, it was moved by Mr. Robinson that the Memorandum of Approval regarding the 54th Street Development Project be deferred, pending an oral presentation to the Trust by a representative(s) of the MMAP Foundation to the Executive Committee, and the submittal of written documentation outlining obligations for the repayment of the loan. This motion was seconded by Mr. Barnes, and upon being put to a vote, passed by a vote of 11-0, Trust members Dr. Brown, Mr. Cooper, Mr. Kuehne, Ms. Lovin-Meighan, Mr. McAden, Ms. McCartney-Donaldson and Dr. Smith were absent.

#### **4. Camile and Sulette Merilus Foundation for Haiti Development Inc. Charitable Contribution Request**

Mr. Brown presented the foregoing request entitled "Camile and Sulette Merilus Foundation for Haiti Development, Inc.," which he noted involved a charitable contribution from the Trust, however, a recommendation was not submitted by staff in connection with this request.

Mr. Crapp, Jr. recommended that the Trust send a letter to Camile and Sulette Merilus Foundation for Haiti Development Inc. stating that the Trust does not consider request of this nature based upon the background information provided.

#### **5. Joint Venture Development Agreement**

Not presented.

#### **ADJOURNMENT**

There being no further business to come before the Trust, the meeting was adjourned at 2:30 p.m.

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Chairperson Dr. Marty Pinkston