

**FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY**

777 Glades Road, ADM 326, Boca Raton, FL 33431

April 25th, 2018 at 8 AM

**Meeting Minutes**

Members present

Mr. Michael I. Daszkal Chair

Mr. Bob Swindell Vice Chair (arrived 8:35 am)

Dr. Robert D. Parks Member

Hon. Susan Whelchel Member

Mr. Bruce C. Rosetto Member

Members absent

Dr. Daniel C. Flynn Treasurer (participated by telephone)

Ms. Lonnie H. Maier Member

Staff present: Andrew Duffell, President & CEO

Christine Burres, Director of Operations

Jacki Wales, Office Administrator

Counsel: George Pincus, Marissa D. Kelley

Others Present

Michelle Vogel – Anne DeStout/Court Reporter, Robert I MacLaren II – Osborne & Osborne, P.A., Raquel Rodriguez - McDonalds Hopkins, Jim Rosemurgy - Rosemurgy Properties, John Temple - Temple Development Company, Alex Castro – Raith Capital, James Egan – Raith Capital, Elizabeth Fago – NuVista, Paul Walczak – NuVista, Keith O’Donnell – Avison Young, Gary Dunay – Dunay, Miskel and Backman LLP, John F. Gilroy – Law office of John F. Gilroy III P.A.

1. **Call to order & roll call**

Meeting called to order by Chairman Daszkal at 8:15 AM.

President Duffell called the roll: 4 members present. Mr. Duffell informed the Chairman that a quorum was present.

1. **Additions, deletions, substitutions to the agenda**

None

1. **Review of minutes**

**A motion to approve the February 13th, 2018** **regular meeting minutes and the February 13th, 2018 strategic vision meeting minutes was made by Hon. Whelchel and seconded by Dr. Parks. The motion passed 4-0, with 2 members absent; Dr. Flynn voted in favor by telephone.**

1. **Public Comment**

Robert MacLaren stated that on behalf of his client, Boca/Research Park, Ltd. (BRP), the word default should not be used in the minutes from February 13th, but rather advanced payment. He went on to say that BRP is working with the Authority to find a resolution to resolve the rent payments dispute.

1. **Treasurer’s report**

Dr. Flynn reported the financials are in order.

**A motion to approve January 2018 and February 2018 financial statements was made by Mr. Rosetto and seconded by Dr. Parks. The motion passed 4-0, with 2 members absent; Dr. Flynn voted in favor by telephone.**

1. **Chairman’s report**

None.

1. **Old business**

Paul Walczak discussed his efforts to secure memoranda of understanding from the colleges of medicine and business.

Gary Dunay discussed the history of interaction between the Authority and FAU regarding NuVista.

Robert MacLaren discussed the history of the maintenance associations and outlined the difficulties in updating the lift station.

Jim Rosemurgy discussed his experience developing memory care facilities, and stated his interest in partnering with NuVista on its second stage of development. He will be submitting a White Paper to the Authority.

James Egan updated the Authority on where the sewer capacity increase stands. Preliminary phases are completed, plans submitted to the City are completed, permits are processed, bids are out, and the developer has funds held in escrow. May 21st is the start date and completion will be in August of 2018.

John Temple waived his comments.

Raquel Rodriguez presented her background to the Authority. She discussed her position that the Authority’s issuance of an approval for a White Paper amounts to a Development Order under the Florida Statutes. She also discussed how development orders have been extended by various declarations of states of emergency.

END OF PUBLIC COMMENT

Mr. Duffell began his update of events since the last meeting, including the sixty-day period for NuVista to submit memoranda of understanding from the various colleges of Florida Atlantic University. He stated the significant time this project has taken to get to this point has drained the Authority staff of time and the Authority itself of finances. He stated that he had been threatened with litigation by various parties involved in this project. The Chairman asked Mr. Duffell to end his comments.

**A motion to approve the second NuVista White Paper was made by Mr. Rosetto. Motion failed to garner a second.**

1. **Regular business**

A. Review of amended 2017-2018 budget.

**A motion to approve the amended 2017-2018 budget was made by Mr. Swindell and seconded by Dr. Parks. The motion passed 5-0, with 1 member absent; Dr. Flynn voted in favor by telephone.**

B. Review draft strategic plan.

Mr. Duffell presented the draft strategic plan. Consensus of the Authority was further refinement, and Mr. Duffell should spend time with each member to discuss before bringing a revised draft back to the Authority.

C. Maintenance Association appointment.

**A motion to nominate Mr. Rosetto to the Florida Atlantic University Research and Development Park Maintenance Association and the Phase II Florida Atlantic University Research and Development Park Maintenance Association made by Mr. Swindell, and seconded by Dr. Parks. The motion passed 5-0, with 1 member absent; Dr. Flynn voted in favor by telephone.**

D. Review Research Park Award nominations.

**A motion to approve the selected Research Park Award nominees was made by Mr. Rosetto and seconded by Hon. Whelchel. The motion passed 5-0, with 1 member absent; Dr. Flynn voted in favor by telephone.**

1. **General Counsel’s report**

Counsel Kelley reported that she has been filling in for George Pincus, who has now returned to work. She discussed ongoing efforts to resolve the rent dispute with BRP, and the fact that a boundary survey has been commissioned to aid in the effort. She reported that the Authority has received two public records requests, both regarding NuVista, one from Dunay, Miskel and the other from Raquel Rodriguez at McDonald Hopkins. Ms. Kelley also informed the Authority that NuVista has initiated legal action against the Agency for Healthcare Administration regarding its Certificate of Need expiration; Mr. Duffell has been subpoenaed to testify in that case.

1. **University report**

Dr. Flynn reported FAU research activity is increasing and should reach $56 million in FY2018. On May 7th, FAU will host an event open to businesses to partner with the University. The Florida Israel institute is re-activated. FAU is engaging with Israeli biotech and tech in general hoping to bring companies to our Research Park at FAU.

1. **President’s report**

Mr. Duffell will submit the President’s report to the Authority in email in the interests of time.

1. **Members’ comments and reports**

Discussion regarding a vote on NuVista ensued and Raquel Rodriguez called for a vote on the subject from the audience.

**A motion to approve the second NuVista White Paper was made by Mr. Rosetto and seconded by Hon. Whelchel. The motion failed 3-3, with 1 member absent; Dr. Flynn voted against the motion by telephone.**

1. **Adjourn**

**Motion to adjourn the meeting of the Florida Atlantic Research and Development Authority was made by at Dr. Parks at 10:15 AM and seconded by Mr. Rosetto. The motion passed 5-0, with 1 member absent; Dr. Flynn voted in favor by telephone.**

Respectfully presented to the Authority for review and approval on June 20th, 2018 and revised on June 26th, 2018.

Reviewed and approved by the Authority by 5-2 vote on June 27th, 2018.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Andrew Duffell, Secretary Corporate Seal

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