

**MINUTES
CRA BOARD MEETING
OCTOBER 09, 2023
7:00 P.M.**

This CRA Board Meeting was conducted utilizing Communications Media Technology. Some Staff members were present in the Commission Chambers while others were present via the Zoom application.

ELECTED OFFICIALS PRESENT IN CHAMBERS:

Shirley Groover Bryant, Presiding Officer
Brian Williams, Chair
Harold Smith, Vice Chair
Tamara Cornwell
Sheldon Jones
Sunshine Mathews

STAFF PRESENT IN CHAMBERS:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Edward Johnson, Interim CRA Director
Mohammed Rayan, Public Works Director
Scott Tyler, Chief of Police
Cassi Bailey, Assistant City Clerk
Penny Johnston, Executive Assistant

STAFF PRESENT ELECTRONICALLY:

Todd Williams, Information Technology (IT) Consultant

1. Mayor Bryant called the meeting to order at 7:14 pm.

2. CRA BOARD AGENDA APPROVAL

MOTION:

Mr. Jones moved, Mr. Williams seconded, and the motion carried 5-0 to approve the Consent Agenda as presented by staff.

3. PUBLIC COMMENT

No public comment.

4. CONSENT AGENDA

a. Minutes: 09/11/2023

b. MLK Playground Final Site Location

c. CRA Legal Invoices

MOTION:

Mr. Jones moved, Mr. Williams seconded, and the motion carried 5-0 to approve the Consent Agenda as presented by staff for items 4a & c.

Mr. Jones pulled item 4b. MLK Playground Final Site Location for discussion. He questioned the site location and the response from Southwest Florida Water Management District, SWFWMD. He said no matter which site they vote on; they would have to come out to ensure compliance. He is still in favor of the previous site that was discussed. His recommendation is to go with the Southeast location, if they will approve it.

Mr. Williams stated that staff has said where it needs to be, and SWFWMD responded. He read from the original agreement. Specifically highlighting, that we have to keep it as a perpetual conservation easement. Otherwise, they would have to pay back the state. He is not willing to do that. He believes that the Commissioners that vote in favor of it, would be personally responsible.

Mr. Jones believed they would have to pay back 10% of the money from the original contract. He says SWFWMD would have to approve either site.

Mr. Barnebey opined on the subject. He believed if they went with the other site, it would delay the installation of the project. The amount of the impact on the original agreement would be the amount they need to pay back. Unless they get the conservation changed, then they would have to deal with the possible repayment.

Mr. Jones reiterated that either site would have to be approved by SWFWMD. He wants the playground, but he wants it on the other site.

Mr. Smith emphasized that they don't have the playground equipment yet. Mr. Johnson agreed that was correct. Mr. Smith asked when SWFWMD can come and check out these sites. Mr. Johnson emphasized the email that was sent by SWFWMD. Mr. Smith asked if they can put out the request. Mr. Johnson answered, yes, they have to submit plans, then they will take that and negotiate. A formal application needs to be submitted. Mr. Smith doesn't want the project cancelled. Mr. Johnson re-emphasized that they have to submit a formal application before SWFWMD will evaluate.

Mr. Freeman read the provision from the original contract. Section 6 stated that 5% of the total project for each year or fractional year of early termination may need to be reimbursed, 5% of \$500,000 for each year. The original contract was for 20 years and signed in 2013. Mr. Freeman didn't believe we spent the full \$500,000. It would be approximately half of the amount that would need to be owed back.

Mr. Williams asked how much it would cost to submit two plans. Mr. Johnson answered that they could submit one plan with option a or b. The whole park is a conservation easement, and they would need to negotiate if we are changing our original agreement.

Mr. Smith reiterated what Mr. Freeman read from the contract. He believed it was only needed to be paid back if it was not maintained. Mr. Freeman clarified what was stated in the original contract.

MOTION:

Mr. Jones moved to send out a site plan for either site, a and b, to come out and determine which site on the conservation they can put the playground on. Mr. Williams seconded.

Mr. Williams wanted to amend the motion to include "without additional penalties." Mr. Jones seconded the amended motion.

Mr. Barnebey clarified the motion to read:

We will submit to SWFWMD an application of both sites, (a and b) 1 and 2, to be reviewed. If either site requires additional costs over the other one, we will withdraw that one, and use the one that doesn't require additional money.

The motion carried 5-0.

5. CRA DIRECTOR'S COMMENTS

No additional comments.

6. CRA PRESIDING OFFICER'S COMMENTS

No additional comments.

7. CRA BOARD MEMEBERS' COMMENTS

No additional comments.

Mayor Bryant adjourned the meeting at 7:44 pm.

MINUTES APPROVED: NOVEMBER 6, 2023

JAMES R. FREEMAN

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CITY CLERK