

# **ADVISORY BOARD MEETING**

**COMMUNITY REDEVELOPMENT AGENCY  
PALMETTO, FLORIDA**

**April 14, 2009**

# **ATTACHMENT A**

**PALMETTO COMMUNITY REDEVELOPMENT AGENCY  
ADVISORY BOARD MEETING**

**March 17, 2009  
(continued March 25, 2009)**

**Advisory Board Members Present:**

Sia Mollanazar  
Charles Smith  
Betty Ann Price  
Nick Costides (new appointee present 3/25/09)

**Members Absent:**

None

**Also Present:**

Tanya Lukowiak, CRA Executive Director  
Mark Barnebey, City Attorney

**I. CALL TO ORDER**

Mr. Smith called the meeting to order at 5:30 PM.

**II. OATH OF OFFICE (audio 3:30)**

Mr. Barnebey administered the Oath of Office to new Advisory Board members Charles Smith, Elizabeth Ann Price and Sia Mollanazar.

**III. APPROVAL OF AGENDA (audio 6:10)**

Mr. Smith requested that Agenda Items 3.F.1. – 3.F.7. be removed from the agenda, to allow for him to meet with and get more information from the Executive Director. He advised the Advisory Board that he has a meeting scheduled with the Mayor on Friday to get more input on these items.

Discussion ensued. After an inquiry from Mr. Barnebey, the Executive Director advised the Advisory Board that, generally, these projects had been reviewed in May of last year in preparation for this year's budget, and that they have all been presented at once because we are approaching mid-way through the year and the budget process for next year begins in June.

Mr. Mollanazar asked for clarification regarding the process for the operation and interaction of the Advisory Board and the CRA Board. Mr. Barnebey directed the Advisory Board to review items in the same manner that they would have when they were the CRA Board, but, instead of making an action decision, the Advisory Board would make a recommendation to the CRA Board.

Mr. Mollanazar discussed his desire to have items that are on the agenda available for consideration by the entire Advisory Board, instead of having the Chair edit the agenda in advance. Mr. Smith responded that he did not have enough information to go forward on these items and had not

participated in the creation of the agenda. Additional discussion ensued regarding the process by which items would be placed upon the agenda. Mr. Smith explained that he serves on six boards, and the normal process is that the Chair is responsible, with staff, for putting together the agenda, and then it goes to the entire board.

The Executive Director provided additional information about the process for creating this agenda, and the unusual nature of this particular agenda because of the creation of the new Advisory Board and the urgency she feels with regard to beginning to spend the dollars budgeted for this year. Mr. Smith reassured the Advisory Board that the Mayor asked him to postpone consideration of these items, so that she would be able to meet with him about these items prior to moving them forward. Ms. Price agreed that she would like additional information on many agenda items.

The Advisory Board agreed to recess this meeting until Wednesday, March 25, 2009 at 5:30 PM, in order to have more time to discuss these projects.

The Executive Director requested that the minutes for the joint meeting January 13, 2009 be added to the agenda for consideration.

**MOTION:** Mr. Mollanazar moved, Ms. Price seconded, and motion carried unanimously to approve the agenda as amended.

**IV. OLD BUSINESS**

**A. Approval of Minutes – January 13 and 20, 2009**

**B. First Baptist Church Storefront Grant Review (audio 39:00)**

The Executive Director explained to the Advisory Board that the CRA District boundary splits the church building. This was disclosed during the CRA Board meeting on August 13, 2008 when the application was considered. After having made a site visit, exact expenditures and improvements have been listed on the attached spreadsheet. The Advisory Board was asked to make a recommendation regarding appropriate policy.

The current policy is to reimburse 50% of eligible expenses. This is a unique circumstance because the building is split down the middle. When this is the case, the Advisory Board may recommend considering the improvements on both sides of the building as part of the expenses that we can split. Additionally, the Advisory Board may recommend including the playground improvements in the list of eligible expenses, in that these costs were part of the original application but were not considered because the CRA Board instead considered all of the improvements to both sides of the building.

The church as agreed with the Mayor to hold the check until a final decision is made.

The question of policy was posed to the Advisory Board:

- Whether they want 50% of pre-approved eligible expenses, or
- Whether they want 50% of expenses within the CRA district, or
- Whether they want 50% of expenses within the CRA district, including both sides of a building that is bisected by the boundary line as a match, up to the grant limitation of \$50,000.

Mr. Barnebey added that the Statute provides that you may spend money on improvements within the CRA. He concurred that the boundary in this particular location does appear to go directly down the center of the block and reiterated information regarding the site visit and the options available in establishing a policy. This was a unique situation that the CRA had never faced before, and will apply to any other properties that might be similarly situated. The ultimate decision with regard to this grant will lie with the City Commission as the CRA Board, but they would like policy input from the Advisory Board.

The pre-approved expenses that lie within the CRA district were \$33,497. The total expenditure within the CRA District was \$94,522.

Mr. Smith asked about the implications with regard to the compliance audit that is to be conducted on the CRA. Mr. Barnebey explained that the Statute does not address the matching policy, so this is a separate issue from whether or not money is being spent in the CRA. The 50% match is a policy issue and the question is how to apply that policy in this particular scenario.

**MOTION:** Ms. Mollanazar moved, Ms. Price seconded, and motion carried unanimously to recommend to the CRA Board: Option #1, Reimburse \$16,748.50 (50% of \$33,497 pre-approved expenses).

**C. CEDC Paid Invoice** (audio 1:07)

The Executive Director provided the information to the Advisory Board only for their information, so that they would be knowledgeable regarding the CEDC's having made a presentation to the City Commission on February 2, 2009, and their subsequent authorization to pay the prior invoice as submitted by the CEDC.

Discussion ensued regarding the process by which the CRA would consider the extension of the CEDC contract into the next quarter. Mr. Smith suggested that the CEDC give an update and presentation to the Advisory Board every sixty days, and should make a presentation at the meeting on April 14, 2009. The Executive Director should ensure that the CEDC knows

that are working at their own risk as of April 1, 2009 and should send a copy of the contract to the Advisory Board members.

**D. Update on CRA Office Lease** (audio 1:17)

The Executive Director advised the Advisory Board that, per the direction of the Board at a previous meeting, she had called the landlord to ask whether she would be interested in negotiating a lower lease rate and had received no response.

The Executive Director also discussed the email that she had sent to Mr. Smith, regarding his providing additional information about comparable lease rates from 2004 to the file, pursuant to his previous input. Mr. Smith stated that he had received the e-mail but did not respond to it because the issue is moot. In that the CRA budget has increased by \$430,000, there is no reason for the CRA to look into the lease issue.

Ms. Price requested additional information about the lease, in that it was not included in the agenda package. The Executive Director provided a summary of the issue and the lease.

**MOTION: Mr. Mollanazar moved, Mr. Smith seconded, and the motion carried unanimously to take no further action with regard to the investigation into early termination of the lease of the CRA office.**

**E. Review Status of Ward 1 Park research**

The Executive Director provided the Advisory Board with a summary regarding exploring the possibility of creating a neighborhood park in the 200 block of 11<sup>th</sup> Street Drive West. She provided an aerial diagram as well as an excerpt of the adopted CRA Plan citing an objective of creating a neighborhood park in the northeast residential quadrant of the CRA district. The Executive Director asked for Advisory Board input regarding their interest in pursuing this effort. In the absence of such interest, no further action would be taken.

Mr. Smith said that he was in favor of a park in that area, but requested that there be no further action until such time that more members are appointed to the CRA Advisory Board, so that there could be a quorum on the matter. Mr. Mollanazar has declared his conflict of interest as an owner of the property.

Ms. Price asked about the relationship between this property and the parcel located at 200 11<sup>th</sup> Street Drive West, which was purchased by the CRA last year. The Executive Director and Mr. Mollanazar provided background information about the acquisition of the property to

accommodate the opening of the dead end street and the relocation of utilities.

Mr. Mollanazar again provided detail with regard to his ownership of the four lots under discussion. He also advised that the Palmetto Police Department has utilized the property for neighborhood cookouts in the past. He agreed that the item should not be considered until there is a full Advisory Board appointed, and noted that he had raised his hand to disclose his conflict at the start of discussion regarding this agenda item.

Mr. Smith directed the Executive Director to schedule this item for consideration at the April 14, 2009 meeting.

**F. Review and prioritize CRA Projects**

Pursuant to discussion during the Approval of the Agenda, these items will be moved to the meeting once it is reconvened on March 25, 2009 at 5:30 PM.

**V. NEW BUSINESS**

**A. Payment & Budget Amendment for Survey Invoice from Leo Mills & Associates for flagging wetland buffer at Palmetto Palms (audio 1:38)**

The Executive Director provided information regarding the location of the Palmetto Palms property, the City's acquisition of this property and the survey that was completed to identify the wetland areas. The Advisory Board and Executive Director discussed the history of the development of Palmetto Palms, and the implications regarding the stormwater system of the subdivision. Additional discussion ensued regarding the need to transfer funding into the engineering budget line in order to accommodate this payment.

**MOTION:** Mr. Mollanazar moved, Ms. Price seconded, and motion carried unanimously to recommend approval of the payment of \$1,600 to Leo Mills.

**MOTION:** Mr. Mollanazar moved, Ms. Price seconded, and motion carried unanimously to recommend approval of a budget adjustment in the amount of \$1,200 from 6905598212 to 6905593120 to accommodate this payment.

**B. Payment & Budget Amendment for additional payment for engineering services for US 41 and 7<sup>th</sup> Street (audio 1:53)**

**MOTION:** Mr. Mollanazar moved, Ms. Price seconded, and motion carried unanimously to recommend approval of a budget adjustment in the amount of \$177 from 6905598212 to 6905593120, and the payment of \$176.82 to ZNS Engineering.

**C. New organizational structure, Ordinance & Resolution** (audio 1:54)

Mr. Barnebey provided the Advisory Board with an overview regarding the establishing Resolution and Ordinance for the Advisory Board. He also provided information regarding the adopted Rules of Procedure. Mr. Barnebey advised the Advisory Board that they are subject to "Government in the Sunshine", explaining that they are not permitted to discuss with any other board member any items which may come before the board for consideration, but that they are permitted to talk to other people. The Executive Director serves as staff for the Advisory Board. The purpose of the Advisory Board is to provide guidance to the CRA Board, and they are looking for the Advisory Board's expertise and experience and will take the recommendations into consideration in regard to any action taken by the CRA.

Mr. Smith asked Mr. Barnebey as to the process by which Advisory Board members would consult with legal counsel. Mr. Barnebey responded that the Advisory Board is welcome to call him, as he'd rather have questions answered before the meetings. He suggested that the Advisory Board members utilize the same process with the Executive Director.

The Executive Director described the timeline to get information from the Advisory Board to the CRA Board and asked for patience as we iron out the new processes.

Ms. Price asked whether the Advisory Board will get feedback from the CRA Board meeting. Mr. Barnebey explained that it is not typical for Advisory Boards to know what happened after they have made their recommendations, but it is a procedure question that can be discussed at a later date.

Mr. Smith advised fellow board members that they can all add items to the agenda by phoning the Executive Director.

**D. Mangrove Trimming** (audio 2:05)

The Executive Director advised the Advisory Board that the CRA has, in past years, trimmed the mangroves near 8<sup>th</sup> Avenue West in Riverside Parks. It improves the physical image within the district, and strengthens the downtown as a multi-use center. It is not a City requirement that the mangroves are trimmed, but it enhances the views from the waterfront, makes the area more walkable, and enhances safety.

Ms. Price asked whether the project had been put out to bid. The Executive Director advised the Advisory Board that for this amount of money, staff gathers cost estimates, and does not formally request bids, and that this was the lowest cost that had been submitted.

**MOTION: Mr. Mollanazar moved, Ms. Price seconded, and motion carried unanimously to fund the trimming of the mangroves.**

**E. Storefront Grant Application #09-04** (audio 2:08)

The Executive Director advised the Advisory Board that although the prior CRA Board approved the application as included, the City Commission has not reviewed the revised application criteria. The City Commission last reviewed last year's application in September of 2007, and there have been minor revisions put into effect for this year's application.

The Executive Director showed the Advisory Board photos of the improvements that are being made to Regatta Pointe Marina's buildings, including painting and the installation of new awnings.

Mr. Barnebey suggested that this item be carried forward to the meeting on March 25, 2009. The Advisory Board agreed.

**F. Storefront Grant Application Criteria Review 09-10** (audio 2:24)

The Advisory Board agreed to defer consideration of this item until the meeting is reconvened on March 25, 2009.

**G. Advisory Board meeting schedule** (audio 2:25)

The Advisory Board agreed to continue meeting on the second Tuesday of the month, but to defer consideration of this item until the full Advisory Board is appointed.

**H. Executive Director's Update** (audio 2:26)

- The Executive Director advised the Advisory Board that during a recent City Commission meeting, Commissioner Cornwell asked whether we had a written opinion regarding staff positions being paid by TIF. The following day, she contacted the FRA and was told that we would have to pay for a written legal opinion for information specific to the Palmetto CRA. She recommended that, given that she understands that there are plans to conduct a compliance audit that would consider all eligible expenditures, it would not be a wise use of funding to also pay an outside attorney to review the matter. Mr. Smith advised that, based upon his brief conversation with the Mayor, there will be a compliance audit. He further advised that that he had a meeting scheduled for 2:00 PM Friday with the Mayor, at which time he would learn more about the compliance audit, and he will let the Executive Director know more about it after his meeting on Friday.
- Further discussion ensued about the advantages of having a compliance audit completed as quickly as possible, and the Executive Director's conversations with the State Auditor General in an effort to facilitate the same.

**I. Citizen's Comments** (audio 2:30)

None

**VI. NEXT REGULAR SCHEDULED MEETING – April 14, 2009 at 5:30 PM**

**VII. ADVISORY BOARD COMMENTS**

Sia Mollanazar

- No Comments

Betty Ann Price

- She is glad to be here and looks forward to working with everyone.

Chairman Charles Smith

- Scheduled a meeting with the Executive Director prior to the next meeting about the items deferred from this agenda for Tuesday, March 24, 2009 at 9:00 AM.
- Advised other Advisory Board members that we should be transparent, and that they can put any item on the agenda as well.

**MOTION: Mr. Mollanazar moved, Ms. Price seconded, and motion carried unanimously to recess this meeting at 8:00 PM and reconvene at 5:30 PM on Wednesday, March 25, 2009.**

**THE MEETING WAS RECESSED AT 8:00 PM AND WILL RECONVENE AT 5:30 PM ON WEDNESDAY, MARCH 25, 2009.**

**RE-OPENING OF MEETING**

Mr. Smith reconvened the meeting which was recessed on March 17, 2009, at 5:30 PM on March 25, 2009.

**OATH OF OFFICE**

Mr. Barnebey administered the Oath of Office to new Advisory Board member Nick C. Costides.

Mr. Smith asked the Executive Director to provide an update relating to the CRA Board meeting that was held on March 23, 2009. The Executive Director reported:

- The CRA Board asked that some items from the agenda be deferred for consideration at a later date. The first item was item B under the consent agenda regarding the First Baptist Church. The Executive Director advised that she did not know why it had been deferred. Mr. Barnebey advised that it had been deferred at his request after discussion with the First Baptist Church, that the item would be going back to the CRA Board for consideration, and that no further action was necessary on the part of the Advisory Board.

- The "F-items" from the agenda have been deferred until a joint meeting with the CRA Advisory Board and the CRA Board, which has been scheduled for April 14, 2009 at 7:00 PM. Sandwiches will be brought in so as to accommodate our holding the Advisory Board meeting at 5:30 to be followed by the joint meeting at 7:00.
- Item L, the Storefront Grant Application criteria, and therefore, the consideration of Regatta Pointe's application, have also been deferred until that time.
- The CRA Board concurred with the Advisory Board's recommendation that action is deferred regarding the establishment of the neighborhood park.
- The CRA Board provided additional direction about the preparation of the agenda for that meeting.

Mr. Mollanazar reiterated his having disclosed his interest in the properties that were being considered for the 1<sup>st</sup> Ward neighborhood park. As one of the property owners, he offered his personal comment and asked that the concept be removed from the agenda, declaring that the property is no longer available for this consideration.

**MOTION: Ms. Price moved, Mr. Smith seconded, and motion carried unanimously 3-0 to remove the 1<sup>st</sup> Ward neighborhood park from the April 14, 2009 agenda. Mr. Mollanazar abstained.**

Mr. Costides advised the Advisory Board that he disclosed to the CRA Board and City Commission that he will be unable to attend the meeting on April 14, 2009. The Executive Director will meet with Mr. Costides to facilitate his understanding of each of the projects.

Mr. Barnebey stated that all items that were continued to this meeting were all designated to be discussed at the joint meeting with the CRA Board. The Executive Director concurred.

Mr. Mollanazar requested that staff approach Reverend MacArthur Sellars of New Life Baptist Church regarding a storefront grant. The Executive Director advised that she had already responded to the request, and that she was pre-warning all prospective applicants that the criteria might change upon review of the new boards.

**G. Executive Director's Update (continued)**

- The Executive Director advised that, with regard to the Mangrove Trimming that was approved for \$2,150 at the earlier meeting, another bid was received. When confirming that bids had been appropriately gathered, it was determined that the second bid was in the amount of \$2,500, however, a late bid was just received from Suncoast Environmental for \$1,400, so the CRA will save more than \$700. Discussion ensued confirming that the scope of services is comparable and appropriate.
- The Executive Director advised that, as a result of her meeting with Mr. Smith, she would like to put the consideration of the Thomas Estates,

which are approximately 63 duplex units on 11<sup>th</sup> Street and 11<sup>th</sup> Street Drive near 3<sup>rd</sup> and 4<sup>th</sup> Avenues West, back on the agenda. The previous CRA Board received a proposal with regard to purchasing the property in June of last year.

- The Executive Director advised that, as a result of her meeting with Ms. Price, she would like to add the discussion of the possible leasing of the Birkholtz Appraisal building, which is owned by the CRA, to the next agenda. The Executive Director invited all Advisory Board members to let her know if there are additional items that they would like to be added to future agendas.
- The agenda for April 14, 2009 will, again, be a large agenda because it will include all of the projects, but the Executive Director will make every effort to include a summary of each project. She will also include the downtown stormwater vault and downtown parking in the package.
- Ms. Lukowiak advised the Advisory Board that Beverly Minnix, the CRA Administrative Assistant, would be out for four weeks instead of the projected two weeks.
- The Executive Director advised the Advisory Board that she would be buying \$180.77 of return address labels with the correct address and website if there was no objection. Although such additional approval is not typical, she wanted to advise the new Advisory Board of the action. Ms. Price asked for discussion regarding the updating of the website to be added to the next agenda.

#### **VIII. ADVISORY BOARD COMMENTS (continued)**

##### **Betty Ann Price**

- She has learned that the CRA district map that is regularly available to the public via the website is not correct and needs to be addressed.
- She believes that this would be a good time to revisit the establishment of a merchants' association.
- The quarter is eminently ending regarding the CEDC contract and 30 day notice must be given. The CRA should consider an a-la-carte option, in the manner of the CCRA's current arrangement. Discussion ensued regarding the geographic area and population of the CCRA and the Palmetto CRA. Mr. Mollanazar asked the Executive Director to find out how much Manatee County pays into the CEDC for the next meeting.

##### **Sia Mollanazar**

- No Comments

##### **Nick Costides**

- No Comments

##### **Chairman Charles Smith**

- Reiterated his having met with the Executive Director and the need to determine the criteria that will be used for Storefront Grants. He would like to look at the policies regulating how we approve funding. It was an enlightening meeting, and he learned many things, to include information about employees that the CRA is paying.
- Stated his belief that the joint meeting on April 14<sup>th</sup> will help us to get started.
- Mr. Smith stated that we need to publicize the things that the CRA is doing more.
- Recommended that all Advisory Board members meet with Ms. Lukowiak and agreed that a budget review should be included at the April 14<sup>th</sup> Advisory Board Meeting.

Attorney Mark Barnebey

- Mr. Barnebey reminded the Advisory Board that the Sunshine Law does apply, and that they are not permitted to talk about items that are likely to come before this Advisory Board with each other outside of a public meeting. He told the Advisory Board that they can talk to Ms. Lukowiak and Mr. Barnebey about items, but not to each other. All communication they have regarding this Advisory Board is a public record. Other matters related to ethics may come up. If Advisory Board members have a situation where a matter will inure, to their benefit or their detriment, please let him know. We will have a more thorough briefing on this once we have a full board in place.

**IV. ADJOURNMENT**

**The meeting was adjourned at 6:05 P.M.**