

**TAB 1**

Community Redevelopment Board  
Convened June 1, 2009 at 8:45 p.m. and  
Continued to June 15, 2009 at 8: 30 p.m.

CRA Board Members Present June 1, 2009:

Shirley Bryant (Presiding Officer, Non-Member)  
Mary Lancaster  
Tamara Cornwell  
Tambra Varnadore  
Brian Williams  
Alan Zirkelbach

Staff Present:

James R. Freeman, City Clerk  
Tanya Lukowiak, CRA Executive Director  
Mike Mayer, Deputy Chief  
Mark P. Barnebey, Kirk Pinkerton  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the June 1, 2009 meeting of the Community Redevelopment Board (CRA) to order at 8:45 pm.

PUBLIC COMMENT: No public comments.

1. CRA BOARD AGENDA APPROVAL

**MOTION: Commissioner Zirkelbach moved and Commissioner Cornwell seconded to approve the June 1, 2009 CRA Board agenda.**

Discussion: Attorney Barnebey recommended recessing the June 1, 2009 meeting to June 15, 2009 to continue item #6 to that meeting. Mayor Bryant noted that no one in the audience wished to speak to the item.

Commissioners Zirkelbach and Cornwell amended their motion to continue item #6 to June 15, 2009 meeting.

**Motion on the floor carried 5-0**

2. CRA CONSENT AGENDA

A) Minutes: May 4, 2009

**MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the June 1, 2009 CRA Consent Agenda.**

Commissioner Zirkelbach departed the meeting at 8:50 pm.

3. REGATTA POINTE STOREFRONT GRANT #SF09-04

Commission requested that in the future the entire application packet be included in the agenda packet. Commission also requested that the lowest bidder always be considered in selecting the vendors performing storefront grant improvements.

**MOTION:** **Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 4-0 to approve Storefront Grant #SF09-04 of Regatta Pointe Marina in an amount not to exceed \$28,492.50 for eligible awning improvements. Commissioner Zirkelbach was absent for the vote.**

Commissioner Zirkelbach entered the meeting at 9:10 pm.

#### 4. CEDC CONTRACT

Attorney Barnebey stated the CRA Advisory Board did not specify a reason for termination; he advised the 30-day notice should be given. Mr. Freeman confirmed the final invoice has not been paid and the next invoice that would remain outstanding would be dated July 7, 2009. Attorney Barnebey stated that if terminated, there would be a couple days additional payment due to allow for delivery of the notice of termination, or if the term is read by the contract, there would be no further payment due after July 7, 2009.

Discussion ensued on the contract's expiration of September 30, 2009, the services that have been rendered and how its termination could affect any outstanding applications.

**MOTION:** **Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 5-0 to exercise the 30-day notice period stated in Article 4 of the CEDC contract, terminating the CEDC contract without cause effective June 30, 2009, and authorize payment for services rendered April 1, 2009 through June 30, 2009 in an amount not to exceed \$18,750, plus any pro-rated amount.**

#### 5. CONSIDERATION TO GRANT A UTILITY EASEMENT AND A TEMPORARY EMERGENCY ACCESS EASEMENT TO THE CITY OF PALMETTO

Attorney Barnebey stated the topic is tied to the 9th Street vacation previously approved.

**MOTION:** **Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize execution of:**

- 1. A Utility Easement to the City of Palmetto substantially consistent with the form attached hereto; and**
- 2. A Temporary Emergency Access Easement to the City of Palmetto substantially consistent with the form attached hereto.**

#### 7. CRA DIRECTOR'S COMMENTS

None

#### 8. CRA BOARD MEMBERS' COMMENTS

Mr. Williams

Inquired if the City can do something to capture the run off from the railroad ties that are stored on the CSX property. Attorney Barnebey confirmed his opinion the City owns the land rather than the CRA, but the Commission can return the land to the CRA. Attorney Barnebey was requested to look at the matter and report back

#### 9. PRESIDING OFFICER'S COMMENTS

Mayor Bryant inquired if the \$25,000 for the due diligence for Manatee Players was contained in the budget. Mrs. Lukowiak confirmed due diligence invoices specific to the land were paid for by the City. The building design invoices have been forwarded to Attorney Barnebey.

Requested that Mrs. Lukowiak follow up with the Little League concerning the Major League Grant.

**MOTION:**        **Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 5-0 to recess the meeting to June 15, 2009, in Commission Chambers, at approximately 7:00 pm or as soon thereafter as may be heard.**

Meeting was recessed at 9:40 pm.

The June 1, 2009 CRA Board meeting was reconvened June 15, 2009 at 7:55 pm.

CRA Board Members Present:

Shirley Bryant (Presiding Officer, Non-Member)  
Tamara Cornwell  
Tambra Varnadore  
Alan Zirkelbach

CRA Board Members Absent:

Mary Lancaster  
Brian Williams

Staff Present:

James R. Freeman, City Clerk  
Chief Garry Lowe  
Tanya Lukowiak, CRA Executive Director  
Mark P. Barnebey, Kirk Pinkerton  
Allen Tusing, Public Works Director  
Diane Ponder, Deputy Clerk-Administration

6. DISCUSSION: FIRST BAPTIST CHURCH STOREFRONT GRANT

Attorney Barnebey gave the background of the topic back to November 2008, wherein a storefront grant was awarded in the amount of \$50,000; total expenditure by the church exceeded \$200,000. The ordinance map from 1986 appears to run through the center of the property. He, Mr. Freeman and Mrs. Lukowiak physically inspected the portion of the building that would be in the CRA and calculated \$33,497 of improvements was within the district. The CRA Advisory Board determined \$16,748.50 would be eligible for reimbursement under the matching requirements, which is being brought forward to the CRA Board.

Attorney Barnebey read into the record a portion Article I, Section 3 of the Florida Constitution, which read in part, "No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." He discussed past litigation of this language, by the State Supreme Court and the Attorney General's Office. Based on "that language, which appears to be pretty clear on its face and the liability the City may incur if challenged...." he recommended the CRA not fund this particular request.

Discussion ensued on topic and made the following inquiries:

1. Does the City have the ability to pursue erroneous information given to the CRA Board who approved the request, based on legal counsel direction at the time?
2. Can the playground be separated from the total application because it is used by a 5013C corporation and was presented as the fence surrounding the playground is never

locked? Attorney Barnebey stated this component may go back to the property's ownership.

Mrs. Lukowiak discussed how the then CRA Board calculated the award; more than \$50,000 was expended in the CRA district and more than \$60,000 was expended on the playground, which is in the CRA district. Mrs. Lukowiak also discussed previous awards that had been made to churches.

Commissioner Zirkelbach and Commissioner Cornwell supported Attorney Barnebey researching any opportunity to assist the church. Commissioner Varnadore stated she does not support the use of any public funds for any church and will not approve funding the grant.

Meeting adjourned June 15, 2009 at 8:30 pm.

Minutes approved:

James R. Freeman  
City Clerk