

TAB 1

Community Redevelopment Board
July 20, 2009

CRA Board Members Present

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

Staff Present:

Mark P. Barnebey, Kirk Pinkerton
James R. Freeman, City Clerk
Garry Lowe, Chief of Police
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 7:40 pm.

PUBLIC COMMENT: No public comments.

1. CRA BOARD AGENDA APPROVAL

Mayor Bryant requested that item 10, Storefront Grant Application Revisions, be deferred until August 3, 2009 and that the Severance Agreement and General Release, executed by Tanya Lukowiak, be added to the agenda as item 10A.

MOTION: Mr. Williams moved, Mr. Zirkelbach seconded and motion carried 5-0 to approve the July 20, 2009 CRA Board agenda as amended by the removal of item 10, Storefront Grant Application Revision, and the addition of the Severance Agreement and General Release as item 10A.

2. CRA CONSENT AGENDA

A) Minutes: June 1, 2009

MOTION: Mr. Zirkelbach moved, Ms. Cornwell seconded and motion carried 5-0 to approve the July 20, 2009 CRA Board Consent Agenda.

3. APPROVAL: AGREEMENT OF PURCHASE AND SALE BETWEEN THE PALMETTO COMMUNITY REDEVELOPMENT AGENCY AND THE SCHOOL BOARD OF MANATEE COUNTY

School Board purchase of the properties acquired by the CRA as a potential site for the relocation of Palmetto Elementary.

Attorney Barnebey informed Commission the agreement before the Board is to approve the School Board's purchase of four parcels from the CRA for \$1.239 million and to reimburse demolition costs of \$18,000. Attorney Barnebey confirmed that advertisement of the disposition of the property had occurred. He also confirmed the School Board has approved and executed the agreement for the purchase price, which is in excess of the appraised value.

Commissioner Varnadore requested the topic be placed on the next agenda if it is not a time sensitive issue, and have independent counsel representing the City present at the meeting.

Commissioner Varnadore cited the rezone of the school extension site. Attorney Barnebey explained the language was applicable only to the property on the northwest corner (the old FFA Building), which he anticipates will be requested to be zoned either office or commercial use. He

confirmed that is the only property which the School Board will seek a rezone. Mayor Bryant discussed the City's initial option to retain the property for \$700,000, which was never expressed as a viable option.

MOTION: Ms. Cornwell moved and Mr. Zirkelbach seconded to approve and authorize the Presiding Officer to execute the Agreement of Purchase and Sale Between the Palmetto Community Redevelopment Agency and the School Board of Manatee County.

Discussion ensued on Commissioner Varnadore's concern that there are no assurances in the agreement that the School Board will retain the property as a future school site. Mayor Bryant opined, with Attorney Barnebey's concurrence, that the School Board has expressed its intention to retain the property. Attorney Jerilyn Hattendorf, Kirk Pinkerton, cited the School Board had demonstrated good faith regarding its intent for the property by granting the City an emergency access easement over vacated City right-of-way

Ms. Cornwell moved and Mr. Zirkelbach seconded to amend the motion on the floor to approve the Agreement of Purchase and Sale Between the Palmetto Community Redevelopment Agency and the School Board of Manatee, contingent upon independent attorney review.

Ms. Cornwell discussed State mandates that could be implemented whereby the School Board could no longer develop the site for a school, and her unwillingness to become a property owner. Discussion ensued on the CRA's role in purchasing and redeveloping property. He also suggested that the RES-6 attached to some of the property should be addressed during the development process of the entire site. Mrs. Lancaster commented on the School Board's prior assurance that they intended to retain the entire site as a school.

Commission requested that they be notified when the independent review is completed and an opinion issued by independent counsel.

Motion on the floor carried 5-0.

4. APPROVAL: NORTH RIVER NATIONAL LITTLE LEAGUE, INC.

Agreement to allow the storage of personal property of the Little League for a period of two years in CRA owned building at 930 5th St. W. Staff assured Commission that the Little League property would be kept segregated from City property.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Presiding Officer to execute an Agreement with the North River National Little League, Inc. permitting storage of personal property in a CRA building at 930 5th St. W.

5. APPROVAL: WARD 1 PHASE II CHANGE ORDER

Mr. Tusing reminded the Board that this change order will incorporate 6th Ave W and 12th St Dr. that were not considered during the initial engineering phase of the Ward 1 Phase II project previously approved by the CRA Board.

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize the Presiding Officer to execute the Giffels Webster Engineers Inc. Work Assignment No. 4 Change Order No. 1 for Ward 1 Project Phase II, 6th Ave W and 12th St Dr W COP Job # 05-436, in an amount not to exceed \$39,880.

6. APPROVAL: STOREFRONT GRANT #08-12 REQUEST FOR EXTENSION

Application for an extension to October 1, 2009 for Storefront Grant #08-12 for property located at 900 17th St. The original grant was approved by the CRA Board in September, 2008.

Discussion ensued on the past practice of awarding grants to tenants of commercial buildings, so long as the applicant qualified and the monetary cap for each address is not exceeded. Also discussed was the fact that a commercial entity can own property within the City, but does not have to hold a business tax license, yet there is no revitalization program available for residential rental property. Attorney Barnebey advised that the property owner should also be required to sign all grant applications.

CRA Advisory Board member Nick Costides asked that the Board not lose sight of what the Storefront Grant Program intends to accomplish in the City.

The Board reviewed the information and determined the repaving does not qualify for reimbursement. By virtue of the lack of a motion, the request for the extension was denied.

7. DISPOSITION OF CBI PROPERTY (TAB 6)

Request for CBI Building to be sold, leased, or demolished. A sprinkler system must be installed if the building is not demolished. Commission briefly discussed the item and then placed it on the August 3, 2009 CRA Board agenda for full consideration.

8. RIVERSIDE DRIVE IMPROVEMENTS

Additional engineering to widen Riverside Dr. by approximately four feet between 8th Avenue and 9th Avenue. The improvement will widen 25' of the street and relocate infrastructure and a drainage box. The construction will be completed in conjunction with the Riverside Dr. and 8th Ave. intersection improvement project that has been previously approved by the CRA Board.

MOTION: Mr. Zirkelbach moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize the Presiding Officer to execute Lombardo, Foley & Kolarik, Inc. Work Assignment #5 for additional Riverside Drive engineering, in an amount not to exceed \$31,600, COP Job #09-608.

9. "NO TRESPASSING" INITIATIVE

The Police Department is requesting that CRA fund the cost of printing signs for businesses located in the CRA District that are participating in the "No Trespassing" initiative.

MOTION: Ms. Varnadore moved, Mr. Zirkelbach seconded and motion carried 5-0 to approve the expenditure of \$760 for the Police Department "No Trespassing" initiative.

10. APPROVAL: STOREFRONT GRANT #SF-09-05 (TAB 9)

Application of Tony and Julie Katsamakis for a Storefront Grant at 314 8th Ave. W. The Board removed the repaving estimate of \$2,500 as it is not eligible under the grant criteria and removed irrigation/landscape as only one quote was provided.

MOTION: Mr. Zirkelbach moved, seconded and motion carried 5-0 to approve the Katsamakis Storefront Grant, #SF-09-05, in an amount not to exceed one-half of \$17,949, excluding Oneco paving of \$2,500, a majority which appears to be repaving, and Manatee Landscape of \$965, because of the receipt of only one quote.

10A. SEVERANCE AGREEMENT AND GENERAL RELEASE

Attorney Barnebey introduced Attorney Churiti, the attorney appointed by the CRA Board to conduct the Compliance Audit of the CRA. Attorney Churiti discussed the approaches the City could take after a partial compliance audit revealed areas of concern with Florida law. She stated the City has taken remedial action by the City Commission assuming the role of the CRA Board and increasing direct oversight of the CRA, appointing a CRA Advisory Board, and hiring special counsel to perform the compliance audit. She reviewed the action of the City to place the Executive Director, Tanya Lukowiak, on administrative leave with pay and begin negotiation of separation of employment. She opined it is in the best interest of the City and Mrs. Lukowiak to terminate her employment as of July 20, 2009. She reported that Mrs. Lukowiak has executed

the Severance Agreement and General Release, which releases the City of any liability. Payment will be made in the amount of \$147,480, the amount of Mrs. Lukowiak's existing employment contract through December 31, 2010. Attorney Churiti recommended that the CRA Board enter into the settlement agreement and then determine the continuation of the audit at the next CRA Board meeting. Attorney Barnebey confirmed the payment amount does not include the amount Mrs. Lukowiak has paid into the pension system.

MOTION: Ms. Varnadore moved, in the best interest of the CRA, to authorize approval of the Severance Agreement and General Release and to authorize execution of the document on behalf of the Community Redevelopment Agency. Mr. Williams seconded the motion and it carried 5-0.

Attorney Barnebey stated the continuation of the issue will be brought back to the CRA Board August 3, 2009 so they can discuss options on proceeding with the compliance audit.

11. INTERIM CRA DIRECTOR'S COMMENTS

Mr. Freeman suggested moving the Storefront Grant Application Revision to September so staff will have time to incorporate comments into the original document. The Board agreed that a joint meeting with the CRA Advisory Board would be an efficient way to review the program.

Mr. Costides opined that with the current policy in effect, there is no urgency to complete the new policy. He acknowledged he did not know the history of the CRA and the role of the CRA Advisory Board, but opined there is "a ton of redundancy that went on tonight." He suggested the CRA Board should give thought as to what role the CRA Advisory Board should play. Mayor Bryant discussed a project she will be asking the CRA Advisory Board to undertake to identify and target areas that need to be redeveloped so the CRA will have the documentation necessary to apply for grants.

Mayor Bryant confirmed that Mr. Freeman has been named Interim CRA Director. Mayor Bryant opined that criterion and salary will have to be developed so a search to fill the vacant position can be done. CRA Board Chair Charles Smith suggested that an interim facilitator should be appointed as soon as possible and recommended the CRA Board consider appointing Jeff Burton. Mayor Bryant stated the facilitator position will be temporary. She requested the Board offer an idea of what they have in mind to fill the position. The topic was placed on the August 3, 2009 agenda for discussion purposes.

12. CRA BOARD MEMBERS' COMMENTS

None

13. PRESIDING OFFICER'S COMMENTS

None

14. PUBLIC COMMENTS FOR CRA BOARD

None

The CRA Board meeting adjourned at 9:45 pm.

Minutes approved:

James R. Freeman
Interim CRA Director/
City Clerk