

**TAB 1**

**Draft Minutes  
CRA BOARD MEETING  
APRIL 16, 2012  
7:00 PM**

CRA Board Members Present

Shirley Groover Bryant, Presiding Officer  
Tamara Cornwell  
Charles Smith  
Tambra Varnadore  
Brian Williams  
Alan Zirkelbach (entered at 7:58 p.m.)

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Rick Wells, Chief of Police  
Allen Tusing, Public Works Director  
Deanna Roberts, Administrative Assistant

Presiding Officer Bryant called the meeting to order at 7:15 p.m.

1. CRA BOARD AGENDA APPROVAL

**MOTION:** Commissioner Cornwell moved, Commissioner Varnadore seconded, and motion carried unanimously to approve the April 16, 2012 CRA Board Agenda.

2. CRA CONSENT AGENDA

a) Minutes: April 2, 2012

**MOTION:** Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried unanimously to approve the April 16, 2012 CRA Board Consent Agenda.

Mr. Freeman explained to Commission that Items 3 through 5 were previously discussed at the April 2, 2012 CRA meeting; however, there was no action taken on these items. As a result, the items were brought back to the CRA board for formal action.

3. SFG 12-08 to Jim Wade, 600 Palmetto LC

Storefront Grant 12-08 application in an amount not to exceed \$1,898.60.

**MOTION:** Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried unanimously to approve SFG 12-08 to Jim Wade, 600 Palmetto LC, in an amount not to exceed \$1,898.60.

4. HEAVY COMMERCIAL/INDUSTRIAL INCENTIVE PROGRAM AMENDMENT 2012-01

**MOTION:** Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried unanimously to approve the Heavy Commercial/Industrial Incentive Program Amendment 2012-01.

5. CRA RESOLUTION NO. 2012-02

**MOTION:** Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried unanimously to adopt Resolution No. 2012-02.

**6. AWARD OF PROPOSAL FOR THE 5th STREET WEST REVITALIZATION**

The RFP review committee recommends awarding the bid to NDC Construction. Staff seeks approval of the recommendation, authorization for the Mayor to execute the contract and establishment of budget for the project.

**MOTION: Commissioner Williams moved, Commissioner Smith seconded, and motion carried unanimously to award the 5th Street West Revitalization RFP, as amended by City Attorney Mark Barnebey in this meeting, to NDC Construction Company for an amount of \$1,344,494, and authorize the Mayor to execute the contract between NDC Construction Company and the City of Palmetto.**

Mr. Barnebey informed Commission that there were revisions to the contract today (April 16), following discussion with NDC. He went through the contract page by page and reviewed the suggested revisions. The changes were not substantial, and Commission agreed to the revisions. Mrs. Varnadore brought up a discussion of the project budget amount vs. contract amount which led to a discussion of contingency funds. Mr. Freeman explained that the project budget is about \$1.7 million; the contract is for \$1.3 million. The contract amount plus a contingency for any unforeseen costs Commission approves would still be within the scope of the project. Any change orders within the \$1.3 million the project manager can make. The second motion on the agenda for an additional amount of up to \$90,000 with the Mayor's approval covers amounts over the contract price. Discussion ensued. Mr. Barnebey said the language in the second motion allows Commission flexibility in determining what the contingency amount should be. The project contract amount and any contingency amount would be approved by the City Commission.

**MOTION: Commissioner Cornwell moved, Commission Smith seconded, and motion carried unanimously to approve \$90,000 for unforeseen costs associated with the 5th Street West Revitalization RFP, to be used if needed and approved by the Mayor.**

**7. CRA DIRECTOR'S COMMENTS**

None

**8. PRESIDING OFFICER'S COMMENTS**

Mayor Bryant said that the issue of Sutton Park needed to be addressed. She asked for a motion.

**MOTION: Commissioner Williams moved to approve a budget resolution for \$73,500 for unforeseen costs associated with the Sutton Park contract with Stellar to be used if needed and authorized by the Mayor.**

The Mayor restated the motion to mirror the previous motion for the 5<sup>th</sup> Street project. The motion died for lack of a second.

Commissioner Zirkelbach entered the meeting at 7:58 p.m.

**MOTION: Commissioner Varnadore moved to approve a contingency of \$50,000.**

The motion died for lack of a second.

Mrs. Varnadore asked if the contract with Stellar needed to be amended since it doesn't say anything about contingencies. Mr. Barnebey said yes.

Commissioner Smith stated that the City really needs a project manager. Mayor Bryant said that Allison-Gause, Inc. is currently acting as the project manager for both projects, so they can move along while the City continues the search for a project manager.

Commissioner Zirkelbach told Commission that most municipalities typically add a 10% contingency amount with the approval of the contract; that is the norm. Regarding a project manager, he said Mr. Tusing has been a project manager in the private sector. The change orders can go to the Mayor.

**MOTION:** Commissioner Smith moved, Commissioner Zirkelbach seconded, and motion carried unanimously to approve \$73,000 for unforeseen costs associated with the Sutton Park project, to be used if needed and approved by the Mayor, and to authorize the Mayor to approve an amendment to the contract revising Section 7.1.1 to be consistent with the language in the 5<sup>th</sup> Street West Revitalization contract.

Commissioner Williams asked for a copy of the amended contract.

Commissioner Varnadore informed Commission that she had asked Mr. Freeman for a final project report of all projects completed in the last year and half to include what the contract price was, what budget resolutions were done, etc. Mr. Williams asked that change orders also be included.

Mr. Barnebey reported that there are two issues outstanding on the Circle K contract to purchase the old Shell site. The first is that the Phase 2 environmental report shows this is an environmentally damaged site due to petroleum leaks which could pose a risk if purchased. The second issue is that there is a 10 foot gap on the southern portion of the property between the Cadence property, which has already been acquired, and the Circle K property. That portion has not been accounted for and appears to be owned by the Albert Leach trust. He is not sure the City can get a deed from him. A condemnation of the strip would render it unusable. Circle K is not willing to grant an extension on the contract, and tomorrow is the deadline to commit.

Commissioner Zirkelbach said there could be a rear-yard setback issue; the Shell building could be in non-conformity due to how close it is built to the neighboring parcel. He commented he would have a hard time purchasing the property without the ten feet; even more so than with the environmental issue.

Mayor Bryant suggested reaching out to the trust to get the ten feet, or to Circle K to get an extension.

Mr. Barnebey summarized the direction: If we can't resolve the issue by 5:00 p.m. tomorrow the City will terminate the agreement while letting them know we're still interested, or try to get an extension. There was concurrence by Commission. Mayor Bryant said she will meet with the attorney in the morning.

9. CRA BOARD MEMBERS' COMMENTS

None

10. PUBLIC COMMENTS FOR THE CRA BOARD

None

11. ADJOURNMENT

The meeting was adjourned at 8:33 p.m.

Minutes approved:

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James R. Freeman, City Clerk