

**CITY COUNCIL MEETING
September 10, 2008**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on September 10, 2008 at 8:30 a.m.

Present: Mayor Wayne Poston; Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V Harold E. Byrd, Jr.

City Officials: Carl Callahan, City Clerk and Treasurer; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: The Herald.

The meeting was called to order by Mayor Poston.
Invocation was led by Pastor Joey Mimbs, Bethel Baptist Church.
Pledge of Allegiance was led by Mayor Poston.
Councilwoman Barnebey was excused from the meeting.

PROCLAMATIONS

NATIONAL ESTUARIES DAY – SEPTEMBER 27, 2008

Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Reminded everyone of the 911 Tribute to Heroes Memorial Service tomorrow to begin at the Emergency Services Memorial in Rossi Park with a luncheon to follow in the Bradenton Municipal Auditorium.

Councilwoman Marianne Barnebey, Ward II: Excused from the meeting.

Councilman Patrick Roff, Ward III: Stated he had received a phone call from a Tropical Palms Trailer Park resident stating that there was a deceased dog in the creek and that the Manatee County Animal Control Services had told her that they don't do creek clean-up. He called the city's Public Works Storm Drain Team and they responded immediately and removed the dog. He thanked the team for responding so quickly to this very unpleasant situation.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman Harold Byrd, Jr., Ward V: Stated there had been a large turnout last evening at the Downtown Mobility Consultant meeting held in Palmetto. He thanked those who had attended to learn about the Martin Luther King 9th Avenue options.

Councilman Byrd commented that with the Tax Increment Funding (TIF), the CCRA was the primary organization helping to eliminate and prevent slum and blight in Ward V. He stated there were other possible options which could also help in this endeavor.

Councilman Byrd stated he would be attending the Tribute to Heroes Memorial Service tomorrow and reminded everyone that following the memorial service, the KABOOM playground ceremony would be held at Norma Lloyd Park.

Mayor Wayne Poston: Congratulated two Manatee County state legislators who were appointed to two of the top Florida House posts: Representative Ron Reagan as Minority Whip and Representative Bill Galvano as Rules Chairman, giving Manatee County extra influence in the next legislative session in Tallahassee.

CONSENT AGENDA

- a) Approval of Minutes of August 13, 2008.
- b) Resolution 08-63-Appointing **Edward Bailey** to the **CCRA Board**.
- c) Resolution 08-64-Reappointing **Darin Autrey** to the **Architectural Review Board**.
- d) Resolution 08-70- Appointing **Frank Solinko and William W. Swan III** to the **Tree & Land Preservation Board**.
- e) Resolution 08-71 – Appointing **Jason B. Taylor** to the **Planning Commission**.
- f) Resolution 08-72 – Reappointing **Diane Barcus, Allen Yearick, and Buster Griffith** to the **Planning Commission**.
- g) Resolution 08-73 – Appointing **Vernon DeSear** to the **Downtown Development Authority**.
- h) Public Event- Manatee Glens Walk for Life 5k Saturday, September 27, 2008.
- i) Public Event- Old Main Street Block Party and Bike Rally Thursday, October 9, 2008.
- j) Award Acceptance to the Department of Justice for the 2008 Edward Byrne Memorial Justice Assistance Program.
- k) MB.08.0028 Request for a one-year extension of time for Golf Village, 1201 27th Street East.
- l) Public Works donation of a surplus truck to the Boys and Girls Club.
- m) Forfeiture Fund Usage- Replacement vests, rifle plates and helmets.
- n) Verizon Wireless Lease Agreement.

MOTION TO TAKE OUT ITEMS b) Resolution 08-63-Appointing Edward Bailey to the CCRA Board. and i) Public Event Old Main Street Block Party and Bike Rally Thursday, October 9, 2008 for discussion and to approve the remaining Consent Agenda was made by Vice Mayor and Councilman Gallo, seconded by Councilman Smith and carried 4-0 for approval.

Item b) Resolution 08-63-Appointing Edward Bailey to the CCRA Board. Vice Mayor and Councilman Gallo stated that after reviewing Mr. Bailey's resume he found him to be highly professional but questioned that Mr. Bailey had no vested interest in the City of Bradenton or in economical development background.

Mr. Lisch stated that he noted on Mr. Bailey's resume that he served on the Suncoast Workforce Board. He stated that he had recently read in the *Attorney General's Opinion* that there may be a possible conflict with a workforce board member serving on dual boards.

Mr. Lisch stated he would review this issue further and report back to Mayor Poston of his findings.

Discussion: This Council had clear criterion as to the policy for appointing board members in that they be vested in someway with the City of Bradenton whether by residency, business ownership or ownership of property.

There was no further discussion or action taken.

Item i) Public Event- Old Main Street Block Party and Bike Rally Thursday, October 9, 2008.

Discussion: Concerns of the site layout requesting a new site layout by Fire Marshal Langston to maintain egress for emergency vehicles.

MOTION TO APPROVE the Old Main Street Block Party upon approval of Fire Marshal Langston was made by Councilman Byrd, seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE # 2896/TC

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT **CP.08.0026**) AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, AND PROPOSED NEW PUBLIC SCHOOL FACILITIES ELEMENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

MOTION TO ACCEPT the first reading and set the second reading and public hearing of proposed Ordinance 2896 for September 24, 2008 was made by Councilman Smith, seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. Councilwoman Barnebey excused absence.

PROPOSED ORDINANCE # 2897/BL

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 42, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA RELATING TO FIRE PREVENTION AND FIRE PROTECTION BY ADDING A NEW SUB-SECTION 42-28 PROVIDING FOR THE ESTABLISHMENT OF PLANNING REVIEW FEES FOR ALL DEVELOPMENT PLANS SUBMITTED TO THE BRADENTON FIRE DEPARTMENT AND PROVIDING FOR FIELD INSPECTION FEES; PROVIDING AN EFFECTIVE DATE.

Proposed Ordinance 2897 was withdrawn from the agenda.

SECOND READING OF PROPOSED ORDINANCE # 2894/MR

PUBLIC HEARING

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRADENTON TITLED THE CITY OF BRADENTON TRAFFIC LIGHT SAFETY ACT; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened, those in favor please come forward, no one came forward. Those in opposition please come forward, no one came forward, the public hearing was closed.

Mr. Lisch stated the ordinance amended Section 50-89 of Ordinance 2885 - Vehicle owner responsibilities.

Councilman Roff stated he was in full support of this ordinance, not for monetary gain, but with the hope that this would stop those who intentionally and recklessly run red lights.

MOTION TO APPROVE PROPOSED ORDINANCE 2894 was made by Councilman Byrd, seconded by Councilman Roff and carried 4-0 for approval. Councilwoman Barnebey excused from the meeting.

SECOND READING OF PROPOSED ORDINANCE # 2895/HB PUBLIC HEARING

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 54, ARTICLE III, DIVISION I OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, AMENDING THAT ORDINANCE CREATING THE NUISANCE ABATEMENT BOARD BY INCORPORATING STATUTORY AMENDMENTS OF FLORIDA STATUTE CHAPTER 893.138; BY ADDING A PROVISION DECLARING PREMISES USED FOR DEALING IN STOLEN PROPERTY TO BE NUISANCES, INCREASING THE LIMITATION OF TOTAL FINES; BY RE-NUMBERING THE SUB-SECTIONS OF SECTION 54; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened, those in favor please come forward, no one came forward. Those in opposition please come forward, no one came forward, the public hearing was closed.

Mr. Lisch stated once the ordinance became effective, the next step would be to appoint board members.

MOTION TO APPROVE proposed Ordinance 2895 was made by Councilman Byrd, seconded by Councilman Smith and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

CA.08.0018

PUBLIC HEARING continued from June 25, 2008

Request of Melton H. Little, Agent for Kallins, Little, Delagado, Attorneys at Law, for a Certificate of Appropriateness for approval for demolition of a building, The Bradenton Tabernacle, located at 725 Manatee Avenue West, Bradenton, Florida. (Zoned C-1/UCBD)

Mr. Callahan stated the applicants had again requested to continue CA.08.0018 from June 25, 2008. He stated because of the length of time from the original request, he recommended continuance to a time certain so it could be advertised again.

MOTION TO CONTINUE CA.08.0018 TO A TIME TO BE ADVERTISED was made by Councilman Byrd, seconded by Councilman Roff and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

PUBLIC EVENT REQUEST to hold "Stepping Out Against Domestic Violence" on October 25, 2008 with a request that the city donate services.

General discussion: To waive the fee would set precedence for others to follow.

Councilman Smith advised the applicant to meet with him after the meeting to help her with a donation to her cause.

MOTION TO APPROVE the public event request and to deny any donation of city services was made by Councilman Smith, seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

REQUEST FOR: BRADENTON WATERFRONT PARK, PHASE II BID RECOMMENDATION.

Mr. Callahan stated that Phase II was on the east side of the railroad tracks in Rossi Park. He recommended acceptance of the bid of the lowest responsible and experienced developer; McLeod Land Services, Inc., with total bid of \$500,952.47.

Mr. Callahan stated the funds for this project had been set aside from previous land sales.

MOTION TO APPROVE as recommended by Carl Callahan was made by Vice Mayor and Councilman Gallo, seconded by Councilman Roff and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

Tim Polk

2009-2010 CDBG ANNUAL ACTION PLAN

RESOLUTION NO. 08-67

PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA ADOPTING THE CITY OF BRADENTON'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MAY 1, 2009 - APRIL 30, 2010 ANNUAL ACTION PLAN.

\$95,496 Available for Program Administration.

\$35,000 Available for Public Service Projects.

\$346,982 Available for Other Projects (Excluding Public Services).

The following is the Program Year Funding Recommendations Projected Funds available:

Name of Project	Funds Requested	Type of CDBG Project	CDBG National Objective	2008-2010 Consolidated Plan Priority	CDBG Outcome Performance Measurement (OPM) Objective	CDBG OPM Outcome	Project Ready	Staff Funding Recommendations
Community Coalition on Homelessness Corporation Employment Readiness Program	\$15,000	Public Service	Benefits Low and Moderate Income Persons	Homeless Needs-High Priority	Suitable Living Environment	Availability/Accessibility	Yes	\$15,000
Manatee Glens Homeless Outreach (In conjunction with City of Bradenton (COB) Shelter Plus Care grants)	\$35,000	Public Service	Benefits Low and Moderate Income Persons	Homeless Needs-High Priority	Suitable Living Environment	Availability/Accessibility	Yes	\$20,000 * Amended to \$10,000
Family Promise of Manatee Jumpstart to Independence	\$15,000	Public Service	Benefits Low and Moderate Income Persons	Homeless Needs-High Priority	Decent Housing	Affordability	No	\$0 *1 * Amended to \$10,000
COB Summer Youth Program	\$15,000	Public Service	Benefits Low and Moderate Income Persons	Youth Services-High Priority	Economic Opportunity	Availability/Accessibility	Yes	\$0 *2
Manatee County Girls Club, Inc. d/b/a Just for Girls Norma Lloyd Park Project: Phase I: Educational Services for At-risk Children-East Bradenton Transportation Initiative	\$45,000	Public Service	Benefits Low and Moderate Income Persons	Youth Services-High Priority	Suitable Living Environment	Availability/Accessibility	Yes	\$0 *3
COB Code Enforcement in Low and Moderate Income Areas	\$199,500	Rehabilitation/Preservation	Benefits Low and Moderate Income Persons (Area Benefit)	Code Enforcement-Medium Priority	Suitable Living Environment	Sustainability	Yes	\$199,500
Manatee County Girls Club, Inc. d/b/a Just for Girls Norma Lloyd Park Project: Phase I: Educational Services for At-risk Children	\$100,000	Public Facility	Benefits Low and Moderate Income Persons	Public Facilities-Low Priority	Suitable Living Environment	Availability/Accessibility	Yes	\$97,482
United Community Centers, Inc. Phase I of the 13th Ave. Dream Center	\$50,000	Public Facility	Benefits Low and Moderate Income Persons	Public Facility-Low Priority	Suitable Living Environment	Availability/Accessibility	Yes	\$50,000 with 3 steps (see below)
Central Economic Development Center, Inc. MLK Residential/Commercial Mixed-Use Project	\$172,500	Special Economic Development Activity	Benefits Low and Moderate Income Persons	Economic Development-Low Priority	Economic Opportunity	Availability/Accessibility	No	\$0 *4
CDBG Program Administration	\$95,496	Program Administration	N/A	N/A	N/A	N/A	Yes	\$95,496
	\$742,496	Total Projects Submitted				Total Recommended Activities		\$477,478

The public hearing was opened, those in favor please come forward.

Becky Canesse, CEO of Manatee County Girls Club, Inc. d/b/a Just for Girls, gave a brief status update of the construction project at 1011 21st Street East and requested approval of the funding as proposed.

Anyone wishing to speak in opposition please come forward, no one came forward the public hearing was closed.

Tim Polk gave a brief overview of the projects as submitted and stated that some of the applications that were submitted had not been recommended for funding due to inconsistency and method of tracking, limited public service availability, and that a project was not ready and/or pending.

Memo submitted of Unfunded Projects on the Project Recommendations with the following notes:

***1.** Not ready-some inconsistency and concerns regarding the total program cost and method of tracking the expenditure of CDBG funds.

***2.** This program was not funded this year due to limited public service funds availability.

***3.** This program was not funded this year due to limited public service funds availability.

***4.** Project is not ready-\$2,360,750 of \$3,611,500 is still pending. Applicant also expects to apply for \$500,000 in SHIP funds over the next two years. However, this money is subject to income set asides (30% for very low and extremely low income persons up to 50% AMI; 30% for low income persons up to 80% AMI) and can only be used on the housing component of this project.

Lesa Ramos, Manager of the Housing and Community Development Division gave an overview of each of the funding projects as listed in the Program Year Funding Recommendations Projected Funds available matrix.

Councilman Smith adamantly stated he wanted to see a change in the way projects were funded, instead of using funds for bricks and mortar he would like to see more community service projects.

Councilman Roff stated that funds had been used to upgrade sidewalks along the Tamiami Trail and believed that this would provide incentive to revitalize the area, thus encouraging businesses to invest in the future of 14th Street, aka Tamiami Trail.

Councilman Byrd stated that he would like to see funds become available for the Summer Youth Program.

Vice Mayor and Councilman Gallo stated that Family Promise was in great need of funding and not funding them would really hurt the organization. He stated the organization provided assistance to homeless families on a short-term basis. He recommended taking funds from Manatee Glens and giving it to Family Promise.

* After a lengthy discussion, Council requested in a motion to move \$10,000 from Manatee Glens Homeless Outreach to Family Promise of Manatee Jumpstart to Independence.

MOTION TO MOVE \$10,000 from Manatee Glens Homeless Outreach to Family Promise of Manatee Jumpstart to Independence program was made by Vice Mayor and Councilman Gallo, seconded by Councilman Smith and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

Lengthy discussion: Percentage of funds allocated in the various service projects.

Councilman Byrd stated that though he fully supported the Code Enforcement Board, there was a need to look at the Code Enforcement funds of \$199,000 and where these funds were spent. He stated that these funds could be used in other projects.

Sherod Halliburton stated that the CCRA was in favor of setting funds aside to support the city's goals and objectives for the needs of the community.

Councilman Smith requested that a workshop be set up in the next coming months with the Community Revitalization Agency (CRA), the Downtown Development Agency (DDA), and the Central Community Redevelopment Agency (CCRA) to focus on unifying efforts to address needs, to study all the different programs that were available, and to create a Comprehensive Plan to fund goals set by the city.

Patrick Carnegie, Executive Director of the United Community Centers, Inc. gave an overview of the proposed Phase I for the Dream Center with a request for \$50,000 of the CDBG funds.

Lengthy discussion: United Community Centers, Inc. goals and objectives for construction of the Dream Center at Norma Lloyd Park and partnering with other organizations.

Councilman Smith requested to add a stipulation that Mr. Carnegie provide all accounting records showing all expenditures associated with Norma Lloyd Park.

Alison Hewitt, Central Economic Development Center displayed a rendering of the Martin Luther King (MLK) Residential/Commercial Mixed-Use Project with a one-time request for \$172,500 in funds for the project.

Tim Polk stated the Planning and Community Development staff recommended approval of the Dream Center with staff recommendation prior to the signing of the sub-recipient agreement for the grant amount of \$50,000. United Community Centers shall agree to the following three (3) stipulations:

1. That United Community Centers shall provide the city's grant manager(s) "open books and billing access" during the life of the grant cycle.
2. That United Community Centers shall submit the first draw down of the grant amount within 30-days of the execution of the sub-recipient grant agreement and shall submit the last draw down no later than 14 working days prior to grant termination.
3. That the United Community Centers shall define the role (duties and responsibilities) of the "Developer" within the context of the project and clarify the "overhead/administrative costs (\$25,000) and Developer's fee (\$150,000)".

Councilman Byrd stated that he had a philosophical difference about this process.

MOTION TO APPROVE Resolution 08-67 CDBG 2009 Funding recommendations and Annual Action Plan with the project recommendations for this year with the recommendation made by the Planning and Community Development staff for United Community Centers/ 13th Avenue Dream Center with an additional stipulation to provide overall accounting of expenditures associated with Norma Lloyd Park was made by Councilman Smith, seconded by Vice Mayor and Councilman Gallo and carried 3-1 for approval with Councilman Byrd in opposition and Councilwoman Barnebey excused from the meeting.

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**NOTICE OF AVAILABILITY OF SHIP ANNUAL REPORT  
FISCAL YEARS 2005-06, 2006-07, and 2007-08**

**RESOLUTION NO. 08-68** **PUBLIC HEARING**  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA ADOPTING THE CITY'S LOCAL HOUSING ANNUAL REPORT FOR STATE FISCAL YEARS 2005-06, 2006-07 AND 2007-08.

The public hearing was opened those in favor please come forward.

**Lesa Ramos**, Manager of the Housing and Community Development Division gave a brief overview of the report listing the breakdown of funds in each of the reports. She stated the process for this year's fund just started July, 2008, therefore, no monies had been expended on rehabilitation for programs.

Councilman Smith stated that the Council wanted to encourage staff to be incorporated on how the Council addressed rehabilitation in the community.

Those in opposition, hearing none, the public hearing was closed.

Tim Polk stated the Planning and Community Development staff recommended approval as presented.

**MOTION TO APPROVE Resolution 08-68 SHIP Annual Report Fiscal Years 2005-06, 2006-07, 2007-08 with the recommendation made by the Planning and Community Development staff was made by Councilman Smith, seconded by Councilman Roff and carried 4-0 for approval. Councilwoman Barnebey excused from the meeting.**

#### DEPARTMENT HEADS

**Carl Callahan: REQUEST TO Authorize Mayor Poston to sign a contract between The Florida Department of Corrections and the City of Bradenton for the second work crew. This was consistent with the previous contract.**

No discussion followed.

**MOTION TO APPROVE the request to authorize Mayor Poston to sign a contract between The Florida Department of Corrections and the City of Bradenton for the second work crew was made by Vice Mayor and Councilman Gallo seconded by Councilman Byrd and carried 4-0 for approval.**

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REQUEST AND RECOMMENDATION was made by Carl Callahan to approve a proposal from METV to provide production services to broadcast the Council meetings.

No discussion followed.

MOTION TO APPROVE THE METV PROPOSAL as recommended by Carl Callahan was made by Vice Mayor and Councilman Gallo seconded by Councilman Smith and carried 4-0 for approval.

Chief Souders: Reminded everyone that tomorrow was September 11th and that a memorial service would be held in Rossi Park with a luncheon to follow at the Bradenton Municipal Auditorium.

Chief Souders gave a brief update on Hurricane Ike which was currently affecting the lower Keys and was expected to head toward Galveston, Texas.

Staci Cross: Nothing to report.

Chief Radzilowski: Reported that it was difficult to have a reduction in crime but stated he was astonished and pleased to report that in the third quarter of this year, murder, rape, robbery, burglaries and vehicle theft was down in the city. He stated that the media reports that crime was up in Bradenton when in reality it was countywide not in the city limits. He thanked his staff for being so diligent and working with the community to make this happen.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

Carolyn Moore: Nothing to report.

Mr. Callahan reminded everyone that a shade meeting would be held immediately after the meeting.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 11:45 a.m.

NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available for a fee upon request.