

**CITY COUNCIL MEETING
May 9, 2007**



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on May 9, 2007 at 8:30 a.m.

Present: Mayor Wayne Poston; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

City Officials: Carl Callahan, City Clerk and Treasurer; John Cumming, 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 and the Herald-Tribune.

The meeting was called to order by Mayor Poston.

Mayor Poston introduced “*Sarah Gardner, Mayor of the Day.*”

Ecumenical invocation was led by Councilman Golden, City Chaplain.
Pledge of Allegiance was led by Mayor of the Day Sarah Gardner.

Vice Mayor and Councilman Ward I Gene Gallo was excused from the meeting.

PROCLAMATIONS

CODE ENFORCEMENT OFFICERS’ APPRECIATION WEEK PROCLAMATION – JUNE 4-8, 2007

SALVATION ARMY WEEK PROCLAMATION – MAY 14-20, 2007

PRESENTATIONS

BRADENTON POLICE DEPARTMENT

Officer of the Month

Officer Jeffrey Cox was named Officer of the Month for May.

TAMPA BAY REGIONAL PLANNING COUNCIL

Tampa Bay Reality Check Planning Exercise 2007

Amy McGuire, Project Director for “*Reality Check*” Tampa Bay gave a brief overview of the future challenges facing the Tampa Bay area with the goal to promote regional awareness of future growth and options for that growth.

Mayor for the Day Sarah Gardner submitted a petition signed by, 396 people to Mayor Poston and the Council Members requesting, beach access, for everyone regardless of physical limitations. The petition requested that Manatee County beaches be made wheelchair-accessible and that council help direct funding toward that cause.

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: Excused from the meeting.

Councilwoman Marianne Barnebey, Ward II: Reported that she had attended a special benefit event featuring many sports celebrities which was hosted by the United Community Center to raise money for the 13th Avenue Community Center. Councilwoman Barnebey stated that the City of Bradenton received applause when it was announced that the property deed had been given to 13th Avenue to begin construction for the new Community Center at Norma Lloyd Park.

Councilwoman Barnebey stated she was vehemently opposed to holding another Department Head Retreat on Longboat Key due to the expense involved in an overnight stay and the high cost of meals. Councilwoman Barnebey stated she was not opposed to a planning retreat at a different location and referred to the Holiday Inn Riverfront.

Mayor Poston stated that retreats were normal practices in most organizations as large as the City of Bradenton. Mayor Poston stated that the other council members had no objections and that it was less expensive to hold a 1 ½ day retreat on Longboat Key than at the Holiday Inn Riverfront.

Councilwoman Barnebey stated for the record that she had not received any official notice of this retreat. Councilwoman Barnebey also stated that each previous year she had requested to see an outline of the retreat agenda and a financial statement of the expenses, but had never received the information.

Mayor Poston stated that there was no document, created from this planning retreat other than the budget report.

Councilman Patrick Roff, Ward III: Stated that he has had a lot of personal contacts, with Officer Jeffrey Cox in regards to the burglaries in his ward. Councilman Roff stated Officer Cox had been very visible and diligent in catching the thieves. Councilman Roff complimented the police department for being so effective.

Councilman Bemis Smith, Ward IV: Referred to a memo, regarding a noise ordinance draft prepared by Bill Lisch. Councilman Smith encouraged other council members to express their thoughts regarding this ordinance.

Bill Lisch stated that if Councilman Smith approved the noise ordinance draft, he would forward a copy to the other council members and the police department to see if they had any suggestions.

Councilman James Golden, Ward V: As fire commissioner reported for the month of April the fire department had received 92 fire calls and 523 medical calls and were holding ongoing fire safety and public education programs.

Councilman Golden stated he had attended the Department of Housing and Urban Development (HUD) workshop in Tampa with many organizations in attendance.

Councilman Golden reminded everyone of the affordable housing workshop to be held on May 30, 2007 from 9:00 a.m. to 1:00 p.m. which was open to the public.

Councilman Golden thanked Chief Radzilowski for the gun buyback program and for continuing this worthy program every year.

Mayor Wayne Poston: Invited everyone to attend "*City of Bradenton Day at the Devil Rays*" on May 19, 2007 beginning at 7:00 p.m. Mayor Poston stated that 500 tickets had been sold and was the biggest support from any city.

Mayor Poston stated the legislators were going to hold a special session to discuss taxation issues. The issue of the insurance crisis remains undecided.

Mayor Poston stated that the city has had a hiring freeze in place for over a month, in anticipation that something was going to happen at the state level, which may have a negative financial impact on the city.

Mayor Poston stated that the theme of the Department Head retreat would be, "Less is More." Mayor Poston stated that the goals were to figure out how to do better with less and to carry out details and implement the policies set by this Council. Mayor Poston stated that everyone should be prepared for a budget cut that the city and citizens will not be pleased with.

Mayor Poston stated that the city understood that there was a need for some tax relief, and the staff and council will closely review the necessary needs of the city.

CONSENT AGENDA

Approval of Minutes of April 25, 2007.

MB.07.0013 WARD 4 NEIGHBORHOOD 20.03 RS

Request of Stephen Thompson, Esquire, agent for Cedarwood Development, Inc., owner, for a PDP Extension from June 14, 2007 to June 14, 2008 for the future Magnolia Lakes residential development at property located at 415 48th Street Court East. (Zoned PDP)

Resolution 07-26 appointing David Gjertson to the Architectural Review Board.

Budget Adjustment – Copier Lease

MOTION TO Approve the consent agenda consisting of the minutes of April 25, 2007, MB.07.0013 request, Resolution 07-26 and a budget adjustment was made by Councilman Golden seconded by Councilman Smith and carried 4-0 for approval. Vice Mayor/Councilman Gallo was excused from the meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SECOND READING OF PROPOSED ORDINANCE NO. 2862

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CODE OF ORDINANCES FOR THE CITY OF BRADENTON, FLORIDA, BY ADOPTING A NEW SECTION 54-10 PROHIBITING PUBLIC URINATION OR DEFECACTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE.

Bill Lisch recommended approval of the ordinance and stated this would clear up any deficiencies within this area.

The public hearing was opened, those in favor come forward, no one came forward.

Those in opposition; no one came forward, the public hearing was closed.

MOTION TO APPROVE Ordinance 2862 as recommended by Bill Lisch was made by Councilman Golden, seconded by Councilman Smith and carried 4-0 for approval. Vice Mayor/Councilman Gallo was excused from the meeting.

RV.05.0008 WARD 4 NEIGHORHOOD 7.03

PUBLIC HEARING

Request of WilsonMiller, agent for Riviera Southshore, owner, for approval of a Right-of-Way Vacation at 1203 Manatee Avenue East. (Zoned R-1B, C-1A, C-1 & PDP)

RESOLUTION NO. 07-25

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" AND LEGALLY DESCRIBED.

RV.05.0009 WARD 4 NEIGHORHOOD 7.03

PUBLIC HEARING

Request of WilsonMiller, agent for Riviera Southshore, owner, for approval of a Subdivision Vacation at 1203 Manatee Avenue East. (Zoned R-1B, C-1A, C-1 & PDP)

RESOLUTION NO. 07-23

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "PLAT VACATION" AND LEGALLY DESCRIBED.

LU.05.0020 WARD 4 NEIGHBORHOOD 7.03

PUBLIC HEARING

Request of WilsonMiller, agent for Riviera Southshore, owner, for Land Use Atlas Amendment from R-1B, C-1A, C-1, PDP to PDP for property located at 1203 Manatee Avenue East.

SECOND READING OF PROPOSED ORDINANCE NO. 2863

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM R-1B, C-1A, C-1, PDP TO PDP FOR THE PROPERTY LOCATED AT 1203 MANATEE AVENUE EAST AND LEGALLY DESCRIBED.

PR.05.0017 WARD 4 NEIGHBORHOOD 7.03

PUBLIC HEARING

Request of WilsonMiller, agent for Riviera Southshore, owner, for preliminary approval of a Planned Development Project known as Riviera Southshore located at 1203 Manatee Avenue East (Zoned R-1B, C-1A, C-1 & PDP)

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

Ed Vogler, attorney for Riviera Southshore Ventures stated that this land use public hearing was the implementation phase of a settlement agreement between the developer and the City of Bradenton, where on January 10, 2007 both sides had proceeded to settle the dispute which was pending in litigation.

Mr. Vogler gave a summary of the history of the development process, the inconsistency of the comprehensive plan and where the development was today.

Mr. Vogler, in conclusion, requested approval of the horizontal site plan consistent with the settlement agreement which would guide the location of development on the properties. He stated that the architectural design plans of the buildings would continue through the process to an Architectural Review Board public hearing and ultimately be presented to Council for approval.

Mr. Vogler displayed renderings of the proposed architectural design plans for the development which maintains a modern design yet evoked the old manatee concepts and charm.

Those in opposition.

Patricia Petriff, representing Les and Jackie Atwood, 1010 Riverside Drive East stated that the concerns of the Atwoods and some of their neighbors, was the use of public lands (Glazier Park) to calculate the allowable density of the project. She stated that the only way the developer could be granted permission to use the park would be by the decision of the Council. She stated the settlement agreement did not authorize any waivers of any PDP site plan requirements. She stated by approving this development would mean waiving the setback requirements for the buildings and eliminating the required, perimeter buffers. She stated that Council should prohibit this development as it exceeded the maximum density authorized in the Comprehensive Plan. She voiced her concern for the lack of parking and the impact that on-street parking would have on the neighborhood. She submitted a letter outlining her opposition to the development.

Ms. Petriff voiced her concern for the Coastal High Hazard flooding in the Zone A Hurricane Evacuation area and quoted the Comprehensive Plan "...discourage the location of high density residential projects in high priority hurricane evacuation zones through the Land Use and Development Regulations," and stated this project did not discourage that.

Ms. Petriff stated that her clients were not opposed to development, but were opposed to this development due to the placement of the high tower buildings, next to the river. A more preferred location would be to set the high towers back further into the middle of the development.

Ms. Petriff voiced her concern for an endangered historical home that was located in the middle of the proposed development property and stated that the Comprehensive Plan encouraged historic preservation.

Ms. Petriff asked the Council to protect the neighbors should this request be approved by requiring the drilled shaft method of construction as opposed to the pile driving drilled method.

Speaking in favor of the project were **Richard Swenson**, 223 14th Street East, **Preston Griffith**, 213 12th Street East, **Reed Gifford**, 1112 4th Avenue East, **Shary Metrocaveg**, 1128 Manatee Avenue, **Marta del a Torre**, 213 12th Street East, and **Mary Shelless**, 2nd Avenue East. Each attested that they believed the project was a quality design, which would improve the old rundown neighborhood and be a catalyst for future development and redevelopment of the older homes. They expressed their opinions that new revenue generated by the development would help this older neighborhood with new infrastructure, new streets and sidewalks, enhancement of the public park and create a new public area along the waterfront. They stated the project would help eliminate the increasing crime by, replacing rental properties with property owners who take pride and value their property. They stated currently some of the homes were inhabited by 15-20 people who were not maintaining the homes. They stated that there was no difference visually between a 13 story building and a 10 story building and, by making the buildings taller it would save some of the larger older oak trees, and create more green space. They stated that most of the neighbors were ready to move on and to get the project completed.

Bob Noland, 1909 14th Avenue West, representing "*Citizens for the Best Bradenton*" recommended approval of the development and stated this type of project was desperately needed in this area. He requested that the staff conduct an intense research on the storm water run-off concerns. He stated that it was the job of the Council to protect its citizens and provide a vision for the future and that this project was one that would provide just that.

Those in opposition; come forward.

Speaking against the project were **Stephen Kozak**, 2502 2nd Avenue East, **Lydia Copeland McNeal** and **Charles McNeal, Jr.**, 1002 3rd Avenue East, and **Les** and **Jackie Atwood**, 1010 Riverside Drive East, and **Betty Hutchins**, 210 21st Street Northwest submitted a card in opposition. Each stated that the developer's only desire was to make a profit. They voiced their concerns for the height of the buildings with regards to the fire department having to save lives in such tall buildings. They voiced their concerns, about the takeover of the public park, and asked if the developer was going to pay for the security and safety of the park. They stated the average homeowner would not be able to afford these condominium homes. They stated that there would be more endangerment to children by adding retention ponds. They asked to keep the lift station location where it currently was due to, the concerns for flooding in the neighborhood and the possible contamination of nearby wells. They voiced their concerns regarding more residents living in a hurricane evacuation zone and for the increased traffic issues. They voiced their concerns with the extension of 3rd Avenue to 9th Street. They were opposed to high-rises and the overall density impact which would lead to more traffic creating unsafe conditions for children. They felt the building design was beautiful but was in the wrong location and was not compatible with the neighborhood.

Ed Vogler, in rebuttal, stated that Frank Maggio, the owner and developer who has purchased 70 homes in the area, felt the passion of the homeowners to create a better neighborhood. This development had been reviewed and accepted by some of the state's finest planners and consultants and had been strongly recommended for approval. He stated that the parking ratios required by the codes were more than what was required with 2.1 cars per unit. He stated that the acreage of public lands provided by the developer far exceeded the commitment made by agreed stipulations.

Councilman Roff referred to the construction concerns with the hours of operation, the noise impact from construction and the pile driving issues. He asked Mr. Vogler if these issues could be done in a manner that would have the least impact upon the surrounding area.

Mr. Vogler stated he had concern, about making any, construction guarantees today, he did not know what the engineering requirements would be.

Councilman Golden asked that every effort be made, by the developer to accommodate the residents.

Bill Lisch summarized the action needed today was to see if the site plan met substantially in accordance with the terms of the settlement agreement for a street and plat vacation, and zoning change.

Councilwoman Barnebey voiced her concerns regarding the noise and hours of construction.

Councilman Smith gave a brief timeline of the way the properties were purchased and deeded over to the developer and the way the project plan was brought to Council. Councilman Smith voiced his feelings of being held "hostage" by a settlement agreement that allowed the developer to include Glazier Park as green space in the density calculations.

Councilman Smith stated that he cared deeply about this community and that he had serious concerns about setting precedence for other developments and the impact this development may cause.

The public hearing was closed.

Councilman Golden voiced his concern about what was in the best interest of the city. He reiterated that the city had paid good money for expert consultants to advise us as to what would be in our best interests.

Councilman Golden stated that a lot of time had been spent to determine, what should be done and what would be the best for this area. He also maintained that the developer has a substantial financial interest in this project.

Councilman Golden stated that it was time to stop the bleeding and to begin the healing process. He stated he would support the motion to approve the requests.

Tim Polk gave the Planning and Community Development staff report with staff recommendation for approval. He referred to the WilsonMiller Settlement Agreement Submittal for the project and gave the following 15 stipulations:

(NOTE: Items #2 & #6 were deleted which changed the original numbering sequence.)

1. The total number of residential units within the Riviera Southshore Ventures (RSV) PDP shall be approved but shall not exceed six hundred ninety one (691) units. (Section 70.51 of the Florida Statutes provides for an allowance for increased density, intensity or use of areas of development upon the Special Magistrate's recommendation.)
2. The heights of the proposed riverfront buildings shall be measured from base flood elevation to the top of the ceiling slats of the highest living floor. The maximum height shall be:
 - a. Building A (Block 3) 108 feet
 - b. Building B (Block 2) 108 feet
 - c. Building C (Block 4) 84 feet
 - d. Building D (Block 1) 84 feet
3. All parking facilities shall comply with the parking requirements of the City of Bradenton Land Use Regulations. The Administrative Official may grant up to a twenty-five percent (25%) reduction in such requirements as the PDP was located within the Downtown Mixed Use Future Land Use Category.
4. Significant architectural detail and features must be added to the faces of the parking structures which do not have liner residential units to assist in masking the nature of the structures as garages.

5. All of the paved pedestrian sidewalks and on-street parking within the 100 year floodplain shall be constructed with pervious paving material, or such other material as approved by the Public Works Director.
6. The Architectural Design and features of the proposed buildings, parking garages, and amenities, including pedestrian features shall be adhered to as reviewed and approved by the City Council following recommendations and input from the Architectural Review Board. Such reviews and approvals shall occur before the final PDP approval may be granted.
7. The final PDP shall address all of the project stipulations and those imposed by further review of the Architectural Review Board and the City Council as provided for herein. In addition, the developer shall make a fair share contribution to off-site roadway improvements of \$48,900.00.
8. Any deviation from the approved requirements may require a PDP amendment.
9. The developer agrees to participate in a conceptual plan for public improvements to Glazier Gates Park and contribute \$250,000.00 to future upgrades to be implemented prior to the issuance of a final Certificate of Occupancy in the first riverfront (mid-rise) building constructed. The contribution may be funded by a community development district as and when formed by developer, but shall not be impact fee creditable.
10. Significant additional landscaping shall be added along the driveway adjacent to Lot 1 and Lot 8 so as to buffer the impact of automobile headlights on the adjacent residences, which additional landscaping shall (i) be installed prior to certificate of occupancy for such units, and (ii) achieve eighty-five percent (85%) opacity within one year from the date of planting.
11. Within thirty days following preliminary approval of the PDP, the developer shall deliver to the City Clerk of the City of Bradenton performance security (i.e. cash, bond, irrevocable letter of credit) and a disbursement agreement acceptable in form to the City Clerk and City Attorney. The performance security shall be in the amount of five hundred thousand dollars (\$500,000.00). The performance security shall act as collateral for the developer's obligation to timely accomplish the removal and renovations conditions described below, and failing same, shall be released to the City under the terms of the disbursement agreement so that the City may accomplish such work at the developer's cost and expense. The work to be accomplished is set forth below:
 - a. Obtain demolition permits for 15 existing dilapidated homes as authorized by existing Certificate of Appropriateness no later than 45 days following approval of the preliminary PDP approval.
 - b. Complete demolition and removal of homes, and accessory structures such as sheds, fences, etc., and complete sewer cap work no later than 125 days following approval of the preliminary PDP approval. The Director of Planning and Community Development may extend this deadline if required by field conditions, provided that (i) a report of such extension is provided to City Council, and (ii) developer is exercising good faith and best efforts to timely accomplish the work.
 - c. All trash and debris (excluding the homes and accessory structures described above) shall be removed no later than 45 days following approval of the PDP. Thereafter, the entire area shall be regularly mowed with vegetation trimmed on a proactive basis. Upon completion of the items described in subparagraphs a and b above, the performance security can be reduced to twenty five thousand dollars (\$25,000).
12. If required by final action of the City Council following further public hearings conducted by the Architectural Review Board and the City Council, the developer shall dedicate and construct an extension of 11th Street East and 12th Street East, connecting westward along the waterfront to existing Riverside Drive East. The design of such extension shall be pedestrian friendly and significantly landscaped.
13. Any roadway vacation approved by the City Council as part of the PDP approval shall be conditioned upon the developer contributing by conveyance or dedication to the public not less than one hundred fifty percent (150%) of public space and rights-of-way in excess of the amount vacated. Public rights-of-way and public space may be contributed to and funded by a community development district as and when formed by the developer. Despite such dedication, developer shall maintain access to its privately owned waterfront property, if any. The northernmost one half (1/2) block of 10th Street Court East adjacent to the Atwood property shall not be used for roadway.
14. The first phase of the PDP project shall include, at least, the development of (i) 11th Street East from Manatee Avenue to its northern terminus as determined by the City Council as set forth herein; (ii) 3rd Avenue East from 10th Street East to 12th Street East; (iii) the townhouses along

11th Street East, and (iv) the commercial development pod along Manatee Avenue between 11th Street East and 12th Street East.

15. That a right-of-way be provided for the extension of 3rd Avenue East from 10th Street to the western property line.

The correspondence received from Allen Parsons of WilsonMiller identifying each of the above referenced stipulations and the steps taken to comply with each one.

With a few exceptions as noted below, the applicant has made every attempt to conform to the "Preferred Option" plan that was approved at the settlement hearing. Noted changes were as follows:

1. The "Preferred Option" plan specifically depicts right-of-way for the extension of 3rd Avenue East. The plan submitted does not provide for this additional right of way. Long range planning, from staff point of view, would include the connection of 3rd Avenue East from 12th Street East to the hospital. Three links were missing for the connection, this being the first link.
2. Parallel parking on the west side of 10th Street Court East abutting Glazier Gates Park has not been included on the plan submitted.
3. The road extension depicted on the approved plan running along the east side of the Atwood residence has been removed on the plan submitted.
4. Block 10 on the "Preferred Option" plan indicated a u-shaped building with mixed use. The plan submitted indicated two buildings, identified as Buildings 2 and 3, with an out parcel in the center. The out parcel was currently developed with a drive-up food stand. This parcel was no longer under contract with the developer.
5. Two buildings were depicted on Block 11 of the "Preferred Option" plan, and this block now contains, three buildings, identified as Buildings 4, 5 and 6 of the plan submitted.

Tim Polk stated the Planning and Community Development staff recommendation for approval of the above 15 stipulations with an additional stipulation of the rights-of-way to be provided by the extension of 3rd Avenue East from 10th Street to west of the property line.

The application for specific building design would be going before the Architectural Review Board (ARB) on May 17, 2007 which had been noticed. Once reviewed by the ARB, the building design would be presented to the City Council for formal approval.

Bill Lisch recommended voting on each request separately. He read the following addition stipulation for the rights-of-ways and the plat vacations with the same contingencies.

- RV.05.0009 was contingent upon approval of PR.05.0017 and the dedication to the City of Bradenton of rights-of-way and public lands described therein.

Councilman Roff stated that the city had gone beyond due diligence and that everybody had agreed that redevelopment needed to take place in this area.

Mayor Poston stated that the city hired consultant, Charles Siemon, known as the premiere planning voice in the state of Florida. Mayor Poston stated that a lot of research had been done by the city's staff with their recommendation for approval. Mayor Poston stated that this board should rely on its staff; and therefore, he would, support the motion. Mayor Poston stated he had spent a lot of time talking to residents and business owners in this neighborhood and believed that most were in favor of this project.

MOTION TO APPROVE Resolution 07-25, RV.05.0008 with the additional stipulation prepared by Bill Lisch was made by Councilman Golden, seconded by Councilman Roff and carried 3-2 for approval with Councilman Smith and Councilwoman Barnebey in opposition with Mayor Poston breaking the tie vote. Vice Mayor/Councilman Gallo was excused from the meeting.

MOTION TO APPROVE Resolution 07-23, RV.05.0009 with the additional stipulation prepared by Bill Lisch was made by Councilman Golden, seconded by Councilman Roff and carried 3-1 for approval with Councilwoman Barnebey in opposition. Vice Mayor/Councilman Gallo was excused from the meeting.

MOTION TO APPROVE LU.05.0020, Ordinance 2863 with the recommendation made by the Planning and Community Development staff was made by Councilman Golden, seconded by Councilman Roff and carried 3-1 for approval with Councilwoman Barnebey in opposition. Vice Mayor/Councilman Gallo was excused from the meeting.

MOTION TO APPROVE PR.05.0017 with all 15 stipulations with the recommendation made by the Planning and Community Development staff including the additional stipulation prepared by Bill Lisch for the rights-of-ways was made by Councilman Golden, seconded by Councilman Roff and carried 3-2 for approval with Councilman Smith and Councilwoman Barnebey in opposition with Mayor Poston breaking the tie vote. Vice Mayor/Councilman Gallo was excused from the meeting.

Councilman Smith stated the reason why he voted in favor of the two vacations was based on the fact that they were items that were regularly voted upon by this board and because they met the city's regulations.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

There was no new business.

DEPARTMENT HEADS

Carl Callahan:

ANNOUNCED per a letter from NDC Construction, that the McKechnie Field renovations were expected to start within the next two (2) weeks with the following:

- A single lane closure for the northbound lane of the east side of 9th Street West at the Visitor Clubhouse for a period of five (5) days.
- A sidewalk closure of the same area listed above for a period of 6 months.
- A sidewalk closure on the north side of 17th Street West along the Pittsburgh Pirates grass parking lot for a period of 3 months.

NO ACTION WAS NEEDED.

Mr. Callahan stated that he received a phone call yesterday from Bob Sweat Supervisor of the Elections office asking if the city was going to offer early voting. Mr. Callahan stated that due to the cost associated in staffing the polls and the problems with securing the polls, here at City Hall, the most likely place for early voting, he recommended not having early voting as absentee ballots had been utilized well in the past. He asked the Council what their desire was regarding early voting.

Discussion: The possibility of using the fire station training room for a week, the cost of early voting, and if it had been beneficial in the past.

Mr. Callahan stated that it would probably cost under \$10,000 and that early voting had been well received for the national election but was not utilized as much for the county election.

Councilman Smith suggested that a notice go out in the water bill.

Councilwoman Barnebey stated that, "The true cost of any election is not the dollars that it cost to have it, the true cost of any election is the American lives that have been lost so that we can have this kind of system" therefore she would support the motion.

Councilwoman Barnebey stated she would like to have a report for the next election regarding how many people used early voting or absentee voting.

Councilman Roff suggested having a notice go out explaining how easy it was to get an absentee ballot by contacting the election office and asking to have one mailed to them.

Councilman Golden stated it would be just as easy to have a notice sent to the citizens advising them of the location to cast an early vote and to give all the people every opportunity and advantage to vote.

MOTION TO MOVE FOR EARLY VOTING was made by Councilman Golden seconded by Councilwoman Barnebey and carried 3-1 to approve with Councilman Smith in opposition. Vice Mayor/Councilman Gallo was excused from the meeting.

Chief Souders: Nothing to report.

Staci Cross: Announced there would be a large email update this weekend.

Chief Radzilowski: Announced Captain Randy Petoskey was retiring this Friday, May 11, 2007 after serving the City for 22 years.

Chief Radzilowski stated that in partnership with Meals on Wheels, the police department would be volunteering, to pick up food for the food bank this Saturday, May 12, 2007 from 3 p.m. to 7 p.m.

Chief Radzilowski stated that in honor of Mother's Day and to make our streets a little safer for our children, the police department was having their annual "Gun Buy Back Program" on Saturday, May 12, 2007 from 11:00 a.m. to 4:00 p.m. at 15th Street and 9th Avenue East and on Sunday, May 13, 2007 from 11:00 a.m. to 4:00 p.m. at 2004 14th Street West in the Bravo grocery store parking lot.

John Cumming: Stated that the Public Works Department received an award from the Manatee Garden Club thanking them for maintaining the medians on Manatee Avenue in the vicinity of 75th Street West.

Mr. Cumming stated that Woodruff and Sons were on-site for the 10th Street Drainage project.

Tim Polk: Nothing to report.

Bill Lisch: Asked the Council to review the draft of the noise ordinance, which had been extensively rewritten and to advise him of any changes that should be made.

Carolyn Moore: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 12:00 p.m.

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