

## **CITY COUNCIL MEETING September 24, 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 24, 2008 at 6:00 p.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; and Staci Cross, Information Technology Director.

**Press:** The Herald and the Herald-Tribune.

The meeting was called to order by Mayor Poston.  
Invocation led by Pastor Joey Mimbs, Bethel Baptist Church.  
Pledge of Allegiance was led by Mayor Poston.  
Carolyn Moore, Human Resources Director, was excused from the meeting.

### PROCLAMATIONS

DOMESTIC VIOLENCE AWARENESS MONTH – OCTOBER, 2008  
HABITAT FOR HUMANITY DAY – OCTOBER 6, 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:** Resigned the position of Vice-Mayor effective today.

All of the Counselors thanked Vice Mayor and Councilman Gallo for his service as Vice-Mayor and asked him to reconsider his resignation.

Vice Mayor and Councilman Gallo stated he would stand by his decision.

**MOTION TO NOMINATE Councilman Roff as Vice Mayor for the remainder of the term through the end of the year was made by Councilman Smith, seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

**Councilwoman Marianne Barnebey, Ward II:** Nothing to report.

**Councilman Patrick Roff, Ward III:** Stated that September 25, 2008 two public meetings entitled “Realize Bradenton”, would be held at the Bradenton Municipal Auditorium to seek community support and discuss plans for the development of the arts in the area.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Councilman Harold Byrd, Jr., Ward V:** Nothing to report.

**Mayor Wayne Poston:** Announced that Rossi Park was awarded the Manatee Beautification Award this year as one of the most outstanding public places in Bradenton. Mayor Poston thanked the Public Works and Utilities Department for keeping up on the maintenance of the park and Chief Radzilowski for maintaining the safety and security of the park.

## CONSENT AGENDA

Approval of Minutes of September 3, 2008.

Approval of Minutes of September 10, 2008.

Approval of Minutes of September 17, 2008.

Resolution 08-69 in support of the SWFWMD West-Central Florida Water Restoration Action Plan (WRAP).

Resolution 08-78 – Land Acquisition for the Ware’s Creek Neighborhood Park.

Public Event- 13<sup>th</sup> Annual Jingle Bell Run on December 11, 2008.

Request authorizing Mayor Poston to sign a FDOT Supplemental Agreement transfer of funds from Palma Sola Restrooms to Sidewalks for Schools.

Discussion was made as to the city’s boards with Mayor Poston asking Bill Lisch to review the differences between the boards and the criteria for serving on each.

Councilwoman Barnebey suggested utilizing a City Council Workshop to review the function of each board and to clarify possible requirements to serve. Currently, guidelines suggest that a board member be a city resident, have a business within the city limits or have some other vested interest in the city.

Further discussion: Difficulty in finding good people to serve on the boards who meet the guidelines. The Council would assist in finding good board members.

**MOTION TO APPROVE CONSENT AGENDA consisting of the minutes of September 3<sup>rd</sup> and September 17<sup>th</sup>, Resolution 08-69, Resolution 08-78, a public event request and request authorizing Mayor Poston to sign the FDOT agreement was made by Councilwoman Barnebey, seconded by Vice Mayor and Councilman Roff and carried 5-0 for approval.**

**MOTION TO APPROVE the minutes of September 10, 2008 was made by Councilman Smith, seconded by Vice Mayor and Councilman Roff and carried 4-0 for approval. Councilwoman Barnebey abstained from voting due to her excused absence at the 09-10-08 meeting.**

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### **FIRST READING OF PROPOSED ORDINANCE 2898**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, SECTION 54-9 BY REPEALING WATERCRAFT SPEED RESTRICTIONS FOR CERTAIN AREAS WEST OF THE GREEN BRIDGE (US BUSINESS HIGHWAY 41); PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated that the proposed ordinance would eliminate the speed zone that had been difficult to enforce and to enforce the county ordinance within the subject area.

**MOTION TO ACCEPT the first reading and set the second reading and public hearing of proposed Ordinance 2898 for October 8, 2008 was made by Councilman Gallo, seconded by Vice Mayor and Councilman Roff and carried 5-0 for approval.**

### **SECOND READING OF PROPOSED ORDINANCE 2896/TC**

### **PUBLIC HEARING**

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.

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

Tim Polk stated that Tom Cookingham, Assistant Director of Planning and Community Development would be glad to answer any questions and stated that the Planning and Community Development staff recommendation was for approval of Ordinance 2896.

**MOTION TO APPROVE proposed Ordinance 2896 with the recommendation made by the Planning and Community Development staff was made by Councilman Smith, seconded by Councilman Byrd and carried 5-0 for approval.**

#### NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

##### **RESOLUTION 08-79**

##### **PUBLIC HEARING**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CITY'S RATE AND FEE STRUCTURE FOR CITY WATER AND SEWER CHARGES; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan gave a brief overview of the proposed fee schedule increase stating that notice had gone out on customers' water bills. He displayed the 2008-09 budget figures depicting the current water and sewer projected income compared to the substantial increase in the price of treatment chemicals. He stated that the proposed revenue increase would still leave the fund utilizing nearly \$400,000 of carryover funds. He stated that utilities should stand alone and be self sufficient. He stated that the city's reserves were not to pay for daily expenses, but should be used only for emergency purposes.

Mr. Callahan recommended approval of Resolution 08-07 and stated that the proposed rate restructuring would increase the water rate by approximately 7% and would not be affected by water consumption.

Claude Tankersley, Public Works and Utilities Director, stated that the City of Bradenton was similar to other cities which were also facing the same increases in chemicals, fuel, and power to run the water treatment plants and waste water treatment plants.

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

Those in opposition please come forward.

**Kevin Arismendi**, 2209 25<sup>th</sup> Avenue West stated that times were already tough financially for his family and requested denial of the rate increase.

Councilman Smith stated that as a businessman, he agreed with Mr. Callahan that the utilities had to stand alone and be self sufficient. He stated that he had to look at what was in the best interest of the citizens and how to best run the city as a business; therefore, he would support the motion.

Vice Mayor and Councilman Roff stated that the city, state, and nation was facing some tough times, and facing drastic budget reductions. He stated that even with the rate increase, the city was still offering the lowest utility rates in the state. He stated that increasing the fees was not pleasant but, it had to be done, as the alternative was to take from the reserves.

**MOTION TO APPROVE Resolution 08-79 was made by Vice Mayor and Councilman Roff, seconded by Councilman Smith and carried 5-0 for approval.**

**MANATEE MEMORIAL HOSPITAL REQUEST FOR SIGNAGE**

**Ruth Seewer**, Planning and Community Development Review Manager gave a brief overview of the request by Vernon DeSear to change the location of the main identification sign for the entrance of the new parking garage and the new entrance to the hospital. She displayed the current sign location and stated that recommendation was to place the sign on the public right-of-way rather than vacate the right-of-way. She stated a signed release would be requested to ensure that, should it be necessary to access the city’s utilities, it would be done at the hospitals expense.

No discussion followed.

**MOTION TO APPROVE the request from Manatee Memorial Hospital to relocate signage to include signing a release should the city need to access city utilities at the hospital’s expense was made by Councilwoman Barnebey, seconded by Councilman Smith and carried 5-0 for approval.**

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**CODE ENFORCEMENT PROCEDURE FOR VIOLATIONS OF PROPERTIES IN FORECLOSURE**

**Volker Reiss**, Code Enforcement Compliance Manager gave a PowerPoint presentation of problems that the Code Enforcement Department was facing due to the abundant number of foreclosures resulting in abandoned homes and the lack of lawn maintenance on those properties. He gave an overview of the department’s legal procedures which was working for most of the properties in foreclosure.

General discussion: The legal process, whether it be an individual or a bank who now owns the property, and having to allow reasonable time to notify the offender and address violations.

Councilwoman Barnebey asked that the procedure be placed on the city’s website.

**NO ACTION WAS TAKEN.**

DEPARTMENT HEADS

**Carl Callahan:** Reminded everyone that the fiscal year-end was approaching and would be starting a new budget year with the majority of the information available via the Intranet.

Mayor Poston stated that there would be an additional staff meeting for the year-end on Tuesday, September 30, 2008.

**Chief Souders:** Reported on the destruction in Galveston, Texas caused by Hurricane Ike 10 days ago. He stated that the department was taking a strong look at lessons learned, and that this area would not have been prepared had the hurricane hit here. He stated there was no fuel, no water, no food, and no electricity for 45,000 homeless people, with 50,000 insurance claims expected to be filed.

- Staci Cross:** Nothing to report.
- Chief Radzilowski:** Nothing to report.
- Claude Tankersley:** Nothing to report.
- Tim Polk:** Nothing to report.
- Bill Lisch:** Nothing to report.
- Carolyn Moore:** Excused from the meeting.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 7:30 p.m.

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