

**CITY COUNCIL MEETING  
February 13, 2008**

**APPROVED BY  
February 27, 2008  
CITY COUNCIL**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on February 13, 2008 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 Harold E. Byrd, Jr.

**City Officials:** Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; William Tokajer, Police Major, Tim Polk, Department of Planning and Community Development Director; and Carolyn Moore, Human Resources Director.

**Press:** The Herald.

The meeting was called to order by Councilman Smith as Mayor Poston was delayed by a prior commitment.

Ecumenical invocation was led by Councilman Byrd.

Pledge of Allegiance was led by Councilman Smith.

Vice Mayor and Councilman Ward I Gene Gallo, Staci Cross, Information Technology Director and Michael Radzilowski, Police Chief were excused from the meeting.

## PRESENTATIONS

### **BRADENTON POLICE DEPARTMENT**

- **Officer of the Month-Officer Tim Smith**

Mayor Poston entered the chamber.

*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:** Stated she would be participating in the American Legion Variety Show this Saturday, February 16<sup>th</sup>.

Councilwoman Barnebey referred to a newspaper article regarding the city's budget and stated that there had been several comments posted by citizens about the budget on the newspaper's web page. She stated one citizen had asked to have the city's budget place on the city's website. She stated that the budget has been posted on the city's website for several years; she invited the public to call for assistance if they were not able to locate it.

Councilwoman Barnebey stated at the recent Council/Department Head workshop it was agreed that the budgeting process needed to get started and should be given careful consideration. She requested input from citizens as to what really mattered to them with regards to city services and city issues.

Councilwoman Barnebey commented that Manatee County was contemplating raising fees for garbage removal and was also reviewing the possibility of saving money by going to a once weekly garbage pickup.

Mr. Callahan stated that, in formulating this year's budget, he would be looking closely at alternative ways to save money and provide the same services currently offered to our citizens.

Mr. Callahan stated that county landfill costs had increased this past year; however, the city had not passed this fee increase to the citizens. He stated now the city would have to look closely at fee increases to pay for ever increasing costs.

**Councilman Patrick Roff, Ward III:** Reported that he had recently attended his first Tampa Bay Regional Planning Council meeting as the city's appointed representative and looks forward to serving in this regional capacity.

Councilman Roff stated he had recently attended the League of Cities "One Voice-One Agenda" annual meeting to discuss topics that would benefit by lobbyist representation at the state capitol, on behalf of the 400 municipalities in the state of Florida. One issue was that the legislature now faced a \$2 billion tax cut. One method that has been used in the past to address shortages was to use, unfunded mandates. He explained that unfunded mandates were bureaucratic "*hand tying*" by the legislature which basically would create new jobs or transfer state responsibility without funding. He stated this would have to take priority before providing services to the citizens. He stated that the City of Bradenton will try to keep as many services as possible to institute the Amendment One cut.

Councilman Roff asked all citizens to call their state legislators and tell them "NO UNFUNDED MANDATES."

**Councilman Bemis Smith, Ward IV:** Referred to a newspaper article which stated "Amendment One cuts were going against an overall \$35 million budget" when his understanding was that it was a \$14 million ad valorem budget. He stated that he would hope the correct information would be presented to educate the public as to what was now going on after the passing of Amendment One.

Councilman Smith stated that, as representatives of the citizens, it was prudent to work toward keeping as many services as we can, to keep taxes low and to assist the community in any way possible.

**Councilman Harold Byrd, Jr., Ward V:** Reported that there was a survey being distributed in Ward V to see if the citizens had any problems or concerns that they would like to have addressed. He stated that a neighborhood meeting was tentatively scheduled for March 6<sup>th</sup> to address any issues.

**Mayor Wayne Poston:** Stated he just returned from the Manatee County Chamber of Commerce Financial Forecast Breakfast featuring economist **Hank Fishkind**, of Fishkind and Associates. Mr. Fishkind spoke on the impact that the passing of Amendment One will have on Florida.

Mayor Poston quoted a statement made by Mr. Fishkind: "What the legislature did was not a comprehensive tax plan that will work for the state and stimulate either economic activity for the state or give real tax relief to the people that live here; what the legislature did was to institute a state tax policy that simply panders to voters and does nothing to solve problems short or long term."

Mayor Poston stated that the City of Bradenton agreed with Mr. Fishkind's statement and did not think that Amendment One made economic sense and did not give the citizens the relief that they really need.

Mr. Callahan gave a brief overview of how ad valorem taxes were collected and where the bulk of this revenue goes. He stated that \$7 million dollars in ad valorem taxes had been collected in 2001-2002 and \$14 million had been collected in 2007-2008.

He stated that ever since 9-1-1 there had been significant changes in the way we, as a nation, looked at security. He stated in his review, it was clearly evident that most of the city's revenue went to public safety salaries and benefits which had resulted in an increase of \$6.5 million dollars from 2001-2002 to 2007-2008.

## CONSENT AGENDA

Approval of Minutes of January 9, 2008.

Approval of Minutes of January 23, 2008.

Approval of five 2008 State Flood Mitigation Assistance applications to FEMA.

Approval of four public events:

1. Black History Celebration to be held February 16, 2008.
2. Run for Runaways to be held March 8, 2008.
3. Movie and Martini to be held March 14, 2008.
4. Sacred Heart Church procession to be held March 21, 2008.

**MOTION TO APPROVE THE CONSENT AGENDA with the approval of the Minutes of January 9, 2008, January 23, 2008, five 2008 State Flood Mitigation Assistance applications to FEMA, and four public event requests was made by Councilwoman Barnebey seconded by Councilman Smith passed 4-0 for approval.** Vice Mayor and Councilman Gallo was excused from the meeting.

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### **PR.07.0039 WARD 4 NEIGHBORHOOD 7.02A RS**

### **PUBLIC HEARING**

Request of Shane C. Cooper, P.E., Banks Engineering, agent for T I Investments Inc. of Sarasota, owner, for preliminary approval of a Planned Development Project known as River Run Estates Subdivision for property located at 1212 30<sup>th</sup> Street Court East. (Zoned PDP)

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

**Shane Cooper** answered questions and stated that stipulations set by the planning staff addressed environmental mitigation and tree preservation and replacement.

Those in opposition please come forward, no one came forward.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval with four (4) stipulations and the Planning Commission recommendation for approval with four (4) stipulations and one (1) additional stipulation #5 as follows:

1. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code were observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protective measures would be taken, with immediate notification provided to the Department of Planning and Community Development.
2. All trees proposed for removal would be flagged and documented to be replaced on site and/or financially compensated for in lieu of replacement. The city would not accept total payment without any on-site replacement. The tree replacement plan must be approved by the Director of Planning and Community Development prior to subdivision plat approval and recording.
3. All trees not scheduled for removal would be properly barricaded. Additionally, the wetland area, including the buffer, would be protected with the required silt fence prior to commencement of the site improvements.
4. Improvements would be made to 30<sup>th</sup> Street Court East from 11<sup>th</sup> Avenue East, south to the south side of the project entrance, to bring the street up to city standards.
5. The applicant would contact MCAT to question the feasibility of additional stops prior to the next City Council meeting.

Mr. Cooper stated the information had been sent to the senior planner at MCAT, but he had not gotten a response from them to date.

**MOTION TO APPROVE PR.07.0039 with the recommendation for approval made by the Planning and Community Development staff and Planning Commission with five (5) stipulations was made by Councilman Smith seconded by Councilwoman Barnebey and passed 4-0 for approval.** Vice Mayor and Councilman Gallo was excused from the meeting.

**RV.07.0021 WARD 4 NEIGHBORHOOD 7.02A RS**

**PUBLIC HEARING**

Request of Shane C. Cooper, P.E., Banks Engineering, agent for T I Investments Inc. of Sarasota, owner, for vacation of undeveloped rights-of-way and subdivision plat located at 1212 30<sup>th</sup> Street Court East. (Zoned PDP)

**RESOLUTION NO. 08-18**

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

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

Those in opposition please come forward.

**Susie Copeland**, 1010 27<sup>th</sup> Street East, questioned the description as read in the resolution as it did not coincide with the property location and named streets.

Mr. Callahan stated that Ms. Copeland was correct and that perhaps the legal description was done from old plat books before the designations of the streets were changed.

**Ruth Seewer**, Planning Review Manager, stated she would check on the legal description as the old plats listed two street names.

**Bill Lisch** stated the resolution only referred to the streets within the proposed project and currently there were none.

Tim Polk gave the Planning and Community Development staff report and stated the staff and Planning Commission recommended approval without any stipulations.

**MOTION TO APPROVE RV.07.0021, RESOLUTION 08-18 was made by Councilman Smith seconded by Councilman Roff and passed 4-0 for approval.** Vice Mayor and Councilman Gallo was excused from the meeting.

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**SF.07.0008 WARD 1 NEIGHBORHOOD 11.03 RS**

Request of Marla Hough, agent for Bradenton Lodging, LLC, owner, for approval of Final Subdivision Plat for Bradenton Country Inn and Suites for property located at 5501 Cortez Road West. (Zoned PDP)

No discussion was made.

**MOTION TO APPROVE SF.07.0008 was made by Councilwoman Barnebey seconded by Councilman Roff and passed 4-0 for approval.** Vice Mayor and Councilman Gallo was excused from the meeting.

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

Tim Polk

Notice is hereby given that a public hearing will be held before City Council on Wednesday, February 13, 2008 at 8:30 A.M., located at the City of Bradenton, City Hall Council Chambers 101 12<sup>th</sup> Street West, Bradenton, FL 34205. The intent of this meeting is to receive oral or written public comments on the staff recommendations regarding the applications received for the available carry-forward funds from the Community Development Block Grant (CDBG) Program. The City has approximately \$130,000 available in carry-forward funds and will be amending the FY 2008 Annual Plan to include the reallocation of unspent funds from previous program years. The available carry-forward funds are identified from the following activities:

| <u>Program Year</u> | <u>Project Name</u>                                                | <u>Amount Unobligated</u> |
|---------------------|--------------------------------------------------------------------|---------------------------|
| 1999                | Public Facilities & Improvements Recreation/Parks                  | \$ 57,196.53              |
| 2000                | 13 <sup>th</sup> Avenue Community Ctr. Scholarships                | 1,120.20                  |
| 2000                | Paint Refund Program                                               | 1,137.81                  |
| 2001                | Paint Refund Program                                               | 354.72                    |
| 2004                | Homeless/Salvation Army                                            | 3,674.00                  |
| 2004                | Youth Employment                                                   | 1,866.66                  |
| 2005                | Homeless Rental Reimbursement/Homeless Coalition                   | 14,165.17                 |
| 2005                | Homeless Rental/Mortgage Reimbursement/Manatee Opportunity Council | 5,714.53                  |
| 2005                | Manatee Glens Homeless Case Mgmt & Outreach                        | 15,550.02                 |
| 2005                | Code Enforcement                                                   | 21,496.05                 |
| 2005                | Rehabilitation Administration                                      | 1,582.33                  |
| 2005                | Youth Employment                                                   | 2,852.68                  |
| 2006                | MLK Ave. E. Roadway Improvements                                   | 2,758.91                  |
| 2006                | Housing Rehabilitation                                             | 1,511.00                  |
| 2006                | Meals on Wheels Senior Fitness Equipment and Bus                   | 339.32                    |
| 2006                | Summer Youth Program                                               | 6445.73                   |
|                     | Total                                                              | \$137,765.66              |

City staff is recommending the following proposed activities for Mayor, City Council and public comments:

|                                                                                                                                                                              |                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 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 | \$ 44,900.00        |
| Community Coalition on Homelessness Corporation-Transitional Development Program                                                                                             | 10,000.00           |
| Community Coalition on Homelessness Corporation- Open Door Day Resource Program                                                                                              | 5,000.00            |
| City of Bradenton- Code Enforcement in Low and Moderate Income Neighborhoods                                                                                                 | 77,865.66           |
| Total                                                                                                                                                                        | <u>\$137,765.66</u> |

At the conclusion of the public hearing and per the requirements of the Citizen Participation Plan, a fifteen-day public comment period will commence ending February 28, 2008. Should anyone have any questions or require additional information, please contact Lesa Ramos, Manager or Vicki White, Housing and Community Development Coordinator at 941-932-9601.

Timothy Polk, Director of Planning & Community Development  
Wayne Poston, Mayor  
City of Bradenton  
Publish dates: January 28, 2008

Tim Polk stated that a request had been received from Family Promise of Manatee County for consideration for \$20,000 of support to assist homeless children and families in our community.

**Lesa Ramos**, Manager of Housing and Community Development gave a brief overview of the \$130,000 available carry-forward funds as presented with the recommendation of the supporting funds to the Manatee County Girls Club-Norma Lloyd Park Project, the Community Coalition on Homelessness Corporation, Transitional and Open Door Day Resource Programs and the City of Bradenton Code Enforcement Low and Moderate Income Neighborhoods.

Questions and answers were given of the various funds proposed for Code Enforcement and the Department of Housing and Urban Development (HUD) requirements.

Lesa Ramos gave an overview of the request from Family Promise of Manatee County and stated that the application had been reviewed and determined they had met at least one of the HUD objectives and the eligibility of \$20,000.

She recommended that \$20,000 be reallocated from Code Enforcement and allocate the funds toward Family Promises.

Councilwoman Barnebey stated, through her church she was very familiar with this organization and would support the request.

Mayor Poston stated that, for the record in his excused absence, Vice Mayor and Councilman Gallo had stated that he was supportive of this request.

Councilman Smith asked why this request had not been included as part of the CDBG process.

Mr. Callahan stated that several months ago Vice Mayor and Councilman Gallo wanted Family Promises to be part of the funding but they first had to be qualified.

Councilman Byrd stated that he had concerns that the city had not followed the correct process as was required by HUD.

**Tom Cookingham**, Planning and Community Development Assistant Director, stated that the deadline was a self imposed deadline by staff. He gave a brief overview of how the HUD process worked. He stated that funds were not being taken away from Code Enforcement and explained that \$77 thousand dollars was part of a "gap financing operation" while awaiting approval for the HUD budget from the president and congress.

The public hearing was opened; those wishing to speak please come forward.

**Valerie Taylor**, Just for Girls Director, gave a brief overview of the need for children's services programs and how they relied on the funding for these programs.

**Becky Canesse**, CEO of Just for Girls, gave a brief progress report on the plan to develop a leadership and learning center at the East Bradenton Branch located at 1011 21<sup>st</sup> Street East, which was contiguous with the Norma Lloyd Park. She distributed and referred to the 2007 Just for Girls Annual Report depicting a photo of the future classroom wing at the center.

**Lee Martin**, board member representing the Community Coalition on Homelessness, thanked the Council for the much needed funding. He gave a brief overview of the Open Door Day Center and the transitional programs.

**Susie Copeland** suggested that if the doors were kept open for the Family Promise application, they should also be kept open for other organizations seeking funding.

Mayor Poston agreed with Ms. Copeland and stated that he had directed staff to adhere to the deadline from this point forward and that this type of issue would not happen again.

**Diana Shoemaker**, Executive Director of Family Promise, stated it was not their intention to miss deadlines. She stated the agency had opened their doors on November 18, 2007 and, with the encouragement of Vice Mayor and Councilman Gallo, was told to speak to Tim Polk and Lesa Ramos to request the opportunity to be a part of the grant process. She thanked the Council for their support in this important opportunity to assist homeless families.

The public hearing was closed.

**MOTION DIRECTING THE INCLUSION OF \$20,000 for Family Promise Program of Manatee County, Inc. in the proposed CDBG 2008 reallocation funding and reducing the Code Enforcement allocation by the same amount was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 4-0 for approval.** Vice Mayor and Councilman Gallo was excused from the meeting.

John Cumming

**Southwest Florida Water Management District (SWFWMD) and the City of Bradenton Cooperative Funding Agreement for the Bradenton/Palmetto/Manatee County Interconnect Study.**

Mr. Cumming stated that for the last several years, the Public Works Department had been studying ways to use the city's reclaimed water instead of allowing it to flow into the river. He stated with a deadline approaching, he was requesting approval authorizing the Mayor to sign a "Cooperative Funding Agreement" between SWFWMD, the city of Bradenton, the city of Palmetto and Manatee County, to study ways to use this reclaimed water.

He stated that the total cost would be \$120,000, with the city of Bradenton contributing \$40,000, the city of Palmetto contributing \$20,000 and Manatee County contributing \$20,000 with the remaining balance of \$40,000 paid by SWFWMD.

**MOTION TO AUTHORIZE Mayor Poston to sign all of the Cooperative Agreements between SWFWMD, the City of Bradenton, the City of Palmetto and Manatee County was made by Councilman Smith seconded by Councilman Byrd and carried 4-0 for approval.** Vice Mayor and Councilman Gallo was excused from the meeting.

## DEPARTMENT HEADS

**Carl Callahan:** Reported on the status of Pirates City with the Pirates now occupying the administrative offices and the dormitories were anticipated to be completed next week.

He thanked the Council for their foresight in approving a 30-year lease with the Pittsburgh Pirates and commented that Sarasota County was now considering funding the Cincinnati Reds to stay in Sarasota after realizing the impact that baseball has upon the tourist industry and the economical development of the area.

Mayor Poston stated that with the funds from the state of Florida, the city of Bradenton was the only city in the state that had moved forward to accomplish renovations of their spring training facilities.

Mayor Poston thanked Mr. Callahan for his part in negotiating the contract with the Pittsburgh Pirates and stated that the city of Bradenton's contract was now a model example for other cities to follow.

**Chief Souders:** Nothing to report.

**Staci Cross:** Excused absence.

**Carolyn Moore:** Nothing to report.

**Major William Tokajer:** Nothing to report.

**John Cumming:** Reported the city's reservoir was full and flowing over the dam.

**Tim Polk:** Distributed a memorandum dated February 12, 2008 from Lesa Ramos, Manager of Housing & Community Development giving a (CDBG) Program Update. He gave a brief overview of the program's list of activities, Housing and Urban Development (HUD) requirements, and completion dates.

**Bill Lisch:** Nothing to report.

## ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 11:15 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.