

**CITY COUNCIL MEETING
February 27, 2008**

APPROVED BY
March 12, 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 27, 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; 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.
Ecumenical invocation was led by Vice Mayor and Councilman Gallo.
Pledge of Allegiance was led by Girl Scout Troop #74.

John Cumming, Public Works Director, was excused from the meeting.

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: Referred to a letter from the president of the Manatee County Historical Society regarding the preservation of the Davis Building on the Manatee High School campus.

Discussion: All councilors were in support of the Davis Building preservation and for any other significant historical buildings in the city.

MOTION TO DRAFT A RESOLUTION to support and preserve the integrity and historical value of the Manatee High School "Davis Building" was made by Vice Mayor and Councilman Gallo, seconded by Councilwoman Barnebey and passed 5-0 for approval.

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Vice Mayor and Councilman Gallo referred to a letter from Dr. Rick Lineberger, Senior Pastor of First Baptist Church, requesting to place speakers on the roof of the church and have a sound system play a semblance of bells each morning at 9:00 a.m. for an agreed upon time and as a call to worship on Sunday and asked if the council objected to this request.

Bill Lisch stated that churches were exempt from the noise ordinance.

ACTION: No one objected.

Vice Mayor and Councilman Gallo stated that he and Carolyn Moore were reviewing the medical insurance plan for retirees and found variations in charges based on employment of service.

Vice Mayor and Councilman Gallo stated that the variations were acceptable for those who were not on Medicare, but he had found that for the retirees using the city plan as a secondary plan, the rates were not favorable.

Vice Mayor and Councilman Gallo stated that these findings had been presented to the Insurance Committee and the committee had unanimously approved that anyone who had worked for the city at least 7 years, and was now retired and on Medicare would be charged the premium of \$77.61 a month. He stated that if the retiree's spouse was not on Medicare, the rate would be double the amount until the spouse was eligible for Medicare, then the rate would be \$77.61 a month.

**MOTION TO APPROVE the Insurance Committee's recommendation was made by Vice Mayor and Councilman Gallo, seconded by Councilman Roff and passed 5-0 for approval.**

**Councilwoman Marianne Barnebey, Ward II:** Invited everyone to attend the Big Brothers Big Sisters "Big Race Event" to be held on Saturday, March 1<sup>st</sup> at the Renaissance Building on 9<sup>th</sup> Avenue West.

Councilwoman Barnebey stated on March 8<sup>th</sup> Manatee Glens would be holding their annual fundraising event in the Bradenton Municipal Auditorium.

Councilwoman Barnebey as the city representative on the Metropolitan Planning Organization (MPO), stated there were two board vacancies and invited citizens to apply and serve on the Citizens Advisory Council for the MPO. She explained that the MPO was the organization that made recommendations for all federal and state transportation monies in Manatee and Sarasota Counties.

**Councilman Patrick Roff, Ward III:** Referred to the "Manatee Snap Shots" article in the Herald Tribune on the newly installed brick pavers on Tamiami Trail and stated this should help in assisting people to cross this busy street.

Councilman Roff stated that the Tamiami Trail Taskforce Committee composed of Mike Kennedy, Troy Dugan and he had their first meeting and would be meeting each month with a report to be given quarterly.

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

**Councilman Harold Byrd, Jr., Ward V:** Reminded everyone of the meeting set for March 6<sup>th</sup> at 7 p.m. at the 13<sup>th</sup> Avenue Youth Center to discuss citizen concerns in Ward V.

**Mayor Wayne Poston:** Nothing to report.

## CONSENT AGENDA

Approval of Minutes of February 13, 2008.

**MOTION TO APPROVE the Consent Agenda consisting of the Minutes of February 13, 2008 was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 4-0 with Vice Mayor and Councilman Gallo abstained from voting as he was absent at the February 13<sup>th</sup> meeting.**

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### **FIRST READING OF PROPOSED ORDINANCE 2885/MR**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, BY CREATING A NEW ARTICLE III, ENTITLED "THE CITY OF BRADENTON TRAFFIC LIGHT SAFETY ACT"; AND NEW SECTIONS 50-81 THROUGH 50-95 PROVIDING FOR INTENT AND DEFINITIONS; ESTABLISHING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING AN ENFORCEMENT PROGRAM WITHIN THE CITY; AUTHORIZING THE CITY TO PERMIT AND IMPLEMENT THE USE OF UNMANNED CAMERAS/MONITORING DEVICES FOR RED LIGHT INFRACTIONS; PROVIDING ENFORCEMENT PROCEDURES, INCLUDING NOTICE, APPEAL HEARINGS, PENALTIES, IMPOSITION OF ADMINISTRATIVE CHARGES AND COLLECTION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2885 for March 12, 2008 was made by Councilwoman Barnebey, seconded by Vice Mayor and Councilman Gallo and passed 5-0 for approval.**

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LU.07.0041 PROPOSED LAND USE REGULATIONS TEXT AND ATLAS AMENDMENTS

Request of Tim Polk, agent, for City of Bradenton, owner, to change the Land Use Atlas designation from C-1A/Urban Central Business District (UCBD) to C-1/UCBD in the Ballard Park neighborhood and text amendments relating to the Architectural Review Board (ARB), Health Services, Outdoor Display and Storage, Sheds, and Definitions for the Land Use Regulations of the City of Bradenton

SECOND READING OF PROPOSED ORDINANCE 2884/RS PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS PERTAINING TO ATLAS AMENDMENT FOR BALLARD PARK NEIGHBORHOOD FROM C-1A/UCBD TO C-1/UCBD, TEXT AMENDMENTS PERTAINING TO PROCEDURES FOR TECHNICAL REVIEW BY THE ARCHITECTURAL REVIEW BOARD, HEALTH SERVICES, OUTDOOR DISPLAY AND STORAGE, UTILITY SHEDS UNDER 120 SQUARE FEET AND DEFINITIONS; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval based on the Findings of Fact and Analysis of the proposed Atlas and Text Amendments with the Planning Commission accepting the staff recommendation.

Ruth Seewer, Development Review Manager answered questions regarding the parking requirements and what would be allowed under the land use.

Councilman Roff gave a brief overview of the Ballard Park neighborhood which was primarily 28% homesteaded with a need to improve the conditions of the homes. He stated in the past a traditional method to turn this neighborhood around was tried, but with less than 1/3 of the people being homeowners it was not possible to have an old fashioned homeowners' revitalization. He stated now the neighborhood was going to try and capitalize on the commercial side of revitalizing the neighborhood.

MOTION TO APPROVE LU.07.0041, Ordinance 2884 with the recommendations made by the Planning and Community Development staff and Planning Commission was made by Councilman Roff, seconded by Councilman Smith and passed 5-0 for approval.

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**SU.08.0050/JC PUBLIC HEARING**

Special use request for construction of a 15' x 60' concrete public boat ramp, 7'7" x 60' boat dock and shell parking lot consisting of approximately 11 trailer parking spaces, 4 passenger vehicle parking spaces, drive aisles, and bollards to define access to the parking area at 11000 Manatee Avenue West on the south side of Palma Sola Causeway.

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

**Jane von Hahmann**, Manatee County Commissioner District 3, stated this request had been part of the original plan on the causeway since 2003 with the Palma sola Scenic Highway Corridor Management Entity. She referred to an agreement by the city to partner with the county to fund the construction cost of the dock and ramp with the city maintaining the area.

Commissioner von Hahmann stated that this special use request addressed the public safety issue where the current old ramp existed, now only a concrete slab, on the north side of the causeway.

**Ingrid McClellan**, Executive Director of Keep Manatee Beautiful and Chairperson of Palma Sola Scenic Highway Corridor Management Entity, referred to a letter she had written dated February 19, 2008 detailing the history of the old ramp and the safety issues that existed. She stated the new location would be more accessible and there would not be overhead powerlines.

Those in opposition.

Residents from Palms of Palma Sola voiced their concerns that the boat ramp was too close to the townhomes, and that the dock would cause traffic and noise issues. They asked if the dock could be moved further east away from the townhomes.

Discussion: The proposed location site was well over 100 feet from the first structure, had the appropriate water depth and would not require the dredging that would be needed if moved further east.

Further discussion: The Police Department had received a letter from FDOT which requested enforcement to prohibit parking on the right-of-way; therefore, placement of "No Parking" signs would be installed.

**Claude Tankersley**, Public Works Assistant Director, gave an overview of the layout of the site which would allow optimum appropriate movement of trailers with strategic placement of landscape to assist the movement of vehicles. He stated the city would pay \$10,000 to build a parking lot for 11 trailers and 4 vehicles and pay up front for construction of the dock and ramp at a cost of \$64,150 with the county to reimburse the city via boat licensing fees.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval with no stipulations.

Vice Mayor and Councilman Gallo stated he would make the motion with some **added stipulations**:

1. To encourage the causeway committee to install landscaping and post "No Parking Signs" in front of the Palms of Palma Sola.
2. To have city staff examine the boat traffic and parking accommodations to make sure that there would be no problems regarding parking.

Councilman Roff, Councilman Byrd and Councilwoman Barnebey stated they were in support of the ramp and the joint agreement with the county.

Councilman Smith voiced his disapproval and asked why Manatee County would not fully pay for this boat ramp from the boat ramp fees they collect from all over the county. He stated that 90% of boaters were county residents.

Vice Mayor and Councilman Gallo stated that this boat ramp was in the city and the county had agreed to assist us.

**MOTION TO APPROVE SU.08.0050 with the recommendation made by Planning and Community Development staff and Planning Commission with two stipulations as requested by Vice Mayor and Councilman Gallo was made by Vice Mayor and Councilman Gallo, seconded by Councilman Roff and passed 4-0 for approval with Councilman Smith in opposition.**

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

John Cumming

**REQUEST TO AUTHORIZE Mayor Poston to sign an agreement with Seaway Marine for \$64,150 and an agreement between the City of Bradenton and Manatee County for the Palma Sola Boat Ramp Funding.**

Councilman Smith stated since the boat ramp had been approved, he would support this request as the money collected from the impact fees might as well be used to help pay for the boat ramp.

**MOTION TO APPROVE the request to authorize Mayor Poston to sign an agreement with Seaway Marine Construction for \$64,150 and an agreement between the City of Bradenton and Manatee County for the Palma Sola Boat Ramp Funding was made by Vice Mayor and Councilman Gallo seconded, by Councilman Byrd and passed 5-0 for approval.**

**Tim Polk**

**RESOLUTION 08-19**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING AND ADOPTING AN AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING; AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO EXECUTE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

Mr. Polk gave a brief background statement in the resolution citing changes made by the Legislation which enacted a bill passed in 2005 that required cities, counties and school boards to jointly establish standards and procedures for school concurrency by amending their existing Interlocal Agreements.

He stated the resolution would approve that Amended and Restated Interlocal Agreement for Public School Facility Planning between the City of Bradenton, all municipalities within the County of Manatee, the School Board of Manatee County and Manatee County.

Councilwoman Barnebey stated her husband was the school board attorney, therefore she would have to abstain from voting.

**MOTION TO APPROVE RESOLUTION 08-19 was made by Councilman Smith, second by Councilman Roff and passed 4-0 for approval.** Councilwoman Barnebey abstained from voting.

**DEPARTMENT HEADS**

**Carl Callahan:** Displayed two of the City of Bradenton seals and asked council which seal they preferred to be placed on the east side of the Judicial Center.

The council unanimously approved the seal with the grapefruit tree and the blue background.

**REQUESTED APPROVAL FOR A BUDGET ADJUSTMENT with a non-financial impact of \$164,549 to allocate for reimbursement of the Martin Luther King paving project.**

No discussion followed.

**MOTION TO APPROVE THE BUDGET ADJUSTMENT request was made by Councilwoman Barnebey, seconded by Councilman Byrd and passed 5-0 for approval.**

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REQUEST APPROVAL TO PURCHASE a Pierce Velocity 100-foot platform ladder truck that had been used as a demonstration vehicle. The cost of the truck was \$970,366.97 with \$773,797.38 of Impact Fees available and the remainder of \$196,569.59 to be paid in advance by the city and would be reimbursed by future impact fee collections. No ad valorem funds would be used toward this purchase.

Discussion: The source of financing, many extras features on the truck and that this would be a sole source purchase.

MOTION TO APPROVE the request to purchase a Pierce Velocity 100-foot platform ladder truck to be in paid for in advance and reimbursed by impact fees for the remainder of \$196,366.97 was made by Councilman Byrd, seconded by Vice Mayor and Councilman Gallo and passed 5-0 for approval.

Chief Souders: Thanked the Council for approving the purchase of the ladder truck and stated that the cost also included a three-day training session which he would be attending.

Staci Cross: Stated the Intranet had been down with some issues that needed to be addressed and was now back up and running.

She stated the Human Resources web module had been implemented; and the first class to be offered would be the NIMS ISO 300 and ISO 400. She stated this module would provide a better way of offering and scheduling classes automatically and would track training of each employee.

She stated that the Information Technology Department was also working on a new law enforcement management system OSSI to replace the old system C-data base Police Law Information Management System (CPLIMS) in the police department. She stated the Information Technology Department was currently retrieving data out of the old system to be placed into Laserfiche for easier retrieval and was training employees on this new system.

Chief Radzilowski: Nothing to report.

Claude Tankersly: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

Carolyn Moore: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 7:45 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.