

**CITY COUNCIL MEETING
June 25, 2008**

APPROVED BY
July 16, 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 June 25, 2008 at 6:00 p.m.

Present: Mayor Wayne Poston; Vice Mayor and Councilman Ward I Gene Gallo; 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; 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 Councilman Byrd.

Pledge of Allegiance was led by Mayor Poston.

Councilwoman Ward II Marianne Barnebey and Police Chief Radzilowski were excused from the meeting.

PRESENTATIONS

BRADENTON POLICE DEPARTMENT

20 years of service award to Lieutenant Keith Davis

Major Tokajer presented Lieutenant Keith Davis a 20-year service award plaque.

2006-2007 CCRA Fiscal Year Annual Report

Sherod Halliburton, Central Community Redevelopment Agency Executive Director, gave a brief overview with a PowerPoint presentation of completed development projects and plans for future development projects listing goals set for the CCRA district.

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

Mayor Wayne Poston: Congratulated John Cumming on his retirement and stated that Mr. Cumming had served the city well and had done a great job as Public Works Director for the last 11 years.

John Cumming thanked Mayor Poston, Council and citizens of Bradenton for being very good to him and said that he had very much enjoyed working as the Public Works Director.

Vice Mayor/Councilman Gene Gallo, Ward I: Thanked Staci Cross for an outstanding job in taking the lead and creating an emergency disaster plan for the city.

Vice Mayor and Councilman Gallo stated he had received numerous phone calls from a Village of the Arts business owner who stated she was being harassed by the City's Code Enforcement officers. He asked Mr. Lisch if there was a way to assist the Code Enforcement officers with this problem.

Mr. Lisch stated that the problem was created by numerous large commercial trucks parked 24/7 on a city street which was in violation of the city code. He stated that an enforcement officer acting as an enforcement magistrate had thrown out the numerous violations ticketed to this business by the Code Enforcement Department. He stated that Code Enforcement officers were again ticketing the same violations to the business owner due to the same illegal parking violations.

Volker Reiss, Code Compliance Manager, stated that if the police department enforced the improper truck parking on the street then this would not be a Code Enforcement issue.

ACTION: To have the police department handle the situation.

MOTION TO ACCEPT Claude Tankersley as the new Public Works Director 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.

Councilwoman Marianne Barnebey, Ward II: Was excused from the meeting.

Councilman Patrick Roff, Ward III: Reported that he had received a phone call from Congressman Vern Buchanan announcing that an additional \$7.6 million had been earmarked for the Ware's Creek Project and would now go before the full house.

Councilman Roff stated he had attended The Mayor's Symposium on Community Trees and the Urban Forest which had been held in Tampa. He stated that one interesting topic had been studies conducted by the University of Florida and the University of South Florida which tracked tree inventory by satellite. He stated the studies, similar in conclusion, showed considerable tree loss as determined by images of trees in 1975 versus images in 1986. He stated that with smart planning and smart growth, the 1996 study had showed a considerable tree recovery. He stated the latest study in 2006 showed that tree growth had recovered to bring the tree inventory back to what it was in the 1970's.

Councilman Roff thanked the City of Bradenton for doing a great job in protecting the urban forest.

Councilman Bemis Smith, Ward IV: Nothing to report.

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

The Council thanked John Cumming for always being there when they needed him and for being a good friend. They wished him well in his retirement.

CONSENT AGENDA

- a) Approval of City Council Minutes of June 11, 2008.
- b) Grant Application Submission for the 2008 Project Safe Neighborhood and 2008 Justice Assistance Grant programs.
- c) Public Event: First Baptist Church (FBC) of Bradenton's 4th of July Picnic.
- d) Resolution 08-51: Designation of Polling Places.
- e) Property Insurance Policy Renewal.
- f) Forfeiture Funds: \$25,000 for anti-gang efforts, Amer-i-can Program and \$16,000 for Rifles and ammo for the SWAT team.
- g) Resolution 08-52: Manatee County Emergency Management Plan (MCCEMP)

MOTION TO APPROVE THE CONSENT AGENDA (a through g) consisting of the minutes of June 11, 2008, Grant Application Submission, FBC July 4th picnic, Resolution 08-51, Property Insurance Policy Renewal, two forfeiture funds, and Resolution 08-52 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.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

CA.08.0018

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. Lisch stated that this issue had been requested to be continued for 60 days as the agents had appealed the Architectural Review Board's (ARB) decision to deny the request.

MOTION TO CONTINUE the request for 60 days and come back to Council on September 10, 2008 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.)

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**MB.08.0024 WARD 4 NEIGHBORHOOD 1.01 RS**

Request of David McNabb, White Oak Development, Ltd., agent for Walt Eppard, David McNabb, Florida Coast Development Corporation and Ancient Oaks, Inc., owner, for a one-year extension of time for a project known as "The Villas of San Lorenzo" for property located at 209 48<sup>th</sup> Street Court East (Zoned PDP)

Tim Polk recommended approval of the request.

**MOTION TO APPROVE the one-year extension of time for the Villas of San Lorenzo was made by Councilman Smith, seconded by Councilman Roff and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)**

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MA.08.0022 WARD 4 NEIGHBORHOOD 20.03 RS / Open Public Hearing continue to August 13th

Request of Stephen Thompson, Esq., agent for Camlin Home Corporation, owner, for approval of a Major Amendment to a Planned Development project known as "Bella Sole" to increase the lot sizes from 18 to 37 lots for property located at 4001 5th Avenue Northeast. (Zoned PDP)

The public hearing was opened.

MOTION TO CONTINUE the public hearing to the August 13, 2008, 8:30 a.m. meeting was made by Councilman Smith, 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

HEALTH, DENTAL AND VISION INSURANCE 2008-09

Carolyn Moore gave an overview of the 2008-2009 employee health, dental and vision insurance plans which offered two plans to select from to maintain the current premium costs. She stated that the city received a \$25,000 credit from Great West because of the efforts made by the employees to keep the cost down by participating in the wellness programs given by the city.

She requested approval of the proposed health, dental and vision insurance plans for 2008-2009.

MOTION TO APPROVE THE 2008-09 HEALTH, DENTAL AND VISION INSURANCE PLANS as presented 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.)

ANDY'S TAXI/VEHICLE FOR HIRE APPLICATION

Mr. Callahan gave an overview of the application request which appeared to be in order and recommended approval of the request.

MOTION TO APPROVE Andy's Taxi/Vehicle for hire application request was made by Vice Mayor and Councilman Gallo, seconded by Councilman Byrd and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

Mr. Callahan read the following notice:

2009 CDBG PUBLIC NOTICE OF FUNDING & ACTION PLAN

The City of Bradenton expects to receive an estimated \$477,478 in CDBG funds, plus an additional \$10,000 in program income. The City will have funds available for the following proposed projects:

- \$95,496 - Program Administration
- \$35,000 - Public service projects
- \$356,982 - Public facilities & improvements, construction/rehabilitation of housing, and code enforcement.

Applications will be available starting June 20, 2008. The submission deadline for applications is July 21, 2008 by 4:00 p.m. Applications submitted after July 21, 2008 will not be considered for funding.

Previous applicants who applied for City of Bradenton CDBG funds in the last three years must submit applications for projects that are new and/or expanded projects in order to be considered for funding.

Applications may be obtained from the City of Bradenton's website at www.cityofbradenton.com or at the following locations:

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| • City of Bradenton
Housing and Community Development Division
912 7 th Avenue East
Bradenton, FL 34208 | City of Bradenton
Planning and Community Development Department
101 12 th Street West
Bradenton, FL 34205 |
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PUBLIC FORUMS TO GATHER PUBLIC INPUT ON THE CITY OF BRADENTON'S 2009 CDBG ACTION PLAN

Two (2) public forums for the purpose of gathering citizen views and input into the City of Bradenton's 2009 CDBG Action Plan are scheduled at the following locations:

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| • Bradenton City Council Chambers
Bradenton City Hall
101 12 th Street West
Bradenton, FL 34205
June 26, 2008 at 9:00 a.m. | Bradenton Village Clubhouse
101 15 th Avenue Circle West
Bradenton, FL 34205
July 10, 2008 at 5:30 p.m. |
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The City of Bradenton's Annual Action Plan will be presented to Bradenton City Council for approval during the Council Meeting on September 10, 2008 at 8:30 a.m. in the Bradenton City Council Chambers, located in Bradenton City Hall, 101 12th St. W. Bradenton, FL. The 2009 Annual Action Plan will be submitted to the Department of Housing and Urban Development (HUD) by November 5, 2008. All citizen views and input will be submitted as part of the Annual Action Plan.

Timothy Polk, Director of Planning & Community Development
Published: June 20, 2008

Wayne Poston, Mayor

NO ACTION WAS TAKEN.

DEPARTMENT HEADS

Carl Callahan: Stated the IRS will be increasing their reimbursement rates with the city matching the IRS travel expense from \$50.5 to \$58.5 a mile effective July 1, 2008 and requested approval of the following resolution:

RESOLUTION 08-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING A MILEAGE REIMBURSEMENT RATE FOR CITY OF BRADENTON EMPLOYEES USING PERSONAL VEHICLES TO TRAVEL ON CITY BUSINESS; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 08-53 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.)

Mr. Callahan requested approval of the following:

FIRST READING OF A PROPOSED ORDINANCE 2893

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 6, BENEFIT AMOUNT AND ELEGIBILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mr. Callahan gave an overview of the changes requested by the Police Pension Board to use certain funds for increasing the Cost of Living Adjustment (COLA) and stated that there would not be a cost to the city with these changes.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2893 for Police Officers' Retirement System for July 16, 2008 was made by Councilman Smith seconded by Councilman Roff and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

Chief Souders: Nothing to report.

Staci Cross: Stated a new Eden server would be installed over the 4th of July holiday weekend.

Ms. Cross stated that the new Emergency Management Plan would be coming forth for approval at the next council meeting July 16, 2008.

Major Tokajer: Nothing to report.

Claude Tankersley: Thanked John Cumming for being his mentor for 14 years and stated he was honored to follow in Mr. Cumming's footsteps.

Tim Polk: Nothing to report.

Bill Lisch: Request for approval of the Kaboom Outreach Playground Equipment Grant.

MOTION TO MOVE FORWARD TO PURSUE THE KABOOM OUTREACH PLAYGOUND GRANT was made by Vice Mayor and Councilman Gallo, seconded by Councilman Byrd and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

Carolyn Moore: Reminded everyone that the Employee Health Fair would take place on July 30th in the City Hall Auditorium. She stated that free blood tests would take place at three locations: July 15th at the Public Works Annex, July 16th in the Sanitation Break Room and July 17th in City Hall.

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.