

**CITY COUNCIL MEETING
April 14, 2010**

APPROVED BY
April 28, 2010
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 April 14, 2010 at 8:30 a.m.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Vice Mayor and Councilman Ward V Harold E. Byrd, Jr.

City Officials: Carl Callahan, City Clerk and Treasurer/Chief of Staff; 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; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: The Herald and The Bradenton Times.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Lexie Taylor, Executive Director of Manatee Religious Services.
Pledge of Allegiance was led by Mayor Poston.

PROCLAMATIONS

LOCAL BUSINESS TAX OFFICIALS WEEK – April 19-23, 2010

TAI CHI AND QIGONG DAY – April 24, 2010

OSTEOPATHIC MEDICINE WEEK – April 18-24, 2010

PRESENTATIONS

Chief Souders

MANATEE COUNTY LOCAL MITIGATION STRATEGY (LMS)

Sharon Tarman, Manatee County delegate representative, thanked Mayor Poston and the City Council for adopting this resolution. She thanked Rebecca Pilsbury, Program Administrator for all her assistance in this endeavor.

RESOLUTION 10-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING ADOPTION OF THE MANATEE COUNTY LOCAL MITIGATION STRATEGY (LMS).

No discussion followed.

MOTION TO APPROVE Resolution 10-13 was made by Councilman Gallo, seconded by Councilman Roff and passed 5-0 for approval.

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.

CONSENT AGENDA

- a) Minutes of March 24, 2010.
- b) **Resolution 10-15** – Reappointing **Tim Calpin** to the Affordable Housing Advisory Committee.
- c) **Resolution 10-16** – Appointing **Rory Adams** to the Construction Board of Rules and Appeals.
- d) **Resolution 10-17** – Appointing **Darrell Turner** to the Architectural Review Board.
- e) ~~**Resolution 10-18** – Approving a SHIP Housing Rehabilitation Project Contract. (withdrawn)~~
- f) **Resolution 10-19** – Appointing **H. David Roth** to the Affordable Housing Advisory Committee.
- g) **MB.10.0044 WARD 4** - Request of Stephen Thompson, agent for Southern Hospitality for an extension of time for the Magnolia Lakes Planned Development Project 4th extension, expires June 11, 2010.
- h) **Public Event** request by Manatee Glens to hold Sexual Assault Awareness Day on Tuesday, April 20, 2010.
- i) **Public Event** request by the Arthritis Foundation to hold the 15th Annual Jingle Bell Run/Walk on Friday, December 10, 2010.
- j) Tree Fund Expenditure- 2010 Tree Board Program & National Arbor Day Project.
- k) Taxi Permit Vehicle for Hire.
- l) **Public Event** – Cinco de Mayo to be held May 5, 2010. (addition)

Carl Callahan requested to remove "Item e" due to a challenge made by Tri-Tech Construction regarding the bidding award which needed to be worked out by the Housing Department, and "Item l" being added to the Consent Agenda.

MOTION TO APPROVE Consent Agenda items a – k, excluding item e and to include item l was made by Councilman Gallo, seconded by Councilman Roff and passed 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SECOND READING OF ORDINANCE 2915

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THAT ORDINANCE NO. 2912 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY REMOVING THE REQUIREMENT THAT APPOINTMENT OF A SPECIAL MASTER TO HEAR APPEALS OF VIOLATIONS OF "THE CITY OF BRADENTON TRAFFIC LIGHT SAFETY ACT" BE A MEMBER IN GOOD STANDING IN THE FLORIDA BAR ASSOCIATION; PROVIDING 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.

MOTION TO APPROVE Ordinance 2915 was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 5-0 for approval.

Tim Polk

Introduction of **Thomas Chandler**, Esquire and **Marie Corbett**, Retired Judge – Special Magistrate candidates.

Resolution 10-20

A RESOLUTION APPOINTING **THOMAS CHANDLER** AND **MARIE CORBETT** AS SPECIAL MAGISTRATES TO HEAR APPEALS OF VIOLATIONS OF THE CITY OF BRADENTON TRAFFIC LIGHT SAFETY ACT; AND DEFINING THEIR TERMS.

No discussion followed.

MOTION TO APPROVE Resolution 10-20 was made by Councilman Gallo, seconded by Councilman Roff and passed 5-0 for approval.

SECOND READING OF ORDINANCE 2916 PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 50, SECTION 50-36 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON PROHIBITING THE BACKING OF ANY VEHICLES INTO ANY PARKING SPACE INCLUDING THOSE PARKING SPACES WITHIN AND WITHOUT PARKING GARAGES WHEN SUCH PARKING IS DESIGNATED AS BEING PROHIBITED; PROVIDING AN EFFECTIVE DATE.

Carl Callahan stated the approval of this ordinance would provide clarification regarding angle parking and backing into spaces in and outside of the parking garage.

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.

MOTION TO APPROVE Ordinance 2916 was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 5-0 for approval.

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**SA.10.0020 WARD 3 NEIGHBORHOOD 1.03/1.04 RS PUBLIC HEARING**

Request of Roy Winterbottom, owner; Jeana Winterbottom, agent for a Special Use Amendment for expansion of business use at 1303 and 1313 12<sup>th</sup> Avenue West (zoned Urban Village).

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 Planning and Community Development Staff and Planning Commission recommendation for approval with the following 3 stipulations:

1. Landscaping would be installed along 12<sup>th</sup> Avenue West subject to approval of the PCD Director. Landscaping will include low maintenance shrubs and one oak tree.
2. The 6 foot chain link fence may be replaced with similar fencing. A solid fence is permitted on the sides, but the front is limited to coated chain link or decorative aluminum for visibility.
3. Unlicensed inoperable vehicles would not be stored on the subject property.

**MOTION TO APPROVE SA.10.0020 with the recommendations made by the Planning and Community Development Staff and Planning Commission with 3 stipulations was made by Councilman Roff, seconded by Councilwoman Barnebey and passed 5-0 for approval.**

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SU.10.0073 WARD 3 NEIGHBORHOOD 1.01 RS PUBLIC HEARING

Request of the City of Bradenton, owner; Robert Gause, ZNS Engineering, agent for a Special Use for a Manatee County Area Transit (MCAT) Bus Transfer Plaza at 601 13th Street West (zoned Urban Core).

The public hearing was opened, anyone wishing to speak in opposition please come forward.

Harry Bakker, owner of the Bank of America building located at 1201 6th Avenue West next to the proposed MCAT Transit Station site spoke in opposition of the proposed site and stated he had spent millions of dollars to upgrade the building. He had concerns that the building would be converted into an old building with no future possibility of expansion if the proposed site was approved.

Mr. Bakker gave an overview of his future plans of building offices on the south side of the property and a parking garage between the two buildings with an entrance on 13th Street and an exit on 12th Street.

Dean Kushmer, owner of a parcel located at 539 13th Street West stated he was opposed to converting the current 2-way traffic pattern on 13th Street, into a one lane/one way with no on-street parking.

Steve Horda, Property Manager for the owner of First Bank, located at 1301 6th Avenue West read a letter from tenants of the building, CPA Associates asking not to approve the request with the following reasons:

1. The current curb cut and traffic outflow used by the 50 tenants along with clients would be eliminated.
2. Eliminations of the two lanes of parallel parking on 13th Street frequently used by clients would cause a deterioration of access, safety and convenience for clients.
3. Proposed site would cause traffic and parking problems to the tenants and clients as many of their clients were elderly and believed that the northbound single lane as proposed would present a dangerous traffic hazard.

Mr. Horda stated he already has to ask homeless people to leave the current underground parking area on a regular basis. He voiced his concern that this vagrancy problem would probably increase.

Those in favor, please come forward.

Robert Gause, ZNS Engineering displayed renderings and gave an overview of the proposed site which would include restroom facilities. He stated it was vitally important to have a mobile mode of transportation in the Tampa Bay area and an aggressive approach for future use, to encourage people wanting to use public transportation with the goal to pull people to the downtown area.

Drazen Ahmedic, SchenkelShultz Architects, Project Architect, answered questions regarding the materials used for the construction of the facility.

Discussion: Feasibility studies done on various parcels showing this proposed site was the best in the downtown area.

Ralf Hesler, MCAT representative gave an overview of the various sites which had been considered and the operational issues that had to be addressed to accommodate the large buses, for maneuverability, maintain good traffic flow, ensure safe pedestrian traffic access.

Mr. Hesler stated that MCAT was currently installing security camera systems in each of the transit systems. He stated there would be a monitoring system with an operator monitoring 24 hours a day, 7 days a week.

Lengthy discussion: The need for a Transit Center not a Transfer Station. The fewer buses a person needed to use to get to their destination, the more likely it would be that people would use the bus system.

Manatee County Commissioner John Chappie was in the audience.

Councilman Gallo stated he would not support this request as it would just move the current problems from 12th Street to 13th Street. He stated it would disrupt the traffic flow and current businesses and believed that the station should be a stand-alone station.

In rebuttal.

Dean Kushmer asked when the traffic study had been done and if there had been studies showing how many people come downtown on the bus daily. He asked how many people use the 12th Street transfer station and did it compare with the current amount of traffic on 13th Street?

Claude Tankersley stated the traffic study had been done in December.

Ralf Hessler stated he did not have the "Cutter Study" but there had been a study done as to where people were going. The downtown station was a very busy station at any given time of the day.

Harry Bakker stated a county-owned transit station site had been proposed a few years ago close to the downtown post office. Following that, the Mc Swiggen's site had been considered. This proposed site would be less expensive than a stand-alone station, which would cost the county more money.

The public hearing was closed.

Tim Polk referred to a list of positive aspects of the station's architectural design. He gave the Planning and Community Development staff report with staff recommendation for approval with the following six (6) stipulations:

1. An easement the width of the right of way would be granted to allow for installation and/or maintenance of all utilities, including but not limited to City of Bradenton, Florida Power and Light, Verizon Florida, Brighthouse Communications, Comcast Cable, and Teco/Peoples Gas.
2. No parking was permitted over City of Bradenton utilities (sewer, water, drainage) or over other utilities without written authorization.
3. The drive aisle for through traffic would be no less than 12 feet wide, as depicted on "City of Bradenton Exhibit M".
4. Murals and/or media for the art walls would be coordinated through the Public Art Advisory Board.
5. Maintenance and security for the transit plaza would be the responsibility of Manatee County.
6. Design of the median separation would be subject to the approval of the Planning and Community Development Director.

Mr. Polk stated the Planning Commission recommendation (March 17, 2010) was for approval with the following six (6) stipulations:

1. The road right-of-way ownership and maintenance would be transferred from the City of Bradenton to Manatee County.
2. The drive aisle for through traffic would be no less than 12 feet wide, as depicted on "City of Bradenton Exhibit "M".
3. Murals and/or medial for the art walls would be coordinated through the Public Art Advisory Board.
4. Maintenance and security for the transit plaza would be the responsibility of Manatee County.
5. Design of the median separation would be subject to the approval of the Planning and Community Development Director.
6. Landscaping would be coordinated with the Public Works Department.

Discussion: The AMTRAX bus never had permission to use the courthouse location but started using it as their pickup and drop off site and there was nothing that could be done as it was a public street.

Mr. Hessler stated that potentially there would be a dedicated transfer center that would be county owned. He stated there would be no room for another bus and there was no intention of inviting the AMTRAX bus to use the transfer center but would try to work with them should they ask to use this facility.

Mr. Callahan stated if this request was approved and the AMTRAX bus tried to continue using the courthouse location, he would notify AMTRAX that they were prohibited from using this site.

One (1) additional stipulation was made as follows:

7. The approval was only for MCAT facilities, or other vehicles as authorized by MCAT.

Councilwoman Barnebey stated the current bus station location on 12th Street was on a busy, crowded street and was an inappropriate bus station site. She stated the proposed site was a state of the art facility and something we could be proud of for our citizens to use. She stated this facility would be able to accommodate the anticipated increase in need for mass transportation, and she would support the motion.

Councilman Smith agreed with Councilwoman Barnebey regarding the site and the facility. He stated he had concerns that the station could become part of a mass transfer station with buses coming from St. Petersburg and Sarasota. He also had concerns about the return on the investment made for this facility. He stated he did believe there was a need for mass transportation, but did not believe a bus transfer station in the downtown area was the best way to accommodate this need.

Vice Mayor and Councilman Byrd stated that although there was no perfect site in the downtown area, other areas had been given consideration. He stated there was a need for this facility and with the plans to make Realize Bradenton a reality, he would support the motion.

Councilman Roff stated that when he travels to various cities, he always uses the public transportation systems. He stated public transportation brings people to cities. With the price of gas going up again, he would support the motion as there were no other options.

MOTION TO APPROVE SU.10.0073 with the recommendation made by the Planning and Community Development staff and Planning Commission with six (6) stipulations and with one (1) additional stipulation, making seven (7) stipulations was made by Barnebey/Byrd and passed 3-2 for approval with Councilman Smith and Councilman Gallo in opposition.

Bill Lisch stated the city would need an agreement with the county for the city to transfer jurisdiction of the 13th Street West right-of-way to the county and requested a motion.

MOTION TO APPROVE an Interlocal Agreement between the City of Bradenton and Manatee County to transfer jurisdiction of 13th Street West right-of-way to the county was made by Councilwoman Barnebey, seconded by Vice Mayor and Councilman Byrd and passed 3-2 to approve with Councilman Smith and Councilman Gallo in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

No new business.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Thanked Mayor Poston for the invitation to attend the first Marauders game. He stated he really enjoyed the game as those young kids could really play baseball.

Mayor Poston stated there had been some discussion with West Lake, Ohio about becoming Bradenton's sister city. He stated a lot of the young Marauders players were from Ohio and a lot of people from West Lake, Ohio now lived here.

Mayor Poston stated that when the Bradenton Marauders were in town, their uniform displayed "Marauders" across the chest and a little character on their hat. He stated when they are out of town, their uniforms display "Bradenton" across the chest and a yellow hat with a "B" to promote their hometown city.

Councilwoman Marianne Barnebey, Ward II: Thanked Mayor Poston for the invitation to see the Marauders' first game. She stated there were plans to hold a special "Kids Day" during summer camp to allow the children to attend a Marauders game.

Councilwoman Barnebey stated this Friday evening the Manatee Association of Retarded Citizens would hold their fundraiser auction which would be hosted by Michele and Caleb Grimes. She stated Bob Lombardo and she would be the auctioneers for the event.

Councilman Patrick Roff, Ward III: Stated he and Councilwoman Barnebey had attended the Council of Government's meeting where they had been informed that the Obama Administration had proposed to open up federal waters off the Florida's coastline for oil drilling. He stated the Florida legislators were proposing to allow to lift the oil drilling ban.

Discussion: Concerns for oil drilling off the Florida coast.

Councilman Roff stated that City Council had already passed a resolution last November, 2009, but had been asked to draft another resolution to send to the legislature asking them to be ever cautious and to oppose oil drilling in open waters off the coast of Florida.

MOTION TO DRAFT another resolution with Manatee County prohibiting off-shore drilling to come back to council at the next council meeting was made by Councilman Roff, seconded by Councilwoman Barnebey and passed 5-0 for approval.

Councilman Bemis Smith, Ward IV: Voiced his frustration about a recent article in the Bradenton Herald stating that he was a racist. He clarified that what he said was that he disagrees with what's going on in Washington. He stated that he did not believe anyone was a racist simply because they disagree with the current economic and taxation policies.

Councilman Smith stated it was his duty to inform the city taxpayers that the city was the least of their worries. The city was working hard and trying everything to keep local spending down to a minimum. The federal government was spending money in spite of the out of control deficit, and now the federal politicians are saying they need to raise taxes to pay off their out of control spending.

Vice Mayor and Councilman Harold Byrd, Jr., Ward V: Stated he had also enjoyed the first Marauders game and looked forward to many others.

Vice Mayor and Councilman Byrd reminded everyone that the April 15th tax deadline was tomorrow and the census deadline was also approaching.

He asked people to please turn in their questionnaires. He thanked all the people who had worked very hard going door to door and helping wherever they could to get the word out to complete and send in the census questionnaires quickly.

Mayor Wayne Poston: Attended a brunch Sunday with Senator Bennett as host, where he had stated he met with the port director from Antwerp, Belgium, who was interested in developing a relationship with Manatee and Sarasota counties.

Mayor Poston stated Port Manatee was an important navigational jewel in this area of the state and that Belgium was looking for a sister city relationship with Bradenton.

DEPARTMENT HEADS

Carl Callahan: Stated the budget books were being distributed to begin the budget process. He stated next year would be a tough year and he needed to hear from the Council as to what their priorities were.

Chief Souders: Nothing to report.

Staci Cross: Nothing to report.

Chief Radzilowski: Invited the Council to come by tomorrow to J.D.'s Restaurant on 3rd Avenue for the "Annual Officers of the Month" luncheon, which he pays for himself.

Councilwoman Barnebey asked Chief Radzilowski about the progress of the investigations into regarding the illegal flea markets which were setting up around the downtown area.

Chief Radzilowski stated there had been no current feedback but that officers were on the lookout for those types of businesses.

Tim Polk stated his Code Enforcement Officers would coordinate with the police officers on the locations where the flea markets were appearing.

Claude Tankersley: Stated he had attended a meeting with FDOT and Manatee County regarding the FDOT's project for a dynamic messaging system on I-75 in Manatee and Sarasota counties. He stated this project would begin August, 2011 and would take a year to complete. He stated money had been set aside to install real time cameras to monitor traffic. These cameras were not recorded cameras to be used for traffic enforcement. He referred to the incident which happened several years ago when a truck exploded on I-75 in Ellenton which halted traffic. He stated this system could help direct traffic around a problem area detected by these real time cameras.

Tim Polk: Stated Claude Tankersley, Dave Beauchamp and he had recently attended an Emergency Management Seminar in Maryland.

Bill Lisch: Nothing to report.

Carolyn Moore: Nothing to report.

Mayor Poston referred to an incident reported in the newspaper about local elected officials and thanked the City Council for living up to the Civility Pledge and taking it seriously. Mayor Poston stated that although we don't always agree on things, we operate and represent the citizens of Bradenton very well.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 10:45 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.