

**CITY COUNCIL MEETING
March 11, 2009**

APPROVED BY
March 25, 2009
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 March 11, 2009 at 8:30 a.m.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Vice Mayor and 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; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: The Herald.

The meeting was called to order by Mayor Poston.
Invocation led by Pastor Paul Scheele, Congregational United Church of Christ.
Pledge of Allegiance was led by Mayor Poston.

PROCLAMATIONS

REGISTERED DIETITIAN DAY PROCLAMATION - March 11, 2009

PRESENTATIONS

TAMPA BAY REGIONAL PLANNING COUNCIL (TBRPC)
One Bay Regional Visioning Initiative

Brady Smith, Senior Planner TBRPC gave a brief PowerPoint presentation of the One-Bay Regional Visioning Initiative Plan consisting of five regional organizations; Southwest Florida Water Management Water District, Tampa Bay Estuary Program, Tampa Bay Regional Planning Council, Tampa Bay Partnership Regional Research & Education Foundation and the Urban Land Institute Tampa Bay District Council. TBRPC working in tandem with the private, public, and non-profit sectors and citizenry of the seven-county Tampa Bay Region is aligned to develop a regional vision that would help realize a sustainable, high-quality Tampa Bay region for decades. He stated a unified vision for quality and sustainable growth is critical to meet the needs of the 3.2 million new Tampa Bay region residents expected by the year 2050.

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

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Councilwoman Barnebey stated that at a recent meeting that had been held at the Manatee River Garden Club a new Riverview Neighborhood Watch would be assembled.

Councilwoman Barnebey referred to a letter from the Florida Department of Transportation (FDOT) dated February 25, 2009 regarding the intersection of 6th Avenue at 14th Street West. She stated that a meeting had been held to discuss their recommendations for enhancing the safety and operations of that intersection.

Councilwoman Barnebey representing the Metropolitan Planning Organization (MPO) reported that the MPO now has the 9th Avenue Bridge at Ware's Creek project readied to meet all the rules and requirements to be eligible for the Transportation Stimulus funds proposed by President Obama.

Councilman Patrick Roff, Ward III: Reported that he had made a recent trip to Washington D.C. which had been promoted and paid for by the Florida League of Cities to attend a meeting to discuss the Obama stimulus package. He stated he also had an opportunity to meet individually with Congressman Buchanan, and Senator's Nelson and Martinez to discuss the Ware's Creek project. He stated he was happy to announce that \$2.82 million was designated for the Ware's Creek project with a testimonial to begin the project in September, 2009.

Vice Mayor and Councilman Bemis Smith, Ward IV: Referencing the recent dialogue about charging fees for emergency services, stated that although he disagreed with creating more fees, he appreciated that Chief Radzilowski had brought the issue forward. He stated that the City Council was trying to be innovative in coming up with ideas to generate revenue in these tough economic times.

Councilman Harold Byrd, Jr., Ward V: Stated a focus group had been assembled and would meet this Saturday to discuss violent crimes, youthful offenders, and to focus on what needs to be done to take back the community.

Mayor Wayne Poston: Thanked Claude Tankersley for working with FDOT to help come up with solutions to alleviated problems at the intersection of 6th Avenue and 14th Street West.

Mayor Poston congratulated the Manatee Chamber of Commerce for winning the five-star accreditation award from the U.S. Chamber of Commerce. He stated they had had twice been named "Best Chamber" in the Country and three times as the "Best Chamber" in the state.

CONSENT AGENDA

- a) Approval of the February 25, 2009 minutes.
- b) Resolution 09-19 appointing **Richard Gross** to the Enterprise Zone Board.
- c) Resolution 09-20 appointing **David Kocher** to the Architectural Review Board.
- d) PE- First Baptist Church Annual Wild Game Night on Thursday, March 12, 2009 5:00 to 8:00 p.m. with a road closure on 13th Street West from Manatee Avenue to 3rd Avenue West.
- e) PE- Braden River United Methodist Church Living Last Supper at the Rossi Park Amphitheater April 8-9, 2009 7:00 to 9:00 p.m.
- f) PE- Sacred Heart Catholic Church "Stations of the Cross" procession Friday, April 10, 2009, 4:00 to 6:00 p.m.

MOTION TO APPROVE the Consent Agenda was made by Councilman Gallo, seconded by Councilwoman Barnebey and carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 18-260 OF THE CODE OF ORDINANCES; PROVIDING FOR A TEMPORARY CESSATION OF THE IMPOSITION OF IMPACT FEES FOR PARKS AND RECREATIONAL IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

FIRST READING OF PROPOSED ORDINANCE 2903

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 18-261 OF THE CODE OF ORDINANCES; PROVIDING FOR A TEMPORARY CESSATION OF THE IMPOSITION OF IMPACT FEES FOR PUBLIC SAFETY IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

FIRST READING OF PROPOSED ORDINANCE 2904

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 18-262 OF THE CODE OF ORDINANCES; PROVIDING FOR A TEMPORARY CESSATION OF THE IMPOSITION OF IMPACT FEES FOR ROADS; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first readings and set the second readings and public hearings of proposed Ordinance 2902, Ordinance 2903 and Ordinance 2904 for March 25, 2009 was made by Councilman Gallo, seconded by Councilman Roff and carried 5-0 for approval.

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**TABLED FROM THE FEBRUARY 25<sup>th</sup> CITY COUNCIL MEETING**

**MB.09.0035** Request for a one-year extension of time for the *Seasons at Village Green*, 1401 Village Green Parkway.

**MOTION TO TAKE from the table MB.09.0035 was made by Councilman Gallo, seconded by Councilman Roff and carried 5-0 for approval.**

Discussion: A letter received by council from Scott Clark, Lagoinvest Partnership, LLC agreement with the following conditions:

1. To keep the property mowed.
2. To check on a regular basis for any trash dumping on the property.
3. If notified of potential nuisance or unsightly condition on the property by the city, the issue would be resolved within thirty days of notification unless it cannot be reasonably resolved and in such event shall communicate the reason and intended action steps for resolution to the city immediately.

**MOTION TO APPROVE MB.09.0035 subject to the conditions made in the letter by Mr. Scott Clark was made by Councilman Gallo, seconded by Councilman Roff and carried 5-0 for approval.**

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

Carl Callahan

**Resolution 09-21**

A resolution of the City of Bradenton, Florida, by and through the City Council, confirming their determination to Opt-out Early Voting for the November, 2009 election, providing an effective date.

Mr. Callahan referred to a memorandum dated March 5, 2009 outlining the costs incurred in the last election. He requested two decisions from Council as follows:

1. Should early voting be offered for the November 2009 election(s)?  
(If no, a request to adopt Resolution 09-21 to decline the early voting option.)
2. Which date would council prefer for a run-off election – November 24<sup>th</sup> or December 1<sup>st</sup>?

Councilman Byrd stated that, although the figures showed the high cost of early voting, he believed that early voting was a trend of the future and that all avenues should be made available to aid citizens to exercise their right to vote; therefore, he would not support the motion.

Vice Mayor and Councilman Smith stated that because it was quite simple to obtain an absentee ballot prior to any election by calling the Supervisor of Elections office, he would support the motion to opt out early voting. He stated he wanted everyone to have the opportunity to vote but the high cost of early voting, combined with the low number of voters who turned out, was not a good way to utilize the citizen's money.

Councilman Gallo stated he agreed with Vice Mayor and Councilman Smith that early voting was taken care of by absentee ballots and less expensive. He stated he hoped that someday runoff elections would be eliminated as candidates would be elected by a majority vote rather than by 51% of the votes.

Councilman Roff stated he had voted to have a one-time early voting experience with the understanding that, the cost could be around \$10,000, with the actual cost coming in at \$20,000 and the same low turnout expected. He stated he would be supporting the resolution to opt out of early voting.

Councilwoman Barnebey stated she had previously voted to have early voting, but due to the current economic situation and proof showing that it was very costly, and with absentee ballots so readily available she would support the resolution to opt out of early voting.

**MOTION TO APPROVE RESOLUTION 09-21 TO OPT OUT OF EARLY VOTING was made by Councilman Gallo, Vice Mayor and Councilman Smith and carried 4-1 for approval with Councilman Byrd in opposition.**

Mr. Callahan stated that had early voting been approved, it would have been next to impossible to have a runoff election on the usual date of November 24<sup>th</sup>; therefore, with Early Voting no longer an option, the November 24<sup>th</sup> date for a run-off election works well for the Supervisor of Elections.

**MOTION TO APPROVE November 24, 2009 for the 2009 run-off election was made by Vice Mayor and Councilman Smith, seconded by Councilman Gallo and carried 5-0 for approval.**

**DEPARTMENT HEAD REPORTS:**

**Carl Callahan:** Thanked Claude Tankersley for his diligent work in helping FDOT with the 6<sup>th</sup> Avenue & 14<sup>th</sup> Street West intersection project.

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Stated that Councilwoman Barnebey had requested information on the cost recovery issue. He stated there were different costs for different types of accidents. He stated using the cost recovery formula the average accident without injury cost was \$179; an accident with minor injuries was \$378; and a major accident with traffic fatalities where people were taken to the hospital cost from \$700 - \$2000 per person.

Councilwoman Barnebey stated she had concerns with a person driving through the city limits, who may happen to have a minor accident, whether they live in the city (and pay county taxes) in the county or where ever they live that it would cost the citizen's \$179 by having to pay the cost out of the police department's budget. She stated she was also informed that if an ambulance was needed, there would be a separate cost to the police department. She stated that citizens were paying more than their fair share for public safety.

Vice Mayor and Councilman Smith stated he agreed with Councilwoman Barnebey and encouraged citizens to call their county commissioners and tell them it was not a fair balance for public safety.

Councilwoman Barnebey referred to an article in today's Bradenton Herald stating Senator Bennett was proposing a bill to prevent local governments from seeking reimbursement for the expense of public safety responding to accidents.

Mayor Poston stated he agreed with Councilwoman Barnebey and stated the city should investigate this further.

Further discussion: A few cities and counties in Florida are currently charging cost recovery fees.

**Claude Tankersley:** Reported he attended a meeting yesterday with FDOT in Bartow to discuss a Manatee Avenue project which had been designed four years ago but had been placed on hold due to lack of funding. He stated the project was now scheduled to begin April, 2010. He informed FDOT that the city was completing a Downtown Mobility Study and if the Council approved the study it would be prudent to modify the plan and incorporate some of the changes now rather than later. He stated FDOT agreed as long as the modifications did not impact the current schedule.

**Tim Polk:** Announced a redevelopment meeting was scheduled for Thursday, March 19<sup>th</sup> in the Council Chamber to encourage and help development in the urban areas.

**Bill Lisch:** Nothing to report.

**Carolyn Moore:** Nothing to report.

## ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:30 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.