

**CITY COUNCIL MEETING
February 25, 2009**

APPROVED BY
March 11, 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 February 25, 2009 at 6:00 p.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, and Carolyn Moore, Human Resources Director.

Press: The Herald.

The meeting was called to order by Mayor Poston.
Invocation led by Pastor Joey Mimbs, Bethel Baptist Church.
Pledge of Allegiance was led by Mayor Poston.

Councilman Roff and Staci Cross, Information Technology Director were excused from the meeting.

PROCLAMATIONS

AUTISM AWARENESS MONTH – April, 2009

OSTEOPATHIC MEDICINE WEEK – March 10-7, 2009

PRESENTATIONS

UNITED COMMUNITY CENTER
Black History Month

Children from the 13th Avenue United Community Center presented a skit entitled “A Journey Through Time, Finding My Place In History” in honor of Black History Month.

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: Announced the American Legion Post on 75th Street would be holding its annual “Variety Talent Show” fundraiser on Saturday, March 1, 2009 with the proceeds going to the Boys State and Girls State programs in Tallahassee.

Councilman Patrick Roff, Ward III: Excused from the meeting.

Vice Mayor and Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman Harold Byrd, Jr., Ward V: Stated that the JD Rogers Elementary Magnet School can accommodate 500 students, but has only 50 children currently enrolled. He encouraged an extension of time to allow individuals to sign up for these available slots.

Councilman Byrd thanked the Public Works and Utility Department and the consultants of the Downtown Mobility Study for presenting an excellent workshop at the CCRA office. He stated he anticipated good things as a result of the community input received at this workshop.

Councilman Byrd reported that the Tourist Development Council (TDC) had approved a proposed one-cent increase of the Manatee County tourism tax. He stated that though this increase was in the early discussion stage the city was prioritizing various projects within the community which could benefit from this additional funding source.

Mayor Wayne Poston: Announced that the first spring training game of the Pittsburgh Pirates had been held at McKechnie Field where the Pirates had won the World Champion Philadelphia Phillies by a score of 8 to 1. He stated it had been a great game and a beautiful day at the ballpark.

Councilwoman Barnebey stated there was a wonderful article by Wanda McKinney of Anna Maria Island in the March 2009 travel section of *Southern Living* magazine which mentioned the Village of the Arts.

Mayor Poston stated in last month's *USA Today* there had been a great article in the travel section featuring Anna Maria Island and Bradenton.

CONSENT AGENDA

- a) Approval of Minutes of February 11, 2009.
- b) Resolution 09-07 SHIP Housing Rehab Project Contract, **Joan Lawrence**.
- c) Resolution 09-13 Reappointment of **Leonard Najjar** to the Construction Board.
- d) Resolution 09-14 Appointment of **Glyn Oldham** to the Code Enforcement Board.
- e) Resolution 09-15 Appointment of **Michael Walker** and **Chuck West** to the Nuisance Abatement Board.
- f) Resolution 09-16 FDOT Joint Project Agreement for Manatee Avenue West from 39th Street to 59th Street.
- g) Resolution 09-17 Reappointing **Dr. Diane Michaels** to the Enterprise Zone Board.
- h) Forfeiture Funds- SWAT school for four new team members.
- i) **MB.09.0035** Request for a one-year extension of time for the Seasons at Village Green, 1401 Village Green Parkway.
- j) **MB.09.0036** Request for a one-year extension of time for the Villas at San Lorenzo, 209 48th Street Court East.
- k) Resolution 09-18 Recognizing "Building Citizenship in the Community: Back to Basics"

MOTION TO WITHDRAWN ITEM "I" FOR FURTHER DISCUSSION AND APPROVE THE REMAINDER OF THE CONSENT AGENDA was made by Councilman Gallo, seconded by Councilwoman Barnebey and carried 4-0 for approval. Councilman Roff was absent from the meeting.

Councilman Gallo gave a brief overview and displayed photographs of the subject property known as *The Seasons at Village Green* (the old Village Green Golf Course) and pointed out problems which had arisen from lack of maintenance. Councilman Gallo stated the property owner currently owed \$26,000 in Code Enforcement Board fines. He stated the property owner's intention was to request that the fines be waived or reduced.

He requested direction from Bill Lisch as to the possibility of placing a stipulation on the PDP which stated the developer/owner would have to reimburse the city, if the city had to clean up this property.

Mr. Lisch stated that to the best of his knowledge, the Code Enforcement Board had never reduced or waived a fine.

Scott Clark, LagoInvest acknowledged earlier problems in mowing the property, but stated the majority of the fines were for repairs on the existing clubhouse which would be demolished as soon as the economy improves and development begins.

Discussion: To write up a stipulation and bring back the request at the March 11th Council meeting.

MOTION TO TABLE MB.09.0035 request for a one-year extension of time for the Seasons at Village Green to March 11th was made by Councilman Gallo, seconded by Vice Mayor and Councilman Smith and carried 4-0 for approval. Councilman Roff was absent from the meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

PROPOSED ORDINANCE 2900 **ITEM WITHDRAWN TO A FUTURE DATE******

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, ADOPTING A NEW SECTION 34, ARTICLE 3 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON BY ESTABLISHING AND IMPLEMENTING A PROGRAM TO RECOVER SERVICE FEES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE CITY OF BRADENTON FOR MOTOR VEHICLE ACCIDENT SERVICES THAT ARE BEYOND CORE GOVERNMENTAL SERVICES AND ARE OUTSIDE THE PRIMARY FUNCTION AND SCOPE OF BASIC CRIMINAL PROTECTION, INVESTIGATION AND FIRE SUPPRESSION.

Mr. Callahan stated that proposed Ordinance 2900 had been withdrawn in order to bring it back to a Council workshop for further discussion. He stated the ordinance would then be readvertised at a later date for the public hearing.

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**SECOND READING OF PROPOSED ORDINANCE 2901 **PUBLIC HEARING****

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 50, SECTION 50-90 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, TITLED "THE CITY OF BRADENTON TRAFFIC LIGHT SAFETY ACT" BY ENLARGING THE TIME FOR FILING AN APPEAL AFTER NOTICE OF INFRACTION FROM TWENTY-ONE DAYS TO THIRTY DAYS; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated the purpose of the ordinance was to only change the notice of infraction from 21 days to 30 days.

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.

Mr. Lisch stated this change had been requested by the company servicing and administering the red light cameras with the recommendation to approve.

**MOTION TO APPROVE Proposed Ordinance 2901 with the recommendation by Bill Lisch was made by Councilwoman Barnebey, seconded by Councilman Byrd and carried 3-1 for approval with Vice Mayor and Councilman Smith in opposition. Councilman Roff was absent from the meeting.**

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

**Request by the Village of the Arts to hold a St. Patrick's Day Parade on Saturday, March 14, 2009.**

Mr. Callahan gave a brief overview of concerns from the police, planning and public works departments regarding anticipated traffic congestion, as the parade would conflict with the Pittsburgh Pirates versus New York Yankees game at McKechnie Field.

Discussion: Problems and/or concerns about traffic congestion and a suggestion to change the starting time of the parade from 11:00 to 10:30 a.m. to give parade volunteers time to clear the area prior to the start of parking for the game.

**Dona Lee Gould**, St. Patrick's Parade event coordinator, gave a brief overview of the plan to utilize the many parade volunteers to help direct traffic to designated parking areas in and around the Village of the Arts. She suggested using the city's vacant property (previously known as the Manatee Inn property) for parking. She anticipated people coming to the parade first then going to the game afterward a win-win situation for both the Village and the Pirates.

Discussion: Road closures for the parade route and the need to have the area cleared prior to noon.

**MOTION TO APPROVE Village of the Arts St. Patrick's Day Parade with one stipulation that the parade start at 10:30 a.m. was made by Councilman Gallo, seconded by Vice Mayor and Councilman Smith and carried 4-0 for approval. Councilman Roff was absent from the meeting.**

#### DEPARTMENT HEADS

**Carl Callahan:** Nothing to report.

**Chief Souders:** Nothing to report.

**Staci Cross:** Excused from the meeting.

**Carolyn Moore:** Nothing to report.

**Chief Radzilowski:** Nothing to report.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Nothing to report.

#### Bill Lisch:

**REQUEST ON BEHALF OF THE OWNERS of the "Old City Hall" site on 15<sup>th</sup> Street and Manatee Avenue West to extend the PDP for a period of three-years with the recommendation for approval.**

Discussion: That this request was a special circumstance to help alleviate the flooding problems and to aid in the clean-up of Wares Creek.

**MOTION TO APPROVE THE RECOMMENDATION made by Bill Lisch to extend the PDP for a period of three-years for the owners of the "Old City Hall site" on 15<sup>th</sup> Street West was made by Councilwoman Barnebey, seconded by Councilman Gallo and carried 4-0 for approval. Councilman Roff was absent from the meeting.**

Mayor Poston stated that Congressman Buchanan had called to say that another \$2.8 million was earmarked for the Wares Creek project.

#### ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 7:00 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.