

**CITY COUNCIL MEETING  
May 26, 2010**

APPROVED BY  
June 9, 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 at 6:00 p.m. on May 26, 2010.

**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; and Staci Cross, Information Technology Director. Carolyn Moore, Human Resources Director, was excused.

**Press:** The Herald and The Bradenton Times.

The meeting was called to order by Mayor Poston.

Ecumenical invocation was led by Pastor Gerrit Besteman, Bradenton Christian Reformed Church. Pledge of Allegiance was led by Mayor Poston.

PROCLAMATIONS

**CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK – June 7-11, 2010**

Tim Polk introduced the Code Enforcement officers and staff. Volker Reiss, Code Enforcement Manager, accepted the proclamation on behalf of the team.

**MOTE MARINE LABORATORY WEEK – June 13-19, 2010**

Dr. Ernie Estevez, Director of Research at the Mote Marine Laboratory, accepted the proclamation.

*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 May 12, 2010.
- b) Vehicle for Hire – Taxi Hispano, Inc. taxi permit.
- c) Public Event – Downtown Bradenton Farmers' Market- October, 2010 – May, 2011.
- d) Public Event – Mainly Art – October, 2010 – April, 2011.
- e) **RESOLUTION 10-32** – Reappointing Steve Lezman to the Central Community Redevelopment Agency for the City of Bradenton, Florida, and defining his term.

**MOTION TO APPROVE CONSENT AGENDA Items a–e was made by Councilwoman Barnebey, seconded by Vice Mayor Byrd, and passed 5-0 for approval.**

**RESOLUTION 10 – 29**

**PUBLIC HEARING**

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT AMONG THE CITY OF BRADENTON, FLORIDA, THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ORANGE COUNTY HEALTH FACILITIES AUTHORITY, THE CITY OF ST. PETERSBURG HEALTH FACILITIES AUTHORITY AND THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY PURSUANT TO WHICH THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY IS AUTHORIZED TO ISSUE ITS REVENUE BONDS FOR THE BENEFIT OF PRESBYTERIAN RETIREMENT COMMUNITIES, INC. AND CERTAIN OTHER CORPORATIONS AFFILIATED WITH IT; GRANTING HOST COMMUNITY APPROVAL PURSUANT TO THE INTERNAL REVENUE CODE; 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.

**MOTION TO APPROVE Resolution 10-29 was made by Councilman Smith, seconded by Councilwoman Barnebey, and passed 5-0 for approval.**

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**SU.10.0077 WARD 5 NEIGHBORHOOD 7.03 RS**

**PUBLIC HEARING**

Request of Kimberly Huston, agent for Hilda Zoller, owner, for a Special Use to allow a child care establishment at 525 3<sup>rd</sup> Street East (zoned UCBD, Urban Central Business District).

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 recommendation with staff recommendation for approval with the following (5) stipulations:

1. The monitoring and alarm system would be installed prior to occupancy of the facility.
2. Expansion to 24 hour care would be subject to approval of the Building Official and Fire Marshal.
3. The driveway off 3<sup>rd</sup> Street East would be marked one-way for access only and a "no entrance" sign would be installed at the intersection of the parking areas at the southeast corner of the building.
4. Landscaping would be installed where necessary around the vehicular use areas, and properly maintained. Any dead materials would be replaced as part of the ongoing maintenance of the exterior.
5. The playground area would be fenced.

PLANNING COMMISSION RECOMMENDATION (May 19, 2010) was for approval with the following conditions:

Change staff stipulation #1, to specify "fire" alarm system.  
Add two additional stipulations:

6. Provide a 17-foot wide handicap parking space at the main entrance.
7. The fence would be relocated by permit with an overall site plan subject to approval.

**MOTION TO APPROVE SU.10.0077 was made by Vice Mayor Byrd, seconded by Councilwoman Barnebey, and passed 5-0 for approval.**

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**CP.09.0027 WARD 4 NEIGHBORHOOD 20.04 RS**

Request of Grimes Goebel et al, agent for Bacon, Bennett & Kezar, owners; for a Comprehensive Plan Amendment to change the designation from County A-1 and RSF-2 to City SCC (Suburban Commercial Corridor) for the property located at 907 57<sup>th</sup> Street East.

**FIRST READING OF PROPOSED ORDINANCE NO 2918/RS**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES LOCATED AT 907 57<sup>th</sup> STREET EAST AND 5704 SR 64 EAST MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT **CP.09.0027**) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RES-3 AND RES-6 TO CITY SUBURBAN COMMERCIAL CORRIDOR (SCC), PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of Proposed Ordinance 2918 for June 9, 2010 was made by Councilman Smith, seconded by Councilwoman Barnebey, and passed 5-0 for approval.**

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

**LU.10.0045 WARD 4 NEIGHBORHOOD 20.04 RS**

Request of Grimes Goebel et al, agent for Bacon, Bennett & Kezar, owners; for a Land Use Atlas Amendment to change the designation from County A-1 and RSF-2 to City SCC (Suburban Commercial Corridor) for the property located at 5704 State Road 64 East.

**FIRST READING OF PROPOSED ORDINANCE NO. 2919/RS**

AN ORDINANCE AMENDING ORDINANCE NO. 2913, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1, SUBURBAN AGRICULTURE AND RSF-2, TO CITY SCC, SUBURBAN COMMERCIAL CORRIDOR OR OTHER APPROPRIATE ZONE FOR THE PROPERTIES LOCATED AT 5704 SR 64 EAST AND LEGALLY DESCRIBED.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of Proposed Ordinance No. 2919 for June 9, 2010 was made by Councilman Smith, seconded by Councilman Gallo, and passed 5-0 for approval.**

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**SECOND READING OF PROPOSED ORDINANCE 2917/BL PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, DECLARING ZONING IN PROGRESS AND A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY PETITION OR ANY APPLICATION FOR THE ESTABLISHMENT OF PAIN MANAGEMENT CLINICS AS DEFINED HEREIN; PROVIDING THAT ZONING IN PROGRESS AND THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD OF ONE (1) YEAR OR WHICH SHALL TERMINATE ON THE EFFECTIVE DATE OF THE CITY'S ADOPTION OF LAND USE AND DEVELOPMENT REGULATIONS TO REGULATE PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS, INTENT AND PURPOSE; PROVIDING FOR A DEFINITION OF PAIN MANAGEMENT CLINIC; PROVIDING FOR THE BOUNDARIES SUBJECT TO THE MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Bill Lisch, City Attorney, clarified the addition of pain relief verbiage to Ordinance 2917.

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

**Ruth Lyerly**, 206 23<sup>rd</sup> Street West, concerned citizen and parent, read a resolution created by Families Against Addictive Drug Abuse (FAADA) encouraging support of Ordinance No. 2917.

**Debi Clark**, 919 80<sup>th</sup> Street NW, expressed her concern about the growing problem of drug abuse. She explained how pain clinics operate within the current law, but not ethically or morally. They do not treat all medical ailments, only those that require large quantities of addictive medications. The medications are sold for cash only. She strongly urged support of the moratorium.

**Jayne Kocher**, 114 25<sup>th</sup> Street West, presented Council with a petition consisting of 10 pages of signatures of Bradenton residents and parents in support of the moratorium ordinance. She urged Council to help fight the war against addiction, a problem which is tearing so many families apart.

**Sharon Kramer**, Director of Manatee County Substance Abuse Coalition, presented a resolution from the Coalition requesting passage of Ordinance No. 2917 to stop the proliferation of pain clinics and to help prevent and reduce substance abuse within the community and beyond. In response to a question from Councilman Smith, she elaborated about why local legislation is needed in spite of current state regulations in existence. Due to the budget crises, the current state law received no funding to implement it. As Florida has a reputation as a drug dealer destination, it is necessary for municipalities to try to protect themselves.

**Dr. Aaron Sudbury**, Manatee County Medical Society, expressed the sentiments of the 300+ physicians in Manatee County in unanimous support of Ordinance 2917.

**Dr. Fabian Ramos**, pain management physician, 100 Third Ave. West, expressed his support of the moratorium until stricter state legislation can be enacted and pain clinic facilities can be kept track of in a central database. High amounts of opiates are rarely necessary and dispensing on site needs to be controlled.

**Dr. Eric Folkins**, Bradenton Urgent Care, told of the problems associated in treating addicted individuals and how consumption of the large quantities of medications offered by pill mills make his job very difficult. He encouraged adoption of the moratorium.

**Wylene Graham**, 8012 First Ave. W., in addition to establishing a moratorium, Ms. Graham recommended that pill mill physicians be reported to the Department of Health.

Other citizens also voiced their concern about the pain clinic situation and their desire to see the moratorium be enacted to help slow the tide of addiction and crime.

Those in opposition, please come forward. No one came forward, the public hearing was closed.

Bill Lisch, City Attorney, entered backup documentation into the record.

**MOTION TO APPROVE Ordinance 2917 was made by Councilwoman Barnebey, seconded by Vice Mayor Byrd, and passed 5-0 for approval.**

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

Tim Polk

**RESOLUTION 10 – 30**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING VARIOUS BUILDING PERMIT FEES AND CHARGES AND THE METHOD OF CALCULATING NEW CONSTRUCTION BUILDING PERMIT FEES TO ADDRESS THE EXPENSES AND COSTS OF ADMINISTERING AND DETERMINING COMPLIANCE WITH STATE AND LOCAL BUILDING STANDARDS AND REQUIREMENTS PURSUANT TO THE FLORIDA BUILDING CODE AND ALL OTHER APPLICABLE BUILDING AND DEVELOPMENT CODES.

Mr. Polk stated that the proposed fee increases had been posted on the city's website and advertised in the newspaper. No concerns or complaints had been received. Fee comparisons with other like-sized municipalities had been done and the proposed rates were comparable and would be closer to covering administrative costs.

**MOTION TO APPROVE Resolution 10-30 was made by Councilman Smith, seconded by Councilwoman Barnebey, and passed 4-0 for approval. Councilwoman Barnebey was absent from voting.**

**RESOLUTION 10 - 31**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING VARIOUS FEES AND CHARGES TO ADDRESS THE EXPENSES AND COSTS OF ADMINISTERING AND DETERMINING COMPREHENSIVE PLAN AND LAND USE AMENDMENT APPLICATIONS, PUBLIC NOTICE, RECORDING, PERMITS, APPROVALS, LETTERS OF DETERMINATION, APPEALS, AND DOCUMENTS.

Tim Polk gave an overview of the problem of street vending and requested the establishment of a fee for a street vending permit to ensure compliance.

Discussion: Costs associated with administrative costs and establishment of an appropriate street vendor fee amount. The fee amendment was tabled for further discussion at the next Council Workshop to be held on June 2, 2010.

**MOTION TO APPROVE Resolution 10-31 without the fee amendment was made by Councilman Smith, seconded by Councilwoman Barnebey, and passed 5-0 for approval.**

Claude Tankersley

**Road Resurfacing/Miscellaneous**

**REQUEST for approval to allow Mayor Poston to sign the bid recommendation #01-10a for road resurfacing and miscellaneous road work.**

**MOTION TO APPROVE Road Resurfacing/Miscellaneous was made by Councilwoman Barnebey, seconded by Councilman Byrd, and passed 4-0 for approval. (Councilman Smith was absent from voting.)**

Councilman Gallo was excused from the meeting.

**Downtown Mobility Study**

**Whit Blanton**, Renaissance Planning Group, provided a Powerpoint presentation on the now complete Downtown Mobility Study which would go back to the Metropolitan Planning Organization (MPO) for approval on June 28, 2010. Mr. Blanton gave an in-depth overview of the recommendations, redesigns, and conditions yet to be approved by FDOT for the downtown area.

**MOTION TO APPROVE the Downtown Mobility Study for submission to the MPO was made by Councilman Smith, seconded by Councilman Byrd, and passed 4-0 for approval. (Councilman Gallo was excused from the meeting.)**

## COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Excused from the meeting.

**Councilwoman Marianne Barnebey, Ward II:** Had been a guest speaker at the Sertoma Club and been presented with a re-useable shopping bag. Councilwoman Barnebey encouraged everyone to follow the "3/5" rule of thumb which recommends that everyone shop in independent area businesses to stimulate the local economy. Councilwoman Barnebey reminded everyone to attend the "City of Bradenton Night" with the Tampa Bay Rays on Saturday, May 29th as well as the Memorial Day services at 9:00 a.m. at Veterans' Park. She expressed her congratulations to all the high school graduates and their families and thanked everyone who supported the pill mill moratorium ordinance.

**Councilman Patrick Roff, Ward III:** Attended the Suncoast League of Cities meeting in St. Petersburg on behalf of the Manasota League of Cities and Bradenton to learn more about sustainability, green initiatives, impact fees, health reform, transportation, and the 2010 legislative wrap-up.

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

**Vice Mayor and Councilman Harold Byrd, Jr., Ward V:** Thanked Councilwoman Barnebey and all those who supported the pill-mill moratorium ordinance.

**Mayor Wayne Poston:** Encouraged everyone to participate in the Memorial Day observance. Expressed thanks to the police and code enforcement departments for their efforts in combating the pill mill situation.

**REQUEST BY** Tom Cookingham, Assistant Planning and Community Development Director, for Resolution 10-33 authorizing Mayor Poston to execute an agreement for an addendum to the Neighborhood Stabilization Program Developer Agreement which required approval from Council.

No discussion followed.

**MOTION TO APPROVE Resolution 10-33 authorizing Mayor Poston to execute an agreement for an addendum to the Neighborhood Stabilization Program Developer Agreement was made by Councilman Smith, seconded by Councilwoman Barnebey, and passed 4-0 for approval. (Councilman Gallo was excused from the meeting.)**

## DEPARTMENT HEADS

**Carl Callahan:** In response to a message sent out by Chief Radzilowski, expressed congratulations to the police department for the exceptionally fine job they have done and the difficulty in selecting one officer of the month.

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Carolyn Moore:** Excused from the meeting.

**Chief Radzilowski:** Expressed his pride in the department.

**Claude Tankersley:** Out of the room.

**Bill Lisch:** Nothing to report.

## ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 8:20 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.