

**CITY COUNCIL MEETING
November 18, 2009**

**APPROVED BY
December 9, 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 November 18, 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 and The Bradenton Times.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Councilman Byrd.
Pledge of Allegiance was led by Mayor Poston.

PRESENTATIONS

Councilman Gallo congratulated Staci Cross, Information Technology Director, the first CIO for the City of Bradenton on receiving the "CIO of the Year" award from the Tampa Bay Technology Forum (TBTF), Central Florida's largest and most influential technology association.

Staci Cross thanked everyone and recognized her staff who made it all possible: Bruce Williams, Steve Pac, Diana Rowell, Esther Mattick and John Choi and thanked them for all the hard work they provide everyday to the city employees.

Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS

Robert Bunce, 4116 66th Street Court West presented a proposal of a concept which would involve the creation of manatee artwork as a signature mascot throughout the county to represent the city of Bradenton and county of Manatee.

CONSENT AGENDA

- a) Minutes of October 28, 2009
- b) Minutes of November 9, 2009
- c) Continuity of Operations Plan (COOP) Agreement
- d) Resolution 09-80 Reappointing Jayne Kocher to the Downtown Development Authority
- e) 2010 Council Meeting Schedule
- f) Resolution 09-76- Tampa Bay Regional Support
- g) Public Event- Falcon Run Saturday, February 20, 2010
- h) Budget Adjustments

MOTION TO APPROVE the consent agenda (items a-h) was made by Vice Mayor and Councilman Smith, seconded by Councilwoman Barnebey and passed 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

AP.08.0002 CONTINUED FROM SEPTEMBER 9, 2009

PUBLIC HEARING

Request of William C. Robinson, Jr., agent for Melton H. Little and Scott B. Kallins, owners, to appeal the decision of the Architectural Review Board rendered on May 8, 2008 with regard to the demolition of the building known as The Bradenton Tabernacle, located at 725 Manatee Avenue West, Bradenton, Florida. (zoned C-1/UCBD).

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

Will Robinson, agent for the owners, gave an overview of the events from the first time the request had been brought before Council on May 13, 2009. The request had been continued to September 9, 2009 which had given ample time to allow anyone who was interested in purchasing the property to come forward.

Jim Boyd, 717 Manatee Avenue West, adjacent to the subject property, urged the Council to approve the request for demolition as it presented illegal, health, and safety issues due to habitation by the homeless and overrun by rats within the building and around the property. He stated his female staff was afraid to leave his neighboring building at night due to concerns for their safety. He urged Council to approve the demolition.

Will Robinson expanded on the building's historical timeline and stated the applicants had done everything they could to sell the property in the last year and a half, with the continued payment of property taxes, insurance, and emergency repairs on the unsafe and unsecured building. He stated demolition was imperative due to lack of a buyer.

Anyone in opposition of the request to please come forward.

Howard Fitzpatrick, homeless individual, asked that the Council spare this building as it was God's desire to restore this building, his temple and to bring the churches together as one, to help fight the immorality of the city. He stated God had shown him that this building was to be open 24 hours a day, 7 days a week, as a worship center.

Dale Schlafer, president of the Center of World Revival and Awakening stated that he had previously requested, in a letter, in May that the decision be delayed as his organization was trying to raise funds to purchase the property for a revival temple. Mr. Schlafer also stated that he believed it was God's desire to use this building as a worship and prayer center 24 hours a day, 7 days a week. He asked that the city, the churches and the property owners work together to try to make this become a reality. He stated the city could help by waiving fees and perhaps property taxes.

Discussion: If the city could waive fines, and taxes, the property owners still had expenses relating to health, safety and security issues.

Councilman Gallo stated that this building had been vacant and deteriorating for many, many years, and, no one had shown any interest in purchasing the building until now. He stated the owners had property rights and that there had been ample time for someone to step forward.

Vice Mayor and Councilman Smith stated though he would like to see all parties try to work out something, it would take an estimated \$43,000 to bring the code violations up to date. He asked if there was any interest on the part of the owners to work out something for the good of the cause.

Will Robinson stated that the building had been featured in the newspapers several times, in articles and editorials since this issue began a year and a half ago, and no buyers had come forward.

Patricia Malena stated that a Halloween haunted house had been allowed in this building and that the people needed to apologize for allowing the devil to defile this house of God.

Clifton Thompson, stated it was his understanding that, following the death of the original Revival Tabernacle owner, the building could only be sold to a not-for-profit organization.

Mr. Lisch stated that a non-profit organization could sell any property they wanted for any use.

Gary Crawford stated the owners wanted to sell the property and the Center of World Revival and Awakening wanted to buy it; however, they were currently looking for an organization to come forward with funding. He stated this piece of property was vital for the city in God's view.

Melton Little, part owner of the Bradenton Tabernacle, stated for the record, that they had allowed the Jaycees to put on a haunted house as a fund raiser. He stated that a church was for people to gather and worship the Lord. He stated that he has lived in Bradenton for over 30 years, and to his knowledge, the building had not been used as a church within that time. He stated he would love to sell the building; however, it was costing him and his partner over \$50,000 a year and could not afford to allow the building sit vacant any longer and continue to deteriorate. He stated that he was willing to discuss any option to sell the building up to the time of demolition.

The public hearing was closed.

Councilman Byrd stated that the city and the property owners had done all that they could to pursue options over an adequate amount of time.

As a historic preservationist Vice Mayor and Councilman Smith stated he was sorry to see this building in such bad shape; however, the property owners had property rights. He encouraged the community to work with the historic commission to preserve buildings before they get into such a state of disrepair like this building had.

Councilman Roff stated that, as a fundamental American right, property owners have rights which government could not usurp. He stated, as a personal owner of a very old home, it was very costly and a constant job to keep maintenance up on an old structure.

Councilwoman Barnebey stated that it saddened all of the council members to consider demolition of this building. She stated the property owners did have rights and thanked them for allowing the time to work with the community to try to save this building.

MOTION TO APPROVE the appeal of the Architectural Review Board to allow the demolition of the building known as the Bradenton Tabernacle located at 725 Manatee Avenue West, Bradenton, Florida was made by Councilman Byrd, seconded by Councilman Gallo and passed 4-1 with Councilwoman Barnebey in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

SA.09.0017 WARD 1 NEIGHBORHOOD 4.05/4.06 RS PUBLIC HEARING

Request of Manatee County, owner, J. Thomas O'Brien, agent for a Special Use Amendment for demolition of existing building and construction of a two-story administrative building in G. T. Bray Park at 5502 33rd Avenue Drive West. (zoned PDP).

The public hearing was opened anyone in favor please come forward.

Tom O'Brien gave an overview of the existing one-story building with the request to replace the building with a two-story building in G.T. Bray Park to accommodate a variety of multipurpose uses within the community.

Anyone 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 staff and Planning Commission recommendation for approval with one stipulation as follows:

1. The landscaping would be installed in accordance with City of Bradenton Exhibit J, prior to issuance of a Certificate of Occupancy.

MOTION TO APPROVE SA.09.0017 with the recommendation made by the Planning and Community Development staff and Planning Commission with one stipulation was made by Councilman Gallo, seconded by Councilwoman Barnebey and carried 5-0 for approval.

~~~~~

**SU.09.0068 WARD 4 NEIGHBORHOOD 7.03 RS PUBLIC HEARING**

Request of Ella Powell and Karen Yancy, owners, Ella Powell, agent for a Special Use for an infant daycare facility on property located at 410 4<sup>th</sup> Avenue East (zoned C1A).

The public hearing was opened anyone in favor please come forward.

Ella Powell addressed the Council with the request to increase occupancy from 16 to 35 children and stated overflow parking would be next door to the facility.

Discussion: Location of the playground. The original request was for infants only; however, with several daycare facilities recently closing in the area, the applicant had now requested to have a daycare with a playground.

Anyone in opposition please come forward.

**Ruth Seewer**, Development Review Manager stated that the state of Florida had requirements and guidelines to follow for playground areas not the city.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with staff and the Planning Commission recommendation for approval with 4 stipulations as follows:

1. Lighting would be provided as recommended by the Police Department.
2. An increase from 16 to 35 children may be approved administratively provided the applicant submits documentation for alternative parking solutions, such as offsite parking lease agreement or statistics for client transportation trends.
3. All Fire Department comments and requirements would be addressed prior to occupancy of the facility.
4. ~~Client age increase in which Department of Children and Families (DCF) required a playground would require an amendment of this Special Use approval.~~

Discussion: As the applicant was now requesting a daycare instead of an infant care facility stipulation #4 was omitted.

**MOTION TO APPROVE SU.09.0068 with the recommendations made by the Planning and Community Development staff and Planning Commission with 3 stipulations was made by Vice Mayor and Councilman Smith, seconded by Councilwoman Barnebey and passed 5-0 for approval.**

Carl Callahan

Manatee County Letter prohibiting offshore oil and gas drilling

At a previous meeting a request had been made by County Commissioner Carol Whitmore asking Mayor Poston and City Council, as elected public officials representing the City of Bradenton, to support a letter which had been drafted by Manatee County expressing unified strong opposition to legislation that would authorize offshore oil and gas drilling in Florida waters. All of the municipalities in Manatee County including the City of Palmetto, the City of Anna Maria, the City of Bradenton Beach, the City of Holmes Beach, the Town of Longboat Key, and the City of Bradenton had been asked to join in this support.

Mr. Callahan stated if Council approved the request, the letter of resolution supporting the opposition would be returned to Manatee County.

**MOTION TO SUPPORT the Manatee County letter and resolution to prohibit offshore oil and gas drilling was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 4-1 with Councilman Gallo in opposition.**

Tim Polk

Conceptual Building Rendering of Riversong at Promenade at Riverwalk

Mr. Polk stated that when the Riversong was originally approved, one of the stipulations was that Council would have the opportunity to review the design of the building. Following several meetings with the owners, NDC Construction, and the architect, the following four stipulations as stated in a letter from NDC Construction Company were recommended for approval:

1. The applicant would add additional exterior lighting to the courtyard areas on the north exposure of the building. This would enhance the courtyards when viewed from the Manatee River and the bridges that cross over it.
2. Applicant would install pedestrian friendly crosswalks from the street to the retail area at the bank drive-thru. Use of a paver block crosswalk and landscaping bulb outs would create enhanced pedestrian passage.
3. Applicant would create the appearance of stone, block, or brick for the base floor of the building. Applicant was permitted to use a stucco scoring technique to accomplish this appearance.
4. Applicant would use on the east elevation of the parking facility columns that extend out beyond the face of the garage, together with stucco banding to soften the effect of the parking elevation. Also, the applicant would enhance Landscaping through the use of palm trees to minimize the view of the garage as seen when traveling west on 3<sup>rd</sup> Avenue.

Mayor Poston stated for the record, that the recommendation included the parking garage.

**MOTION TO APPROVE the conceptual building rendering of Riversong at Promenade at Riverwalk with the recommendation by the Planning and Community Development staff with 4 stipulations was made by Vice Mayor and Councilman Smith, seconded by Councilman Roff and passed 5-0 for approval.**

Claude Tankersley

Resolution 09-82 - CSX 630347 Agreement

Resolution 09-83 - CSX 630348 Agreement

**MOTION TO APPROVE two resolutions R-09-82 and R-09-83 authorizing Mayor Poston to execute agreements CSX630347 and CSX630348 was made by Councilman Roff, seconded by Councilman Gallo and passed 5-0 for approval.**

### COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Nothing to report.

**Councilwoman Marianne Barnebey, Ward II:** Announced the Great American Smoke Out was tomorrow November 19, 2009.

Councilwoman Barnebey referred to *American Style* magazine regarding a poll taken every year to elect the top 25 art destinations in the United States. She asked to take this opportunity to pass out a ballot and encouraged everyone to write in Bradenton. She referred to Realize Bradenton, The Village of the Arts, The Art Center, and The Manatee Players as good reasons why Bradenton was deserving of recognition.

Mayor Poston commented that last year Bradenton had been noted as one of the 10 most friendly art cities in the country in *National Arts* magazine.

**Councilman Patrick Roff, Ward III:** Thanked all the citizens who had voted in the election and for him, specifically. He stated he had enjoyed going out and meeting with the people. He stated his new focal point in his next term would be to change the perception people had regarding public safety.

**Vice Mayor and Councilman Bemis Smith, Ward IV:** Thanked the voters who voted for him and looked forward to working harder in the next term.

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

**Mayor Wayne Poston:** Nothing to report.

### DEPARTMENT HEADS

**Carl Callahan:** Read an agenda memorandum dated 11-18-09 from Jeana Winterbottom, Grants and Assistance Coordinator.

"A regional coalition with the City of St. Petersburg taking the lead for a EECBG 2 Tampa Bay Consortium to include other cities and financial institutions as partners to work with citizens to finance the purchase and installation of energy saving measures, and in the development of a regional public information and education campaign."

Mr. Callahan referred to a draft of a letter of intent dated November 18, 2009 from Mayor Poston to Mr. Steven Chu, US Department of Energy Secretary, Washington, DC, stating the City of Bradenton's intention to participate in the Recovery Act, Energy Efficiency and Conservation Block Grants, Competitive Solicitation, and Retrofit Ramp-up Program. He recommended approval to authorize Mayor Poston to sign and send the Letter of Intent to the US Department of Energy.

**MOTION TO OFFICALLY ANNOUNCE AND AUTHORIZE Mayor Poston to sign and send the Letter of Intent to the US Department of Energy was made by Councilman Gallo, seconded by Councilwoman Barnebey and passed 5-0 for approval.**

Mr. Callahan gave a brief overview of a request from the Manatee Rural Health Services for a bonding agreement to be brought forth at the next Council meeting. He recommended moving forward with the request if council had no objections.

Mr. Callahan referred to the Pittsburgh Pirates bringing to Bradenton a Class A baseball team. He gave an overview of the Capital Reserve Funds of \$300,000 designated specially for improvements at Pirate City and McKechnie Field. He stated there was a need to renovate the Home Clubhouse prior to April 8, 2010 to accommodate the Class A team and their 70 scheduled games. He recommended approval of the request to move forward.

No objections were made by council regarding moving forward with Mr. Callahan's recommendation.

General Discussion: Night parking at the Boys and Girls Club. Many people showing interest in the Class A team, and ways to promote the games. McKechnie Field being a wonderful place to see a ball game.

**Chief Souders:** Nothing to report.

**Staci Cross:** Gave a brief report of upgrades to the city's computer infrastructure and stated the work would continue with completion scheduled for the end of the year.

**Chief Radzilowski:** Wished School Crossing Guard, Dale Ford, a speedy recovery after he had been struck by a vehicle this past Monday.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Nothing to report.

**Carolyn Moore:** Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 10:15 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.