

**CITY COUNCIL MEETING  
May 23, 2007**

APPROVED BY  
June 13, 2007  
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 May 23, 2007 at 6:00 p.m.

**Present:** Mayor Wayne Poston; Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

**City Officials:** Carl Callahan, City Clerk and Treasurer; John Cumming, 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 and the Herald-Tribune.

The meeting was called to order by Mayor Poston.  
Ecumenical invocation was led by Councilman Golden, City Chaplain.  
Pledge of Allegiance was led by Mayor Poston.

Staci Cross, Information Technology Director was excused from the meeting.

**PROCLAMATIONS**

Memorial Day Proclamation – May 28, 2007

Older Americans' Month Proclamation – May, 2007.

**PRESENTATIONS**

Bradenton Police Department Promotions

Mayor Poston gave the oath of office to **Russ Tibbitts** who was promoted to Captain and to **Warren Merriman** to Lieutenant.

*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**

**Vice Mayor/Councilman Gene Gallo, Ward I:** Sent condolences to the Williams family who lost their 9 year old son, Stacy Williams III who was fatally shot earlier this week.

**Councilwoman Marianne Barnebey, Ward II:** Sent her condolences to the Williams family.

Councilwoman Barnebey reminded everyone that the 2007 school session was almost at an end and more children would be outside. She encouraged drivers to exercise even greater caution.

Councilwoman Barnebey displayed the “Entre Nous” cookbook with recipes submitted by fellow council members.

**Councilman Patrick Roff, Ward III:** Congratulated the police personnel of Zone 5 for quickly ending the burglaries in Ward III.

Councilman Roff stated that it works to help put an end to crime when, the citizens are the “eyes” of the community and police are the “enforcers.”

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

**Councilman James Golden, Ward V:** Thanked Tim Polk for being a speaker at a seven-county regional planning meeting entitled “2006 Reality Check.”

Councilman Golden thanked Mike Kennedy, DDA Director for his presentation at the Village of the Arts “State of the Village” meeting last night.

Tim Polk gave a brief overview of the upcoming *City of Bradenton Attainable Housing Workshop Innovative Strategies and Best Practices* to be held May 30, 2007 beginning 8:00 a.m. with refreshments with the workshop from 9:00 a.m. to 1:00 p.m.

Councilman Golden announced that funeral services for Stacey Williams III, the 9 year old boy who was killed earlier in the week, would be held on Saturday, May 26<sup>th</sup> at 1:00 p.m. at the St. Paul Missionary Baptist Church on Martin Luther King Avenue.

Councilman Golden announced a town meeting would be hosted by the National Association for the Advancement of Colored People (NAACP) on Tuesday, May 29<sup>th</sup> at 7:00 p.m. at the Ward Temple AME Church to discuss the incident resulting with Stacey Williams III death and to discuss the culture of violence at this time and what could be done to change the law for stricter penalties and to enforce gang related violence.

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

## CONSENT AGENDA

Approval of Minutes of May 9, 2007.

2007 Justice Assistance Grant Application Submittal.

Golf Cart Barn Roof Quote.

**MOTION TO APPROVE the Consent Agenda with the May 9, 2007 minutes, the 2007 Justice Assistance Grant application submittal, and the Golf Cart Barn Roof Quote was made by Councilman Golden, seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### FIRST READING OF PROPOSED ORDINANCE NO. 2864

**AX.07.0018**

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 3904 CORTEZ ROAD WEST AND LEGALLY DESCRIBED.

No discussion followed.

**MOTION TO APPROVE the first reading of proposed Ordinance 2864 and set the second reading and public hearing for June 27, 2007 was made by Councilwoman Barnebey, seconded by Councilman Roff and carried 5-0 for approval.**

### FIRST READING OF PROPOSED ORDINANCE NO. 2865

**PUBLIC HEARING**

AN ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AREAS OF THE CITY OF BRADENTON, FLORIDA; IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN THE CITY OF BRADENTON FOR PROVIDING NEW ROADS AND RELATED FACILITIES NECESSITATED BY SUCH NEW DEVELOPMENT; STATING THE AUTHORITY FOR ADOPTION OF THE ORDINANCE; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND

DECLARATIONS OF THE CITY COUNCIL; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF A ROADS IMPACT FEE; PROVIDING FOR REVIEW OF ROADS IMPACT FEES AND THE FEE SCHEDULES; PROVIDING FOR THE ESTABLISHMENT OF A ROADS IMPACT FEE DISTRICT; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM ROADS IMPACT FEES INTO THE ROADS IMPACT FEE TRUST FUND ESTABLISHED FOR THAT PURPOSE; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS DERIVED FROM ROADS IMPACT FEES; PROVIDING THAT ROADS IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated that this ordinance would mirror the Manatee County Ordinance for unincorporated areas.

The public hearing was opened; anyone wishing to address this ordinance come forward.

No one came forward, the public hearing was closed.

Councilman Smith voiced his opposition that impact fees would only be used and created for new development and stated there was very little areas for new development in the city. Councilman Smith stated the impact fees could not be used to fix the city roads.

Councilman Smith stated that these impact fees, along with other fees and expenses, would only be transferred to the consumer, a senseless action when the city was already undergoing a shortage of affordable housing.

Councilman Golden stated that there was no correlation with this impact fee ordinance and affordable housing. He stated that there was no housing available for a lot of people, but there was always going to be development in the city which would affect roads.

Mayor Poston asked Tim Polk to make sure that Councilman Smith's issue be addressed at the Attainable Housing Workshop to be held May 30, 2007.

Vice Mayor and Councilman Gallo stated that regardless of housing costs, houses would still be built. He voiced his doubts that an extra \$2000 generated by impact fees could be enough to deleteriously impact attainable housing.

Vice Mayor and Councilman Gallo stated that the greatest impact was the abundant permitted development in the county which affected city and county roads.

Councilman Roff commented that at today's Council of Governments meeting, this impact fee issue had been discussed. It would require that the city and county work together for the good of everyone.

Councilman Roff stated that impact fees were limited as there wasn't much raw land to develop in the city. He stated there were many affordable houses for sale throughout his ward.

**MOTION TO APPROVE the first reading of proposed Ordinance 2865 and set the second reading and public hearing for June 13, 2007 was made by Councilwoman Barnebey, seconded by Councilman Roff and carried 3-2 for approval with Councilman Gallo and Councilman Smith in opposition.**

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

No new business.

## DEPARTMENT HEADS

**Carl Callahan:** Reported that at the recent Florida Government of Finance Officers Association (FGFOA) conference, affordable housing was one of the topics discussed with the role of a finance officer in economic development.

Mr. Callahan reported that the renovations projects at McKechnie Field and Pirates City were progressing well.

**Deputy Chief Edwards:** Nothing to report.

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

**Carolyn Moore:** Thanked all the communities and all those who had supported the “*City of Bradenton Day at the Devil Rays*” game, Saturday, May 19<sup>th</sup>. She stated it had been well received and, she hoped to host another one next year.

Mayor Poston stated that the Devil Rays Association had called to say that this had been the biggest attendance ever, at a community-sponsored event and estimated there had been 1000 attendees. Mayor Poston stated the Devil Rays thanked the City by donating \$1000 to the Boys and Girls Club.

**Chief Radzilowski:** Expressed his condolences on behalf of the police department to the Stacey Williams III family and stated that the police force was continuing to be pro-active in gang related violence activities. He stated there were 14 known gangs with 600 gang members, with the majority of the gangs being in Manatee County.

Chief Radzilowski stated that the specially created BPD gang unit was holding its own and working closely with the county, but gang violence would probably get worse before it gets better. He stated that it takes a lot of man hours to address this continuous and ever increasing problem and more foot officers are needed to severely attack this problem. He stated that with the partnership of other law enforcement departments, other governments, the community, and parents, combined with more and stricter prosecutions this problem could be resolved.

Discussion: A tremendous need for the community to partnership with the law enforcement departments to assist with this problem.

**John Cumming:** Verizon was currently requesting permits to begin fiber optic work east of Braden River and would then, begin the permitting process for the area from 43<sup>rd</sup> Street to 75<sup>th</sup> Street West. He stated restoration of the disturbed areas was going well.

**Tim Polk:** Nothing to report.

**Bill Lisch: REQUEST to reassign the 1998 pier lease currently held by Twin Dolphin, LLC back to the Don Miller Corporation.**

Mr. Lisch stated that the Don Miller Corporation was restructuring and requested this action.

**MOTION TO APPROVE the request was made by Councilman Smith, seconded by Councilwoman Barnebey and carried 5-0 for approval.**

## 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 video tape recording of the meeting is available upon request.