

**CITY COUNCIL MEETING  
May 27, 2009**

APPROVED BY  
June 10, 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, at 6:00 p.m. on Wednesday, May 27, 2009.

**Present:** 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; Ricardo Ramos, Public Works; Carolyn Moore, Human Resources Director; William Lisch, City Attorney; David Ezell, Deputy Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; and Staci Cross, Information Technology Director.

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

The meeting was called to order by Vice Mayor Smith.

Ecumenical invocation was led by Pastor Jim LaDuke, Loving Hands Ministries.

Pledge of Allegiance was led by Vice Mayor Smith.

Mayor Wayne Poston, Fire Chief Mark Souders, and Public Works Director Claude Tankersley, were excused from the meeting.

### PROCLAMATIONS

There were no proclamations.

### PRESENTATIONS

Manatee Technical Institute – Firefighter Tech Prep Team

The Firefighter Tech Prep Team of Manatee Technical Institute consisting of **Gregory Bowles, Brandon Hiott and Kevin Harvill** would be attending the USA competition in Kansas City at the end of June. As part of the students' training in the Government category, they were required to find governmental entities to which they may present legislative packages. The students gave a PowerPoint presentation outlining their proposed legislative initiative for mandatory placement of carbon monoxide detection devices in nursing homes and residential occupancies. They requested council's support of this proposed legislation which could prevent untold numbers of needlessly lost lives.

*Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings. None came forward.*

### CITIZEN COMMENTS

There were no citizen comments.

### CONSENT AGENDA

- a) City Council Minutes of May 13, 2009
- b) Resolution 09-41 CDBG 2008 Program Year Substantial Amendment
- c) Resolution 09-42 Norma Lloyd Fire Turnaround Easement 22<sup>nd</sup> Street East Agreement & Map
- d) Bradenton Fire Department Updated Goals and Objectives
- e) 2009 COPS MORE Technology Grant

**MOTION TO APPROVE THE CONSENT AGENDA WITH ITEMS A–E was made by Councilman Gallo, seconded by Councilwoman Barnebey, and carried 5-0 for approval.**

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS, AND COMMUNICATIONS

### Partial Lease Release from State Armory Board

Carl Callahan distributed information from the Central Community Redevelopment Authority (CCRA) which stated that a partial release of the armory's lease adjoining Norma Lloyd Park had been received from the State Armory Board. The city would like to incorporate the property into Norma Lloyd Park. Mr. Callahan requested council to authorize the Vice Mayor to execute the partial release lease agreement.

**MOTION TO AUTHORIZE Vice Mayor Smith to execute the Partial Lease Release Agreement from the State Armory Board to the City of Bradenton was made by Councilman Gallo, seconded by Councilwoman Barnebey, and carried 5-0 for approval.**

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

There was no new business.

## COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Reminded everyone that Manatee High School's first spring football game would be held on Friday, May 29<sup>th</sup>. He encouraged all to attend.

**Councilwoman Marianne Barnebey, Ward II:** Thanked the Manatee County Veterans Council and everyone else who had assisted with presenting the moving tribute to veterans on Veterans' Day at the ceremony held in the park located behind Manatee Memorial Hospital.

Councilwoman Barnebey acknowledged all of the graduating seniors in the area and applauded them for their accomplishment.

**Councilman Patrick Roff, Ward III:** Reported that he had recently attended the Suncoast League of Cities Annual Conference in St. Petersburg which featured guest speakers Alex Sink, Florida CFO, and Michael Thomas, Director of the League of Cities, who presented legislative updates. He voiced his concern with the proposed Senate Legislative Bill 216, known as the "Campaign Finance Local Government Expenditures" bill, which would restrict the abilities of city and county legislators to voice opinions on statewide referendum issues. The Florida League of Cities was urging legislators and citizens to take action urging Governor Crist to veto this bill.

**Councilman and Vice Mayor Bemis Smith, Ward IV:** Reminded everyone that Get Down Downtown had been postponed from last week to this week, Thursday, May 25<sup>th</sup>. He also reminded everyone about "City of Bradenton Day at the Rays" game to be held on Friday, May 26<sup>th</sup>.

**Councilman Harold Byrd, Jr., Ward V:** Stated he had attended a retirement party for Dr. Gladys Branik who had served the community for twenty years at the Manatee County Health Department. He congratulated her on this milestone and thanked her for her faithful service to the community.

Councilman Byrd had also attended a youth summit recently held at Lincoln Middle School where special speakers Judge Gilbert Smith, Moody Johnson, and Manatee County Commissioner Gwen Brown gave motivational anti-gang, anti-crime addresses.

Councilman Byrd gave an update on the outcome of the lawsuit he had undergone due to a challenge by his election opponent, former Councilman James Golden. He stated the ruling had been in favor of the city and Mr. Byrd. He stated that the lawsuit had personally cost him in excess of \$20,000 and he was now requesting repayment of reasonable legal fees and interest.

Discussion followed as to the nature and focus of the lawsuit. City Attorney Lisch stated the lawsuit had not been about the actions of the city or the canvassing board but was instead about whether the procedures to allow a candidate to run for election had been properly followed. Councilman Byrd stated he may need to follow this up with an attorney. Attorney Lisch stated that should a different case or finding be brought forth, the situation could be changed.

## DEPARTMENT HEADS

**Carl Callahan:** Announced that the city was continually working through the budget having to make hard choices. He stated on the plus side, an annual review of city bonds reflected that the city had maintained it's A+ rating due to good financial responsibility.

**Carolyn Moore:** Nothing to report.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Expressed appreciation to Jeana Winterbottom, Grants Coordinator, who had found additional grants which the police department may be eligible for as well as the grants for which they had already applied.

**Ricardo Ramos:** Nothing to report.

**Tim Polk:** Announced that the Manatee Community Action Executive Director expressed her regrets that she was unable to attend the meeting tonight due to illness, but she would be at the next council meeting. Mr. Polk who served as the Chairman of the Manatee Community Action Community commented that the council should be pleased with the report that would be presented at the next meeting.

**Bill Lisch:** Referenced back to the previous council meeting which had challenged the re-opening of Club RJ's. He stated after researching this action, it had been determined that, as the city was not a direct party in the claim, the city had no rights and could not challenge the entity that authorized the re-opening. No appeal could be filed.

Councilwoman Barnebey asked if a letter could be drafted to the governor stating our displeasure with the reopening of Club R.J.'s. Councilman Gallo suggested that the letter be directed to the local legislators. Mr. Lisch encouraged all to send individual letters.

**Deputy Chief David Ezell:** Announced that the State Hurricane Preparedness exercise would be held over the weekend. He invited all to attend and take part in the exercise.

## ADJOURNMENT

There being no further business, Vice Mayor Smith adjourned the meeting at 6:45 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.