

**CITY COUNCIL MEETING
November 12, 2008**

**APPROVED BY
December 10, 2008
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 12, 2008 at 8:30 a.m.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Vice Mayor and Councilman Ward III Patrick Roff; 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 Staci Cross, Information Technology Director.

Press: The Herald.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Pastor Mark Jernigan, First Presbyterian Church of Bradenton.
Pledge of Allegiance was led by Mayor Poston.
Carolyn Moore, Human Resources Director was excused from the meeting.

PROCLAMATIONS

FARM--CITY WEEK PROCLAMATION – November 14-23, 2008

PRESENTATIONS

FIRE DEPARTMENT RECOGNITION

Fire Chief Souders with the assistance of Fire Commissioner Councilman Harold Byrd recognized **Larry Covins**, an administrative office volunteer, who has generously given more than 2000 hours of his time in the past five years to assist with data entry, report compilation, exam proctoring, and other duties as requested. Mr. Covins service has justified the award of the Meritorious Service ribbon, given to an individual who has displayed exemplary and highly unusual accomplishment toward the betterment of the fire department.

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: Stated she was honored to have been the narrator for “Salute to the Veterans” program held at the Savior Lutheran Church.

Councilwoman Barnebey stated she would be narrating a program Thursday evening at Manatee Community College (MCC) “Music and Traditions from Around the World.” She invited everyone to attend this free concert.

Vice Mayor and Councilman Patrick Roff, Ward III: Stated last Saturday he had attended the 150 year anniversary of the Egmont Key Lighthouse Ceremony. He stated he had learned from that event that Governor Crist had proposed a plan to remove Egmont Key from the State Park system.

Vice Mayor and Councilman Roff stated that the Tampa Bay Regional Council was in the process of drafting a resolution to not adopt this proposed plan. He requested that the City of Bradenton follow suit.

ACTION: The council all agreed to draft a resolution authorizing Mayor Poston to send a letter on behalf of the City of Bradenton opposing this plan.

Councilman Bemis Smith, Ward IV: Recognized yesterday as Veteran's Day and thanked all veterans for the tremendous sacrifice they have made for our freedom.

Councilman Harold Byrd, Jr., Ward V: Announced and encouraged attendance to a Charrette, which would be held November 13th at the Longboat Key Hilton from 1:30 pm to 4:30 pm to gather community input and suggestions on tourist revenue.

Councilman Byrd announced he would be attending, at no cost to the city, the National League of Cities conference in Orlando and stated that there was a need to network with other cities across the state and country to gather important information and solutions to assist in solving government problems.

Mayor Wayne Poston: Commented that president elect Barack Obama, in a press conference stated that he had recognized the problems and issues with local government and municipalities and Obama stated that he would try to provide some assistance for municipalities.

Mayor Poston stated he attended a wonderful Veterans Day program at the Veterans Memorial at Rossi Park. He stated later in the day he had also visited the American Legion's Veteran's Celebration hearing wonderful stories the veterans were sharing with each other.

All of the Council members acknowledged Mrs. Middleton, in the audience, and congratulated her for her accomplishments in the community and to be honored by the local American Association of University Women later in the month.

CONSENT AGENDA

- a) Approval of Minutes of October 22, 2008.
- b) Human Resources Department – 457/John Hancock.
- c) Resolution 08-86 Land Transfer to CCRA.
- d) Resolution 08-87 Section 8 Housing Choice Voucher Administrative Plan with Revisions.
- e) Resolution 08-89 adopting the Wayfinding Sign System designations.
- f) Public Event request of Sacred Heart Church for the Procession for Our Lady of Guadalupe on December 14, 2008.

Councilman Smith requested (item c) to be taken out of the Consent Agenda for discussion.

Motion to accept the Consent Agenda consisting of the October 22, 2008 council minutes, the HR 457/John Hancock request, Resolution 08-87, Resolution 08-89 and the public event request by Sacred Heart Church and to take out (item c Resolution 08-86) for discussion was made by Councilman Gallo, seconded by Councilman Byrd and carried 5-0 for approval.

Councilman Smith stated that he never received a Schedule A as referred to in Resolution 08-86. He voiced his concern with having this issue in the consent agenda with the lack of discussion as to what this transfer was all about. He assumed it was for the 13th Avenue Community Center and stated he did not believe that the transfer of lands was a benefit to the city.

Mr. Callahan stated that the Central Community Redevelopment Agency (CCRA) has had an interest in a piece of property in Norma Lloyd Park and for the 13th Avenue Community Center. He stated whether the city owned the property or the CCRA, the property would still be considered under the city.

Mr. Callahan stated that over the years there had been several discussions on giving the property away or selling the property and giving the proceeds to various entities, none of which the city expressed any interest in doing.

Mr. Callahan stated that in order to facilitate the 13th Avenue Community Center move and ultimately redevelop that parcel currently occupied by the 13th Avenue Community Center for future use, it made sense for the property to be with the CCRA. He stated rather than giving away a piece of property the city would receive a piece of property in return located at 519 and 539 18th Street East and 520 19th Street East, having value as well as receiving \$100,000.

Councilman Smith stated that the land swap was not of the same value and that it was not good stewardship of the city to give land away to an agency, then for that agency to turn around and sell the property for profit.

Discussion: Responsibility of the city and the intention of the CCRA to better serve the community by encouraging private ownership and private development.

Councilman Gallo stated that the 13th Avenue Community Center was in the worse location for youth activities and stated he was in support of the property exchange. He stated that the property had a lot of value for development and was more than what the city wanted to get involved with.

Councilman Smith stated that he was promised October 8th by Cheri Coryea, Neighborhood Services Director of Manatee County and Project Manager for Norma Lloyd Park as to receiving a financial report of the park. To date he had not received this information.

Councilman Byrd stated the CCRA had been set up by the city and was part of the city which was set up under Tax Increment Financing (TIF) money to redevelop communities which would ultimately go back to the city in a different way, and in these economic times \$100,000 coming to the city made it a win-win situation.

Vice Mayor and Councilman Roff commended the city for the Hope VI project which greatly improved the Rogers Project community, with the future creation of Rogers School. He stated there have been negotiations of a super market at the 13th Avenue parcel site which would complete and transform this urban village. He stated taking the property off the tax roll to bring in revenue, the city was currently under budget restraints with having to pay for police and fire services and to have the CCRA work with a developer to get this site developed, in my opinion was a win-win situation.

Councilman Smith stated that he was not in opposition of the 13th Avenue Community Center but voiced his concern that so much money was going into one park when there were so many other needs of the city, naming laying off employees, having to pay more money for services, city infrastructure not be replaced and at the same time giving money to specific organizations.

Councilwoman Barnebey stated there was a continuing conflict as her husband represented the 13th Avenue Community Center and she would have to abstain from voting.

MOTION TO APPROVE RESOLUTION 08-86 land transfer to the CCRA was made by Councilman Byrd seconded by Vice Mayor and Councilman Roff and carried 3-1 with Councilman Smith in opposition and Councilwoman Barnebey abstain from voting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SU.08.0057 WARD 4 NEIGHBORHOOD 7.03 RS

PUBLIC HEARING

Request of Phyllis Mays, agent, for Special Use Approval for operation of an infant and toddler day care facility for the property located at 611 Manatee Avenue East. (Zoned C-1)

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

Michelle Crocket spoke on behalf of Grasshopper Academy, Inc. for a special use facility to provide care for 20 infants and toddlers with future plans to expand to 33, at which time a playground would be provided. The center's operating hours would be from 6 am to 6 pm, Monday through Friday. Microwavable meals would be provided daily.

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

Tim Polk read the Planning and Community Development staff report with the staff recommendation for approval with the following seven (7) stipulations:

1. The dirt access drive on the south side of the property would be removed, and landscaped to match existing material.
2. At the time the playground is proposed for construction, the fence material would be either solid PVC or painted/stained wood.
3. The entrance way from the building to the playground would be secured with a new exterior door or a fence from the existing door to the proposed gate in order to provide safety and separate toddlers from the parking area.
4. If, in the opinion of the Public Works Sanitation Supervisor, it becomes necessary to install a dumpster for solid waste removal, the location would be approved by the Public Works Department, and buffering would be installed as per city code specifications.
5. This approval includes the expansion to 33 children, as recommended by the state regulatory offices.
6. Classroom access would be provided as directed by the Fire Marshal.
7. No cooking would be permitted other than micro-wave or toaster ovens, unless commercial facilities are installed as per current code requirements.

PLANNING COMMISSION RECOMMENDATION (October 15, 2008): UNANIMOUS APPROVAL with the following nine (9) stipulations:

1. The dirt access drive on the south side of the property would be removed, and landscaped to match existing material.
2. At the time the playground is proposed for construction, the fence material would be either solid PVC or painted/stained wood.
3. The entrance way from the building to the playground would be secured with a new exterior door or a fence from the existing door to the proposed gate in order to provide safety and separate toddlers from the parking area.
4. If, in the opinion of the Public Works Sanitation Supervisor, it becomes necessary to install a dumpster for solid waste removal, the location would be approved by the Public Works Department, and buffering would be installed as per city code specifications.
5. This approval includes the expansion to 33 children, as recommended by the state regulatory offices.
6. Classroom access would be provided as directed by the Fire Marshal.
7. No cooking would be permitted other than micro-wave or toaster ovens, unless commercial facilities are installed as per current code requirements.
8. Replace dead or missing landscaping materials.
9. Remove or trim the Jacaranda tree in the southwest corner of the property if it is located on the subject property.

MOTION TO APPROVE SU.08.0057 with the recommendation made by the Planning and Community Development staff and Planning Commission with nine (9) stipulations was made by Councilwoman Barnebey seconded by Vice Mayor and Councilman Roff and carried 5-0 for approval.

SU.08.0058 WARD 5 NEIGHBORHOOD 7.02B RS PUBLIC HEARING

Request of Frank Carter, agent, for Special Use Approval for redevelopment of an existing gasoline service station with convenience store on the property located at 2306 Manatee Avenue East. (Zoned C-3)

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

Frank Carter, Engineer for Tampa Acquisitions, Inc. stated he would answer any questions the Council may have.

General discussion: The six foot block wall, a paint product to eliminate graffiti, tree requirements and a proposed sign to eliminate large trucks entering into the residential area.

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

Tim Polk read the Planning and Community Development staff report with the staff recommendations for approval with the following two (2) stipulations:

1. A block wall would be installed as a buffer for the residential property to the south. If the block wall cannot be constructed due to utility constraints, a minimum 6 foot solid PVC fence would be installed with landscaping materials on the north side of the fence. Landscaping materials would be subject to approval by the Planning and Community Development Director.
2. An irrigation system would be provided for all landscaped areas.

PLANNING COMMISSION RECOMMENDATION (October 15, 2008): UNANIMOUS APPROVAL with the following two (2) amended stipulations:

1. A minimum 6 foot solid PVC fence would be installed with landscaping materials on the north side of the fence as a buffer for the residential property to the south. Landscaping materials would be subject to approval by the Planning and Community Development Director.
2. An irrigation system would be provided for all landscaped areas.

MOTION TO APPROVE SU.08.0058 with the recommendations made by the Planning and Community Development staff and Planning Commission with two (2) amended stipulations was made by Councilman Byrd seconded by Vice Mayor and Councilman Roff and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Tim Polk

Request of Grimes, Goebel, Grimes, Hawkins, Gladfelter & Galvano to place two signs for Hidden Lake condominiums in the public right-of-way at the intersections of Manatee Avenue West and 63rd Street West and Manatee Avenue West and 67th Street West.

Caleb Grimes requested directional signs to be placed in the city's right-of-way to assist the public with finding Hidden Lakes Condominiums.

General discussion: Setting precedence. Setting limited time for sign placement of two-years due to the usual situation with the economy at this time.

MOTION TO APPROVE the request to place signs on the city right-of-way for a time limit of two-years with a provision if the city finds a problem the signs would be removed was made by Councilman Gallo seconded by Councilwoman Barnebey and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: Nothing to report.

Chief Souders: Nothing to report.

Staci Cross: Nothing to report.

Deputy Chief J.J. Lewis: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: REQUEST TO DRAFT A RESOLUTION accepting Hummingbird Industries contract for \$277,791.92.

No discussion followed.

MOTION TO APPROVE THE DRAFT RESOLUTION accepting Hummingbird Industries contract for \$277,791.92 was made by Councilman Smith seconded by Councilman Byrd and carried 5-0 for approval.

Carolyn Moore: Excused absence.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 10:00 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.