

**CITY COUNCIL MEETING
March 23, 2005**

**APPROVED BY
April 13, 2005
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 March 23, 2005 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo, Councilwoman Ward II Marianne Barnebey, Vice Mayor and Councilman Ward IV Bemis Smith, and Councilman Ward V James T. Golden.

City Officials: Wayne Poston, Mayor, Carl Callahan, City Clerk and Treasurer, John Ormando, Public Works Assistant Director, William Lisch, City Attorney, Mark Souders, Fire Chief, Michael Radzilowski, Police Chief, Matt McLachlan, Development Services Assistant Director, and Carolyn Moore, Human Resources Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Councilman Golden.
Flag salute was led by Councilman Golden.

Councilwoman Ward III Michele Weaver was excused from the meeting.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FOR MARCH 9, 2005.

No discussion followed.

MOTION TO APPROVE the March 9, 2005 minutes was made by Councilman Golden/Vice-Mayor Smith and carried 4-0 for approval. (Councilwoman Weaver was excused from the meeting.)

PROCLAMATION:

FAIR HOUSING MONTH PROCLAMATION – April, 2005 was accepted by Susie Copeland and Eugene Bay.

WATER CONSERVATION MONTH PROCLAMATION – April, 2005.

JUVENILE JUSTICE WEEK PROCLAMATION – March 21-24, 2005 was accepted by Anne Melton.

PRESENTATION:

SARASOTA BAY ESTUARY PROGRAM (SBEP)

Mark Alderson, SBEP Director, gave a brief PowerPoint presentation on the Bay Management Plan approved by the Governor of Florida in 1995. He outlined specific actions that needed to be taken to assist in bay restorations throughout Manatee and Sarasota Counties.

Discussion: Concerns at Palma Sola Causeway of high bacterial levels and Palma Sola Bay of high chlorophyll a values. Studies would be conducted to identify the source of these problems.

Mr. Callahan administered the Oath to any individuals who wished to speak during the public hearings.

CITIZEN COMMENTS:

Scott Kallins, Merit Board member representing the board, requested permission for the board to interact with the City attorney and to allow the board to consider alternative discipline options, when deemed appropriate, from those options previously decided upon by the department head.

Carolyn Moore stated she would like to discuss this issue with the City's labor attorney.

ACTION: To provide the new Employee Handbook to each of the Merit Board members.

Patrick Roff, 602 Virginia Drive reported that 3,000 pounds of debris had been collected from Wares Creek during their annual Keep Manatee Beautiful Clean-up Day. He requested the City Public Works Department to provide a vandal-proof trashcan at the Eight Avenue bridge.

John Ormando stated he would address this matter.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Announced the Manatee County Easter Egg Hunt on March 26, 2005 at G.T. Bray Park.

Councilwoman Marianne Barnebey, Ward II: Thanked the City staff for assisting with citizen requests during her illness.

Councilwoman Weaver, Ward III: Excused from the meeting.

Vice Mayor Bemis Smith, Ward IV: Announced the Spring Fling to be held on April 2, 2005 from 9:00 a.m. to 3:00 p.m. at the Manatee Avenue Methodist Church.

Vice-Mayor Smith voiced his concern that historical homes in his ward were being demolished rapidly and requested that the City design a program to assist in preserving historical structures.

REQUEST BY Vice-Mayor Smith to halt any demolition permits on property that was older than 65 years for a period of one month or, if deemed necessary, to extend for two months to allow Mr. Frey to bring forth to Council a proposal for a solution to preserve historical structures and that the Code Enforcement Board would not issue fines on properties that would come under this temporary suspension.

Discussion: That the City would not be liable while the structures were under the suspension period. To distinguish the difference from historical structures and old rundown houses.

MOTION TO APPROVE the request by Vice-Mayor Smith was made by Vice-Mayor Smith/Councilman Gallo and carried 4-0 for approval. (Councilwoman Weaver excused from the meeting.)

Councilman James Golden, Ward V:

8e) **RESOLUTION 05-17**

A RESOLUTION OF THE CITY OF BRADENTON CONTINUING SUPPORT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

Councilman Golden referred to a letter from the United States Senate regarding the Community Development Block Grant (CDBG) Program, dated March 2, 2005 previously distributed.

Councilman Golden requested that Resolution 05-17 be revised in the fifth “whereas clause” to add that the City would require an additional \$586,000 to provide ongoing support to sustain current operations, projects, and programs provided by the CDBG program should federal funding be eliminated during current legislative sessions. And to add at the “Now, therefore, be it resolved, clause” that the City supports the continued federal funding by the Department of Human Urban Development (HUD) of operations, projects and programs of the City of Bradenton’s Community Development Block Grant Program.

Discussion: That the City of Bradenton was not pledging \$586,000, and may not be able to continue to support this program should the federal funding be eliminated.

MOTION TO APPROVE the revised Resolution 05-17 was made by Councilman Golden/Councilman Gallo and carried 4-0 for approval. (Councilwoman Weaver was excused from the meeting.)

Councilman Golden requested to be excused from the meeting and stated that he supported the first readings of Ordinances 2779 and 2780.

Mayor Wayne Poston: Stated that the last Pirates game was the fifth sellout of the season.

Mayor Poston stated that the Getdown Downtown would be held the fourth Thursday of March due to the bad weather this past Thursday.

7. BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

a) AX-04-0005 WARD 5 NEIGHBORHOOD 7.02/8.03 LF

Request of King Engineering, Agent for Mixon Fruit Farms, owner, for an annexation of 229.34 acres located at approximately 2605 26th Ave East. (Zoned County A1, RSF-4.5, PC-C)

Bill Lisch read the following:

FIRST READING OF ORDINANCE 2779

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 2605 26th AVENUE EAST AND LEGALLY DESCRIBED:

COMBINED LEGAL FOR ID’s 13710.00009, 13784.00004, 13788.00005, 13810.0059, 13815.0000/6, 13816.00004, 13821.00004, 13831.00003, 13833.00009, 13835.00004, 13838.00057, 13842.10058, 13845.10051, 13847.00009, 13852.00009, 15467.00004, 15472.00004, 15474.10009, 13854.00005, 13625.00009, 15468.00002. Total acreage 229.34

Mr. Callahan indicated that he and Mr. Cumming had met with Mr. Mau, Manatee County Transportation, and Mr. Gray, Manatee County Utilities, to discuss provisions for utilities services and transportation issues. The County indicated that since neither party was in a better position to provide utility services it would probably be best if the City was to provide water/sewer services.

Mr. Callahan also indicated that he and the County discussed various transportation issues that would need to be resolved by the applicant.

Discussion: To further discuss the issues of whether the City or the County would provide water and sewer services and discuss the transportation impact on roads for any future development pertaining to this annexation.

Mr. Callahan recommended accepting the first reading with no specific date for the public hearing to allow the applicant extended time to address the issues of infrastructure and transportation to the satisfaction of the Public Works Department.

MOTION TO APPROVE the first reading and to set the second reading and public hearing for AX04-0005 Ordinance 2779 in the future until utilities and transportation issues were resolved was made by Councilman Gallo/Vice-Mayor Smith and carried 3-0 for approval. (Councilwoman Weaver and Councilman Golden were excused from the meeting.)

FIRST READING OF ORDINANCE 2780

AN ORDINANCE AMENDING CHAPTER 6, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, REGULATING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF AN OPEN CONTAINER WITHIN THE CITY ON ANY RIGHT OF WAY OR PUBLIC PARKING LOT; PROVIDING FOR FINDINGS; PROVIDING EXEMPTIONS; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing for April 13, 2005 was made by Councilwoman Barnebey/Vice-Mayor Smith and carried 3-0 for approval. (Councilwoman Weaver and Councilman Golden were excused from the meeting.)

8. NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

a) **Tropicana Products, Inc. Request for Street Closure.**
(Item withdrawn for a future date.)

b) **REQUEST TO HOLD a Walk/Run to raise funds for the Arthritis Foundation on Thursday, May 19, 2005. Start/finish on Old Main Street over the Green Bridge to Palmetto and back with one southbound lane closed on the Green Bridge.**

Discussion: The route was the same as it had been last year.

MOTION TO APPROVE the request from the Arthritis Foundation was made by Councilwoman Barnebey/Councilman Gallo and carried 3-0 for approval. (Councilwoman Weaver and Councilman Golden excused from the meeting.)

- c) **REQUEST TO HOLD a Walk/Run to raise funds for the National Alopecia Areata Foundation on Saturday, June 11, 2005 from 7:00 a.m. to 11:00 a.m. Start/finish on Barcarrota Boulevard, to Old Main Street through the City Centre parking lot, under the Green Bridge, through Rossi Waterfront Park, and turnaround at Sixth Street East.**

Mr. Callahan recommended approval with one stipulation that there was not a conflict with the auditorium due to the route running through the City Centre parking lot.

MOTION TO APPROVE the request from the National Alopecia Areata Foundation with one stipulation was made by Councilwoman Barnebey/Councilman Gallo and carried 3-0 for approval. (Councilwoman Weaver and Councilman Golden were excused from the meeting.)

- d) **REQUEST FROM the Manatee/Sarasota Fish & Game Association to hold the "Taste of Florida" on Saturday, April 23, 2005. Request to block off the southern parking spaces on Barcarrota Boulevard in front of City Hall for outdoor cooking in conjunction with renting the City Auditorium.**

Discussion: That the request was the same as it had been the last two years.

MOTION TO APPROVE the request from the Manatee/Sarasota Fish & Game Association was made by Councilman Gallo/Councilwoman Barnebey and carried 3-0 for approval. (Councilwoman Weaver and Councilman Golden excused from the meeting.)

- f) **RESOLUTION 05-18**
A RESOLUTION APPOINTING WILLIAM C. ROBINSON JR. TO THE DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF BRADENTON, FLORIDA, AND DEFINING HIS TERM.

No discussion followed.

MOTION TO APPROVE Resolution 05-18 was made by Councilman Gallo/Councilwoman Barnebey and carried 3-0 for approval. (Councilwoman Weaver and Councilman Golden were excused from the meeting.)

DEPARTMENT HEADS:

Carl Callahan: Congratulated **Renee' Stockwell** for her Certification of Completion from the Institute of Public Entity Risk Management Insurance, Institute of America and for her appointment as chairperson to the Preferred Government Insurance Trust (PGIT) Risk Advisory Board.

Chief Souders: Absent from the Chamber.

Carolyn Moore: Nothing to report.

Staci Cross: Excused absence.

Chief Radzilowski: Announced Master Patrol Officer Wayne Martin's wake was this evening at Shannon's Funeral Home on Manatee Avenue with the memorial service to be held on March 24, 2005 at the First Church of the Nazarene on 59th Street West.

He stated that Master Patrol Officer Martin had been an outstanding officer and would be greatly missed on the police force.

Chief Radzilowski received a request to have the American Legion perform a twenty-one-gun salute at a memorial to be held at the Pinebrook-Ironwood Clubhouse at 10:00 a.m. Thursday, March 24, 2005. He stated that the association was aware of the request and had no problem with allowing the ceremony.

Discussion: Council would not need to approve such a request and was satisfied that the police department would be handling the inspection of weapons to make sure that blanks would be fired.

REQUEST BY Chief Radzilowski referring to a previously distributed memorandum dated March 23, 2005 from Major Tokajer regarding the need to make the current part-time custodial position to a full-time position with benefits.

Discussion: Having funds in the budget to pay for the full-time position.

MOTION TO APPROVE the request by Chief Radzilowski to change the part-time custodial position to full-time was made by Councilman Gallo/Councilwoman Barnebey and carried 3-0 for approval. (Councilwoman Weaver and Councilman Golden excused from the meeting.)

Chief Radzilowski announced that the Police Department's new phone system had been implemented with the new non-emergency front desk phone number as 932-9300.

John Ormando: Nothing to report.

Matt McLachlan: Announced that the next Tamiami Tomorrow Project Community Meeting would be held April 5, 2005 from 6:00 p.m. to 8:30 p.m. at Ballard Elementary School on Ninth Avenue West.

Mr. McLachlan stated that the process would begin for fielding our community survey as a prelude to the evaluation appraisal report.

Mr. McLachlan reported that the Department of Development Services staff planned to meet with the Interlocal Planning Team to discuss a work plan with timelines and would be presenting the plan at the next City Council meeting.

Discussion: That the City staff was working with the County staff on the UDZ zone map.

Bill Lisch: Nothing to report.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 7:40 p.m.

NOTE: This is not a verbatim record. An audio CD or video tape recording of the meeting is available upon request.