

**CITY COUNCIL MEETING
July 21, 2010**

APPROVED BY
August 18, 2010
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 July 21, 2010 at 8:30 a.m.

Present: Mayor Wayne Poston; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Vice Mayor and Councilman Ward V Harold E. Byrd, Jr.

City Officials: Carl Callahan, City Clerk and Treasurer/Chief of Staff; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Tim Polk, Department of Planning and Community Development 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 Pastor Gary Eldred, Faith United Methodist Church.
Pledge of Allegiance was led by Mayor Poston.

Councilman Ward I Gene Gallo was excused from the meeting.

Michael Radzilowski, Police Chief, and Staci Cross, Information Technology Director were excused from the meeting.

PROCLAMATIONS

World Breastfeeding Week – August 1-7, 2010

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

CITIZEN COMMENTS

Tami Spyker, 6605 Heritage Lane, citizen and volunteer for the Bradenton Police Department, requested approval to hold a "National Night Out" event with a street closure of Heritage Lane from 67th Street West to 27th Street West, a minor roadway.

Council was in agreement to approve the request contingent upon the City Clerk's office receiving the signed approval of various city departments.

CONSENT AGENDA

- a) Minutes of June 23, 2010.
- b) Resolution 10-40 Reappointment of **Richard Coury** to the Code Enforcement Board.
- c) Resolution 10-41 Reappointment of **Joseph Thompson** to the Planning Commission.
- d) Resolution 10-42 Reappointment of **William Swan III** and **Peter Keenan** to the Tree & Land Preservation Board.
- e) Resolution 10-43 Appointment of **Gene Bay** to the Architectural Review Board.
- f) Department of Corrections Work Squad Contract Renewal.
- g) Pipeline Rehabilitation – 18th Avenue West and 34th Street West.
- h) Two Budget Adjustments – Contribution to the Fire Pension Plan and reallocation of reserve funds for the Pipeline Rehabilitation Project.
- i) 2010-2011 Health Insurance Plans.
- j) Resolution 10-46 - J. McKinney SHIP Housing Rehab Project Contract.
- k) Resolution 10-47 – 2007-2008 SHIP (LHAP) Program Year.

- l) LBT Rolloff Express, LLC Franchise Agreement.
- m) Public Event - Unity In the Community Back to School Resource & Wellness Rally, Saturday, August 14, 2010 at the Just For Girls Center.
- n) Public Event – Get Down Downtown End of Summer Bash, Saturday, August 21, 2010 on Old Main Street.
- o) Public Event – Thanksgiving Eve Celebration, Wednesday, November 24, 2010 on Old Main Street.

MOTION TO APPROVE the Consent Agenda items a – o and to withdraw item i - 2010-2011 Health Insurance Plans was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 4-0 for approval.

Councilman Smith voiced his concern that the 2010-2011 Heath Plan punished those people who were in a low income level, with a possible cost of \$1500 for an emergency room visit. He stated the plan forced employees to go to an Urgent Care facility instead.

MOTION TO APPROVE the Consent Agenda item i, 2010-2011 Health Insurance Plans was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 3-1, Smith in opposition. Councilman Gallo was excused from the meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2921 CP.10.0028/RS

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 800 & 816 57th STREET EAST (MORGAN JOHNSON ROAD), BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.10.0028) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RES-6 TO CITY SUBURBAN COMMERCIAL CORRIDOR; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2921 for August 18, 2010 was made by Councilman Smith, seconded by Councilman Roff and passed 4-0 for approval. Councilman Gallo was excused from the meeting.

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**FIRST READING OF PROPOSED ORDINANCE 2922 LU.10.0046/RS**

AN ORDINANCE AMENDING ORDINANCE NO. 2913, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM MANATEE COUNTY A-1 TO SUBURBAN COMMERCIAL CORRIDOR, OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 800 & 816 57<sup>TH</sup> AVENUE EAST (MORGAN JOHNSON ROAD) AND LEGALLY DESCRIBED.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2922 for August 18, 2010 was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 4-0. Councilman Gallo was excused from the meeting.**

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FIRST READING OF RESOLUTION 10 - 44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, FINDING THAT THERE EXISTS AN AREA IN WHICH DETERIORATED CONDITIONS AND BLIGHTED CONDITIONS EXISTS; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Resolution 10-44 for August 18, 2010 was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 4-0. Councilman Gallo was excused from the meeting.

FIRST READING OF PROPOSED ORDINANCE 2923/BL

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA AMENDING THE EXISTING COMMUNITY REDEVELOPMENT PLAN FOR THE DOWNTOWN BRADENTON COMMUNITY REDEVELOPMENT AREA BY CHANGING THE BOUNDARIES OF THE REDEVELOPMENT AREA TO ADD CERTAIN PROPERTIES AND TO SPECIFICALLY INCORPORATE THAT PLAN KNOWN AS "DOWNTOWN BY DESIGN" INTO THE CURRENT PLAN; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2923 for August 18, 2010 was made by Councilman Smith, seconded by Vice Mayor and Councilman Byrd and passed 4-0. Councilman Gallo was excused from the meeting.

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**FIRST READING OF PROPOSED ORDINANCE 2924/BL**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING SUB-PART A SECTION 59 OF THE CHARTER BY CHANGING THE DATE OF ELECTIONS OF OFFICIERS FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF ODD NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH EVEN NUMBERED YEAR TO COINCIDE WITH STATE AND COUNTY WIDE ELECTIONS; ADJUSTING TERMS OF OFFICE NECESSITATED BY SUCH ELECTION DATE CHANGES; PROVIDING AN EFFECTIVE DATE.

Councilman Roff stated he did not have a problem with the city saving money and would be supporting Ordinance 2924. He stated he was not in favor of changing the City Charter and would not support Ordinance 2925 as it would have to be addressed again by a referendum.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2924 for August 18, 2010 was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 4-0. Councilman Gallo was excused from the meeting.**

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FIRST READING OF PROPOSED ORDINANCE 2925/BL

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING SUB-PART A OF SECTION 59 OF THE CHARTER OF THE CITY OF BRADENTON, AND CHAPTER 30, SECTION 11 OF THE CODE OF ORDINANCES REPEALING THE REQUIREMENT OF MAJORITY VOTE AND REPEALING THE REQUIREMENT OF A RUN-OFF ELECTION; PROVIDING FOR THE CANDIDATE(S) RECEIVING THE MOST VOTES TO ELECTED TO AN OPEN SEAT; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2925 for August 18, 2010 was made by Councilwoman Barnebey, seconded by Vice Mayor and Councilman Byrd and passed 3-1, Councilman Roff in opposition. Councilman Gallo was excused from the meeting.

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**FIRST READING OF PROPOSED RESOLUTION 10 - 45**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE COMMUNITY REDEVELOPMENT PLAN FOR THAT COMMUNITY REDEVELOPMENT AREA KNOWN AS THE 14<sup>TH</sup> STREET COMMUNITY REDEVELOPMENT PROJECT/AREA BY INCORPORATING WITHIN SUCH PLAN THAT PLAN KNOWN AS THE TAMIAMI TRAIL REVITALIZATION STRATEGY; PROVIDING AN EFFECTIVE DATE.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Resolution 10-45 for August 18, 2010 was made by Councilman Smith, seconded by Councilwoman Barnebey passed 4-0. Councilman Gallo was excused from the meeting.**

**SECOND READING OF PROPOSED ORDINANCE 2920**

**PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, REPEALING THE CITY OF BRADENTON TRAFFIC LIGHT SAFETY ACT AS CODIFIED IN CHAPTER 50, SECTIONS 50-81 THROUGH 50-95 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Bill Lisch stated that the state had adopted the red light bill and that the adoption of Ordinance 2920 would remove this issue from the City’s Code of Ordinances.

The public hearing was opened, anyone in favor please come forward. No one came forward.

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

**MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2920 was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 4-0. Councilman Gallo was excused from the meeting.**

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SU.10.0076 WARD 4 NEIGHBORHOOD 20.04 RS

PUBLIC HEARING

Request of Grimes Goebel et al, agent for Bennett and Kezar, owners; for a Special Use to allow an Adult Living Facility at 1015 57th Street East (zoned SCC, Suburban Commercial Corridor).

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

Caleb Grimes gave a brief overview of the history of the property recently annexed into the city and of the future zoning uses planned for the property. He displayed renderings of the site plan and an architectural rendering of the future Adult Living Facility design plan to be completed in two phases consisting of 104 units with 160 beds in each phase.

He requested approval of the special use with the design as submitted.

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

Tim Polk gave the Planning and Community Development staff report with staff recommendation for approval with the following 10 stipulations:

1. The plan as submitted and identified as “City of Bradenton Exhibit F” dated May 24, 2010 would be the approved plan.
2. Prior to land clearing and issuance of a site improvement permit, all trees to be removed in the development area would be marked and inspected by Planning and Community Development Staff in order to determine type, size and number for removal. Trees scheduled for removal would be replaced in accordance with the Land Use Regulations by planting or payment in lieu of planting.
3. Install approximately 500 feet of solid fencing on the south side to block off the service and parking areas.
4. Trees on the south side from the front face of the Phase 2 building to the rear face of the Phase 1 building would be a minimum of 4 inch diameter at breast height (dbh), planted 50 feet on center, along with understory trees or shrubs, minimum 5 feet in height and a continuous hedge minimum of 3 feet in height. The hedge may be omitted in the fenced area.
5. A revised landscape plan would be submitted with the site improvement permit application.
6. Utility design would take into consideration future development on the subject property, including the property to the north. This would be required at the site improvement phase of development, and subject to the approval of the Public Works Department.

7. Any future construction proposed on the parcel would be approved only through the Planned Development Project process, which would allow multiple uses and structures with proper design mechanisms.
8. Prior to any future development approval, an updated wetland jurisdictional survey would be submitted, or documentation by state authorities would be submitted specifying that an update is not required.
9. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures would be taken, with immediate notification provided to the PCD.
10. The architectural design and features of the proposed buildings shall be consistent with the rendering submitted and identified as City of Bradenton Exhibit J, or otherwise approved by the Planning and Community Development Director prior to construction.

Mr. Polk in the staff report stated the Planning Commission recommendation on June 16, 2010 was for approval with the following 10 stipulations:

1. The plan submitted and identified as "City of Bradenton Exhibit F" dated May 24, 2010 is the approved plan.
2. Prior to land clearing and issuance of a site improvement permit, all trees to be removed in the development area would be marked and inspected by Planning and Community Development Staff in order to determine type, size and number for removal. Trees scheduled for removal would be replaced in accordance with the Land Use Regulations by planting or payment in lieu of planting.
3. Install approximately 500 feet of solid fencing or other opaque buffer on the south side to block off the service and parking areas.
4. Trees on the south side from the front face of the Phase 2 building to the rear face of the Phase 1 building would be a minimum of 4 inch dbh, planted 50 feet on center, along with understory trees or shrubs, minimum 5 feet in height and a continuous hedge minimum of 3 feet in height. The hedge may be omitted in the fenced area
5. A revised landscape plan would be submitted with the site improvement permit application.
6. Utility design would take into consideration future development on the subject property, including the property to the north. This would be required at the site improvement phase of development, and subject to the approval of the Public Works Department.
7. Any future construction proposed on the parcel would be approved only through the Subdivision or Planned Development Project process, which would allow multiple uses and structures with proper design mechanisms.
8. Prior to any future development approval, an updated wetland jurisdictional survey would be submitted, or documentation by state authorities would be submitted specifying that an update is not required.
9. If any endangered or threatened species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures would be taken, with immediate notification provided to the PCD.
10. The architectural design and features of the proposed buildings shall be consistent with the rendering submitted and identified as City of Bradenton Exhibit J, or otherwise approved by the Planning and Community Development Director prior to construction.

MOTION TO APPROVE SU.10.0076 with the recommendations made by the Planning and Community Development staff and Planning Commission for 10 stipulations with modifications as underlined on stipulations 3, 7 and 9 was made by Councilman Smith, Councilwoman Barnebey and passed 4-0. Councilman Gallo was excused from the meeting.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Tim Polk

RECOMMENDATION TO NEGOTIATE THE FORM-BASED CODES CONTRACT

Tim Polk gave an overview of a Request for Qualifications (RFQ) for consultants to prepare the Form-Based Codes for the City of Bradenton, Community Redevelopment Authority (CRA) Areas. He stated in the process a Review Committee evaluated submitted presentations from each firm at a meeting held on July 7, 2010. The Review Committee had selected Duany Plater-Zybert with Dover Kohl & Partners as secondary. He stated Duany Plater-Zybert had withdrawn, leaving the secondary firm of Dover Kohl & Partners.

Mr. Polk requested approval for the Planning and Community Development staff to begin negotiations with Dover Kohl & Partners as the consultant to prepare the Form-Based Codes.

MOTION TO APPROVE the recommendation made by Tim Polk was made by Councilman Roff, seconded by Councilman Smith and passed 4-0. Councilman Gallo was excused from the meeting.

Carl Callahan

TENTATIVE MILLAGE RATE 2010 – 2011 BUDGET

Mr. Callahan gave an overview of the difficulties and challenges the city was facing in balancing the budget. He requested the council to establish the tentative millage rate to set the process in place for setting a town hall meeting and establishing public hearings in September.

Mr. Callahan compared the current budget with a 1991 budget where the city had 513 employees. Currently, there are 518 employees. The Police Department had 88 sworn officers in 1991; currently there are 120 sworn officers. In 1991 there were 425 non-public service employees; there are now 387. The population was 46,000 in 1991 with the current population just over 54,000. He stated the city was not growing financially and the cost of doing business continued to increase.

Mr. Callahan recommended setting the tentative millage rate with the rollback rate of 4.9452, which would bring in the same money as last year but would still leave the city in a shortfall. He stated 1.5 million had already been pulled out of the budget with the last level to address was personnel and benefits. He stated he had already discussed this last level with all of the departments as to what the next options were. He stated the departments had cut their budgets to a bare minimum. He stated after setting the tentative millage rate, the process was to hold a town hall meeting for public comments and set two budget public hearings to begin at 5:01 p.m.

Mayor Poston stated Mr. Callahan had been working on this budget since February. He stated that we can no longer do business as we had in the past. When employees are cut, then services must also be cut.

Vice Mayor and Councilman Byrd, Councilman Smith and Councilman Roff stated they would support the motion to set the tentative millage rate with the rollback rate of 4.9452. They stated with the rate tentatively set, it would be difficult to raise it. After receiving public input at the town hall meeting and two public budget hearings, Council would be better informed about service preferences of the public and the services that were difficult to continue without having to increase the millage rate. They stated that the city could not continue paying expenses from the reserve funds as it was not good business practice.

MOTION TO SET the Tentative Millage Rate with the rollback rate of 4.9452 was made by Vice Mayor and Councilman Byrd, seconded by Councilman Roff and passed 4-0. Councilman Gallo was excused from the meeting.

MOTION TO SET the first Budget Public Hearing for September 8, 2010 at 5:01 p.m. if any conflicts, the date would be Tuesday, September 7th at 5:01 p.m. was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 4-0. Councilman Gallo was excused from the meeting.

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**Thomas Cookingham**, Planning and Community Development Assistant Director gave a brief overview of the Neighborhood Strategic Planning (NSP) Grant in the amount of \$399,000 to assist homeowners. He stated there had been 13 people who had applied but did not qualify. He stated to assure that this money does not go back to the state, he was requesting approval for Mayor Poston to amend the NSP Grant to transfer that money into acquisition.

Mr. Cookingham gave an updated report on the program and stated there had been three properties the city had purchased with six more properties to be forthcoming at the end of next week. He stated bids would be placed for three more properties bringing the total to twelve properties. He stated most of these properties were in the Ballard Park and Wares Creek areas, where there was a need for new or rebuilt homes. He stated he was confident that all the properties would be acquired, with rehabilitation or construction contracts in place by the deadline of September 30<sup>th</sup>.

**MOTION TO APPROVE THE NSP GRANT AMENDMENT was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 4-0. Councilman Gallo was excused from the meeting.**

COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Excused from the meeting.

**Councilwoman Marianne Barnebey, Ward II:** Reported that the Gold Star Club will be holding "Caribbean Night" July 31<sup>st</sup> in the Bradenton Municipal Auditorium. Gold Star is a privately run club that raises money to help victims of capital crimes and crimes against children.

**Councilman Patrick Roff, Ward III:** At the last workshop Councilman Gallo had stated that the annual cost to televise the Council meeting \$20,000. Councilman Roff stated that further inspection had revealed that the cost had actually been \$12,045 for 2009. He stated that it was very important that the citizens had a right to know what local government was doing and to see that the city of Bradenton was up front and honest, was run with integrity, and was under the sunshine law with open meetings for its citizens.

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

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

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

DEPARTMENT HEADS

**Carl Callahan:** Announced that Ron DeGlopper, Facilities Maintenance Manager, would be retiring at the end of this month after 35 years of outstanding service to the city. Ron will be honored at a luncheon on his last day, July 29<sup>th</sup> in the Bradenton Auditorium. He invited everyone to come and say good-bye to Ron.

**Chief Souders:** Nothing to report.

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

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

**Claude Tankersley:** Stated after writing an editorial regarding the future Manatee Avenue project, he had received several responses. He stated three were in support; with one having some very good suggestions which made the planners rethink the design and one was in opposition.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Nothing to report.

**Carolyn Moore:** Reported that the 5<sup>th</sup> annual Health Fair had been very successful with 406 employees attending. She stated 261 employees had their blood drawn by Pinnacle. She stated that having the Health Fair had saved lives, as many employees had never gone to have physicals or even seen a doctor.

She stated that Open Enrollment would be held the first week in August with four meetings per day for four days.

#### ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 10:40 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.