

**CITY COUNCIL MEETING
August 12, 2009**

**APPROVED BY
September 9, 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 on August 12, 2009 at 8:30 a.m.

Present: Mayor Wayne Poston; 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; 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; Staci Cross, Information Technology 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 led by Pastor Rick Speece, Calvary Baptist Church.
Pledge of Allegiance was led by Mayor Poston.

PROCLAMATIONS

G.D. Rogers Day Proclamation – August 22, 2009

PRESENTATIONS

BRADENTON POLICE DEPARTMENT

The Medal of Valor was presented to **Sergeant Curtis Johnson** and **Officer David Durrance**.

HUMAN RESOURCES DEPARTMENT - P.R.I.D.E. AWARDS

Carolyn Moore presented the quarterly P.R.I.D.E. Awards (**People Really Interested in Delivering Excellence**) to **Jeana Winterbottom**, Grants and Assistance, **Lieutenant Warren Merriman** Police Department, **Firefighter Captain Glen Hudson**, Fire Department, **Deputy City Clerk Bev Chapin**, City Clerks Department, and **Glen Riley and Joe Allen**, Solid Waste Department.

Carolyn Moore presented the City's P.R.I.D.E. Award to Pinnacle Medical Center Administrator **Todd Batey** and Head of the Laboratory **Beth Ward** for their outstanding participation in the 4th Annual City of Bradenton Employee Health Fair.

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.

CONSENT AGENDA

- a) Minutes of July 15, 2009.
- b) Resolution 09-55--Appointing James Miller to the Downtown Development Authority.
- c) Resolution 09-56--Appointing Frank Hammer to the Tree & Land Preservation Board.
- d) Resolution 09-57--CDBG Citizen Participation Plan Substantial Amendment.
- e) Resolution 09-58--SHIP Program's Local Housing Assistance Plan.
- f) Public Event--Walk for Life, Saturday, September 26, 2009.

- g) Public Event-Jingle Bell Run/Walk, Friday, December 11, 2009.
- h) Public Records Retention Policy.
- i) Department of Corrections Work Squad #1 Contract Renewal.

MOTION TO APPROVE THE CONSENT AGENDA with items a) through i) was made by Councilman Gallo, seconded by Vice Mayor and Councilman Smith and passed 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE NO. 2908

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY REDUCING THE NUMBER OF FALSE ALARMS RESPONDED TO BY THE POLICE DEPARTMENT FOR WHICH A FEE IS CHARGED FROM THE FOURTH SUCH FALSE ALARM TO A SECOND FALSE ALARM; PROVIDING AN EFFECTIVE DATE.

Mr. Lisch stated the fire department requested to revise the ordinance to require the police department respond, rather than the fire department to the second false alarm..

MOTION TO APPROVE the first reading and set the second reading and public hearing of Proposed Ordinance 2908 for September 9th was made by Councilman Gallo, seconded by Councilman Roff and passed 5-0 for approval.

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**FIRST READING OF PROPOSED ORDINANCE NO. 2909**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, REPEALING ORDINANCE NO. 2830 PREVIOUSLY ADOPTED JUNE 14, 2006, WHICH ORDINANCE NO. 2830 ESTABLISHED THE TIDEWATER PRESERVE COMMUNITY DEVELOPMENT DISTRICT; REPEALING THE ESTABLISHMENT OF SUCH DISTRICT; PROVIDING AN EFFECTIVE DATE.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of Proposed Ordinance 2909 for September 9<sup>th</sup> for was made by Councilman Gallo, seconded by Councilman Byrd and passed 5-0 for approval.**

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SU.09.0063 WARD 5 NEIGHBORHOOD 7.03 RS PUBLIC HEARING

Request of Calvin Bryant of Calvin Bryant Construction, agent for Augustin Portuondo, owner, for a Special Use to allow automotive repair and tire installation for the property located at 820 15th Street East (zoned C-3).

The public hearing was opened; those in favor please come forward, no one came forward.

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

Tim Polk gave the Planning and Community Development staff report with the recommendation for approval made by staff with 12 stipulations as follows:

1. A Florida Department of Transportation (DOT) permit is required for the improvements to the 15th Street East access.
2. A Southwest Florida Water Management District (SWFWMD) permit or waiver is required.
3. The 14th Street East access drive must be paved.

4. Sanitation pick-up method and location is subject to approval of the Department of Public Works.
5. An enclosed area will be provided at the rear of the building for temporary (30 day) storage of used tires. The enclosed area will be a structure, truck, or 6 ft. high solid fenced enclosure. Tires will not be stacked higher than the top of the fence.
6. No outside display is permitted.
7. All work will take place within the building. Work on customer vehicles will not take place outside or under the canopy.
8. The parking area will be landscaped and irrigated with minimum 5-foot wide buffers on the north and south, and 10 foot wide buffer on the east property line abutting 15th Street.
9. A driveway will be provided on the south side of the structure connecting the east and west paved areas. This will require relocation of the handicap parking space to the north side of the proposed parking lot.
10. Extend the paved area under the canopy an additional 7 feet for the entire length.
11. Hours of operation are as stated in the letter of request, Monday through Saturday, from 8:00 a.m. to 6:00 p.m.
12. Provide a revised drawing indicating the changes as specified in Stipulations 3, 5, 8, 9 and 10.

PLANNING COMMISSION RECOMMENDATION (July 13, 2009): APPROVAL with the following 10 stipulations:

1. A Florida Department of Transportation (DOT) permit is required for the improvements to the 15th Street East access.
2. A Southwest Florida Water Management District (SWFWMD) permit or waiver is required.
3. The 14th Street East access drive must be paved to the building.
4. Sanitation pick-up method and location is subject to approval of the Department of Public Works.
5. An enclosed area will be provided at the rear of the building for temporary (30 day) storage of used tires. The enclosed area will be a structure, truck, or 6 ft. high solid fenced enclosure. Tires will not be stacked higher than the top of the fence.
6. No outside display is permitted.
7. All work will take place within the building. Work on customer vehicles will not take place outside or under the canopy.
8. The parking area will be landscaped and irrigated with minimum 5-foot wide buffers on the north and south, and 10 foot wide buffer on the east property line abutting 15th Street.
9. Hours of operation are as stated in the letter of request, Monday through Saturday, from 8:00 a.m. to 6:00 p.m.
10. Provide a revised drawing prior to the City Council meeting indicating the changes as specified in Stipulations 3, 5, and 8.

MOTION TO APPROVE SU.09.0063 with the recommendations made by the Planning and Community Development staff with the Planning Commission recommendation for approval with 10 stipulations was made by Councilman Byrd, seconded by Councilwoman Barnebey and passed 5-0 for approval.

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**SU.09.0065 WARD 5 NEIGHBORHOOD 1.04 RS**

**PUBLIC HEARING**

Request of Stanley Thompson, owner, for a Special Use to allow installation of a paint booth for an existing automotive sales facility on the property located at 2801 9<sup>th</sup> Street West (zoned C-3).

The public hearing was opened; those in favor please come forward, no one came forward.

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

Tim Polk gave the Planning and Community Development staff report with the recommendation for approval as follows:

STAFF RECOMMENDATION: APPROVAL of SU.09.0065 with the following 2 stipulation:

- 1. The paint booth was for use as an accessory to the primary automotive sales business, and only those vehicles for sale at the establishment can be repaired and painted on the premises.
- 2. No signage identifying automotive painting or repair was permitted.

PLANNING COMMISSION RECOMMENDATION (July 13, 2009): APPROVAL of SU.09.0065 with the following 2 stipulation:

- 1. The paint booth was for use as an accessory to the primary automotive sales business, and only those vehicles for sale at the establishment can be repaired and painted on the premises.
- 2. No signage identifying automotive painting or repair was permitted.

**MOTION TO APPROVE SU.09.0065 with the recommendations made by the Planning and Community Development staff and the Planning Commission recommendation for approval with 2 stipulations was made by Councilman Byrd, seconded by Councilman Gallo and passed 5-0 for approval.**

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

**REQUEST FOR an agreement between Manatee County and the City of Bradenton to complete a transfer of property jurisdiction in a certain public road and right-of-way on 2<sup>nd</sup> Street East.**

Mr. Callahan stated this was a request to authorize Mayor Poston to sign an agreement requested by the city to transfer jurisdiction of a parcel of road under the DeSoto Bridge back toward Manatee Memorial Hospital.

Discussion: That this was the site where the county had formerly proposed a boat ramp.

**MOTION TO APPROVE to authorize Mayor Poston to sign the agreement to transfer the right-of-way on 2<sup>nd</sup> Street East was made by Councilman Gallo, seconded by Vice Mayor and Councilman Smith and passed 5-0 for approval.**

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The following item was not on the agenda.

REQUEST FOR RATIFICATION of the Police Benevolent Association (PBA) Contract, approved by the PBA for a one-year agreement.

No discussion followed.

MOTION TO APPROVE THE PBA CONTRACT as requested was made by Councilman Gallo, seconded by Councilwoman Barnebey and passed 5-0 for approval.

Tim Polk

SECURING OF STRUCTURE AT 309 10th STREET WEST

Volker Reiss, Code Enforcement Manager gave an overview of the structure known as the "Pink Palace" with the need to board up the building to protect it from further damage by the elements and vandals and to help preserve the historical integrity of the building.

Mr. Reiss stated the lowest bid received was in the amount of \$12,700 to secure the ground floor on three sides and all windows from the 2nd to 12th floors.

REQUEST BY VOLKER REISS TO CONTINUE with the legal process to advertise and to start a special assessment lien for the structure located at 309 10th Street West.

No discussion followed.

MOTION TO APPROVE the request made by Volker Reiss to continue with the process to preserve and protect the structure at 309 10th Street West was made by Councilwoman Barnebey, seconded by Vice Mayor and Councilman Smith and passed 5-0 for approval.

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Mr. Callahan gave an overview of the process to transfer the Section 8 Housing Program from the City of Bradenton to the Manatee County Housing Authority. He recommended approval of the transfer effective October 1, 2009.

**RESOLUTION NO. 09-59**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, TRANSFERRING THE LOCAL ADMINISTRATION OF THE SECTION 8 TENANT BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM FROM THE CITY OF BRADENTON TO MANATEE COUNTY HOUSING AUTHORITY AND PROVIDING FOR AN EFFECTIVE DATE.

No discussion followed.

**MOTION TO APPROVE RESOLUTION 09-59 was made by Councilman Gallo, seconded by Councilman Byrd and carried 5-0 for approval.**

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RESOLUTION NO. 09-60

A RESOLUTION SUPPORTING TRANSFERRING MANAGEMENT OF THE SECTION 8 PROGRAM TO THE MANATEE COUNTY HOUSING AUTHORITY, BRADENTON, FLORIDA.

No discussion followed.

MOTION TO APPROVE RESOLUTION 09-60 was made by Councilman Gallo, seconded by Councilman Byrd and carried 5-0 for approval.

Neighborhood Stabilization Program (NSP) Grant Award

Tom Cookingham, Assistant Director Planning and Community Development gave an overview of the NSP and stated there had been no major changes from the last time he had brought this issue before council.

REQUEST TO AUTHORIZE Mayor Poston to sign and enter into agreement with the Florida State Department of Community Affairs for the Federally-funded Sub-grant Agreement Neighborhood Stabilization Program, Contract Number 10DB-4X-08-51-02-F 04.

No discussion followed.

MOTION TO AUTHORIZE Mayor Poston to sign and enter into agreement for the Federally-funded Sub-grant Agreement Neighborhood Stabilization Program was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 3-2 for approval with Councilman Gallo and Vice Mayor and Councilman Smith in opposition.

COUNCIL REPORTS

Each council member voiced their condolences to the family of Councilman Byrd in the loss of his sister Harriett.

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Announced she would be attending the Women's Day Equity Lunch on August 22, 2009 at the Hyatt Regency in Sarasota.

Councilman Patrick Roff, Ward III: Reported that four houses in close proximity to Ballard Elementary School were out of control with suspicion of drug sales and vicious unruly dogs. He stated that with school starting in a few days, the Code Enforcement Department and Police Department were working diligently on this issue.

Mayor Poston stated that the Police Department and the Code Enforcement Department would be talking today to both the renters and owners of the subject properties.

Vice Mayor and Councilman Bemis Smith, Ward IV: Noted the Red Light Camera on 1st Avenue and asked if there should be a sign posted making people aware of the camera.

General discussion: That it was a good idea to post a sign that the city was not installing cameras to make money but to try to prevent people from running red lights.

Councilman Harold Byrd, Jr., Ward V: Thanked the Police Department and CCRA for the distribution of backpacks for children in need of school supplies for this school year. He announced that the Boys and Girls Club would also be distributing backpacks and school supplies this Saturday at the 24th Street Park.

Mayor Wayne Poston: Announced the Gold Star Club had donated \$25,000 to the Manatee County Sheriff's Department to use for investigation into all the recent home invasion cases.

DEPARTMENT HEADS

Carl Callahan: Reported he had been contacted by the Census Bureau requesting location sites to use during the 2010 census. He asked the council for approval to authorize him to work with the bureau to provide sites.

Council verbally agreed to Mr. Callahan's request.

Councilman Byrd stated that as the census representative for the city, he would work with Carl and would like to be kept informed of any updates.

Chief Souders: Reported the first named tropical storm had developed now in mid-season and that he would keep everyone informed of the position of the storm.

Chief Souders stated he would be partaking in the first county COOP Plan as an observer tomorrow morning. In the afternoon, the city would hold its first COOP Plan exercise. He stated Manatee County had donated \$15,000 to pay for a team to come and put on the COOP exercise.

Chief Souders stated the fire department had sent a financial hardship letter to the International Association of Accreditation in Dallas, Texas, requesting a telephone conference in lieu of appearing in person. He stated ours is the first fire department to be approved for a phone conference and it was set to take place on August 24, 2009 at 9:30 a.m. for about 15 minutes.

Staci Cross: Reported that the platform to allow employees to work at home had been completed.

Carolyn Moore: Reported that Open Enrollment would be taking place within the next two weeks.

Chief Radzilowski: Stated at a recent Statewide Gang Meeting the Bradenton Police Gang Unit had been chosen as the #1 Gang Unit in the state.

Chief Radzilowski stated that in spite of reports stating that crime was up in the city, there was actually a 30% decrease for the year, due to the fact that when a crime was committed in the county, it was tagged as in Bradenton.

Chief Radzilowski announced that the Uniform Division District 2 would be working out of the old Family Resource Center on 14th Street and 14th Avenue West.

Chief Radzilowski announced that the Bradenton SWAT vehicle had been named as the #1 SWAT vehicle in the nation by "*Law and Order Magazine*."

Claude Tankersley: Gave a brief overview for the need of a road closure to repave and install curb improvements to 13th Avenue West from 3rd Street to 8th Street Court West starting Friday, August 14th through Saturday, August 22nd. He stated there was a need to complete this project prior to school opening on August 24th.

REQUEST FOR A ROAD CLOSURE ON 13TH Avenue West at the new Rogers Elementary School between 3rd Street and 8th Street Court West to repave and install curb improvements.

Discussion: Neighbors would be notified of the road closure and there would be cross accesses open for local traffic.

MOTION TO APPROVE THE ROAD CLOSURE on 13th Avenue West at Rogers School was approved by Councilman Byrd, seconded by Councilman Roff and passed 5-0 for approval.

Councilman Gallo asked if Mr. Tankersley had been notified of a sink hole in Village Green next to the old golf course.

Mr. Tankersley stated he would look into the problem.

Tim Polk: Nothing to report.

Bill Lisch: Gave an overview about a request from a bank for a partial release of a code enforcement lien in order to let a sale of a foreclosed property go through. The property in question was a condo in the 5300 block of 26th street west which is far outside the city limits with the lien on the other property which is within the City limits. The lien will remain on the property which is within the City limits.

REQUEST TO APPROVE A PARTIAL RELEASE OF LIEN of property outside the city limits.

No discussion followed.

MOTION TO APPROVE the request for a partial release of lien outside the city limits which will not affect the property within the city limits was made by Councilman Gallo, seconded by Councilwoman Barnebey and passed 5-0 for approval.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:45 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.