

CITY COUNCIL MEETING
June 27, 2007



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on June 27, 2007 at 6:00 p.m.

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

City Officials: Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; 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 Herald-Tribune.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Councilman Golden, City Chaplain.
Pledge of Allegiance was led by Mayor Poston.

Councilman Ward III Patrick Roff was excused from the meeting.
William Lisch, City Attorney was excused from the meeting with Michele Hall as acting City Attorney.

PRESENTATIONS

BRADENTON POLICE DEPARTMENT PROMOTION

Mayor Poston gave the oath of office to **Tom Petty** who was promoted to Sergeant.

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

Vice Mayor/Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Stated that she had been privileged to present an award at the Manatee County Bar Association Awards ceremony. She stated that H. Hamilton "Chip" Rice, Jr. had been awarded the William C. Grimes Life Time Achievement Award and Jim Delgado had received the Community Service Award.

Councilwoman Barnebey referred to a news article which had appeared in today's paper about the 9th Street West shuffleboard courts. She stated that plans were to now keep the courts as the development had fallen through. She asked to have a discussion regarding any future plans for this area.

Councilman Patrick Roff, Ward III: Excused from the meeting.

Councilman Bemis Smith, Ward IV: Stated that the "Curry House" in the Riviera Southshore area which was on the City's most endangered historic properties list, had been one of the very first houses demolished by the Riviera Southshore development.

Councilman James Golden, Ward V: As Fire Commissioner, reported that there had been 78 fire calls and 350 medical calls during the month of May.

Councilman Golden stated he had been contacted by a landlord who had reported a high number of criminal activities at 221 11th Avenue East.

Mayor Wayne Poston: Wished everyone a safe Independence Day.

Mayor Poston stated he would ask Mike Kennedy, DDA Director about giving a report regarding the 9th Street West shuffleboard courts.

Mayor Poston announced that there were 13 students taking part in the Summer Youth Employment Program this year. He stated that the program was making a difference in the lives of the youth, ages 15-18, by providing educational and job training skills.

CONSENT AGENDA

- **Approval of minutes of June 13, 2007.**
- **Budget Adjustments over \$10,000.**

MOTION TO APPROVE THE CONSENT AGENDA consisting of the June 13, 2007 Council minutes and Budget Adjustments over \$10,000 was made by Vice Mayor and Councilman Gallo, seconded by Councilman Smith and carried 4-0 for approval. (Councilman Roff was excused from the meeting.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2867

AN ORDINANCE AMENDING SECTION 66, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, REVISING THE DATE FOR BEGINNING THE ANNUAL SALE OF LOCAL BUSINESS TAX RECEIPTS FROM AUGUST 1 TO JULY 1 IN COMPLIANCE WITH CHAPTER 2007-97 OF THE LAWS OF FLORIDA AND AMENDING ALL EXISTING REFERENCES TO THE TERM "LICENSE" TO READ "LOCAL BUSINESS TAX," PROVIDING AN EFFECTIVE DATE.

Mr. Callahan explained the state had passed new rules establishing the dates to sell Local Business Licenses from August 1st to July 1st. He stated the adopted ordinance would incorporate all the changes from Occupational Licenses to Local Business Tax.

MOTION TO APPROVE the first reading and set the second reading and public hearing for July 18, 2007 was made by Vice Mayor and Councilman Gallo, seconded by Councilman Golden and carried 4-0 for approval. (Councilman Roff was excused from the meeting.)

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**SECOND READING OF PROPOSED ORDINANCE 2866**

**PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CODE OF ORDINANCES FOR THE CITY OF BRADENTON, FLORIDA, BY ADOPTING A NEW SECTION 50-36(14) PROHIBITING PARKING OF MOTOR VEHICLES IN MORE THAN ONE DESIGNATED SPACE; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated this ordinance would clean up any questions regarding parking space violation enforcement and assist judges in understanding the interpretation of the city ordinance.

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.

Vice Mayor and Councilman Gallo asked about parking large recreational vehicles (RV's).

General discussion: Possibly making a special exception for large oversized vehicles or a vehicle towing a trailer.

Chief Radzilowski stated that there was never an issue regarding parking for oversized vehicles or vehicles pulling a trailer. He stated that the ordinance was only to clear up any discrepancies in court about parking within the white lines and that there were no changes in enforcement.

Chief Souders stated that the large city fire vehicles take up more than one space and have gotten ticketed in the past.

**MOTION TO APPROVE Ordinance 2866 was made by Vice Mayor and Councilman Gallo, seconded by Councilman Golden and carried 3-2 with Vice Mayor and Councilman Gallo and Councilman Smith in opposition with Mayor Poston breaking the tie.** (Councilman Roff was excused from the meeting.)

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RV.07.0015 WARD 5 NEIGHBORHOOD 7.03 RS

Request of Benson Engineering, Inc., agent for Manatee Village Historical Park, owner, for a Right-of-Way Vacation for property located at 1404 Manatee Avenue East. (Zoned C-1A)

RESOLUTION NO. 07-29 **PUBLIC HEARING**

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHT-OF-WAY" legally described.

The public hearing was continued from June 13, 2007; those in favor to please come forward. No one came forward.

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

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval.

Mr. Callahan stated that Bill Lisch indicated that the city needed to reserve a utility easement.

Ruth Seewer suggested a stipulation be made to include the right to reserve a utility easement.

MOTION TO APPROVE RV.07.0015, Resolution 07-29 with one stipulation with the recommendation made by the Planning and Community Development staff and Planning Commission was made by Councilwoman Barnebey, seconded by Councilman Smith and carried 4-0 for approval. (Councilman Roff was excused from the meeting.)

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Tim Polk

SECTION 8 HOUSING CHOICE VOUCHER (HCV) PROGRAM ANNUAL PLAN

RESOLUTION NO. 07-31 **PUBLIC HEARING**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA (ACTING AS THE SECTION HOUSING AGENCY BOARD) ADOPTING THE CITY OF BRADENTON SECTION 8 ANNUAL AGENCY PLAN.

The public hearing was opened; those in favor to please come forward. No one came forward.

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

Tim Polk stated that the Planning and Community Development staff recommended approval.

MOTION TO ADOPT Resolution 07-31 with the recommendation made by the Planning and Community Development staff was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 for approval. (Councilman Roff was excused from the meeting.)

RESOLUTION NO. 07-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA ACCEPTING THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT INVITATION TO BECOME A PARTICIPANT IN THE "NATIONAL CALL TO ACTION FOR AFFORDABLE HOUSING THROUGH REGULATORY REFORM."

Tim Polk gave a brief overview of an initiative study done on impact fees, how developers and builders could build affordable housing and how such reform may necessitate a change in city code.

Discussion: Not to adopt a change to the code, but to commit to working to provide reform and to implement a decision to be made by Council on what should be a part of the city's initiative.

MOTION TO ADOPT Resolution 07-32 was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 for approval. (Councilman Roff was excused from the meeting.)

John Cumming

FDOT AGREEMENT DOWNTOWN MOBILITY STUDY

Mr. Cumming gave a brief overview of the Downtown Mobility Study with a joint partnership with the City of Palmetto to select consultants, develop a scope and to manage the study up to completion. He stated that the city would need to front the money but would be reimbursed through the Metropolitan Planning Organization (MPO.)

MOTION TO APPROVE the FDOT Agreements for the Downtown Mobility Study was made by Councilwoman Barnebey, seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. (Councilman Roff was excused from the meeting.)

RESOLUTION 07-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING THE JOINT PROJECT AGREEMENT FOR THE DOWNTOWN MOBILITY STUDY AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

MOTION TO ADOPT Resolution 07-34 was made by Councilwoman Barnebey, seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. (Councilman Roff was excused from the meeting.)

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**MODIFICATION AMENDMENTS TO 3-LAP AGREEMENTS; 408067-1; 409097-1 & 414824-1**

**RESOLUTION 07-33**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT).

Mr. Callahan stated that the original three LAP Agreements previously approved had various changes made to them and that this resolution would clear up the details.

Mr. Cumming stated that FDOT had requested the changes, and a resolution would be required.

**MOTION TO ADOPT Resolution 07-33 was made by Councilwoman Barnebey, seconded by Councilman Golden and carried 4-0 for approval.** (Councilman Roff was excused from the meeting.)

## DEPARTMENT HEADS

**Carl Callahan:** Reminded everyone that there would be one City Council meeting date in July which would be held on July 18, 2007 beginning at 8:30 a.m.

**Chief Souders:** Praised the two Summer Youth Program students working at the Fire Department.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Distributed information regarding the use of cameras at intersections for red light runners and asked the Council what their thoughts were regarding this issue. He stated that the state and FDOT were against using them but the results of a recent poll indicated the cities were interested.

Chief Radzilowski stated he would individually talk to the Council regarding red light cameras.

Councilwoman Barnebey stated that the MPO supported red light cameras and suggested the questions be placed on the city's website as a poll.

Chief Radzilowski stated that according to the FDLE 2006 crime report, the city was down in "property crimes" due to the partnership that the police department had with each neighborhood, even though there had been a spike in gang related crime.

Mayor Poston asked for increased police patrol in the wooded area northwest of the Palma Sola Bay Causeway.

**John Cumming:** Reported that a 12,000 gallon diesel fuel tank had now been installed for emergency reserve.

**Tim Polk:** Announced the new name given to the "Mira Isles" site on State Road 64 was now, "Back Bay Reserve". He stated that at the Architectural Review Board meeting the new planned project had been well received by the River Isles community.

Mayor Poston stated that the new owners of the development had been working closely with the surrounding communities to create a new look for the site. Mayor Poston stated that the new owners would wait until October, when most of the winter residents returned to bring the new plans before Council.

**Bill Lisch:** Excused from the meeting.

**Michele Hall:** Nothing to report.

**Carolyn Moore:** Nothing to report.

## ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 7:00 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.