

**CITY COUNCIL MEETING  
September 22, 2010**

APPROVED BY  
October 13, 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 September 22, 2010 at 6:40 p.m.

**Present:** Mayor Wayne Poston; Councilman Ward I Gene Gallo; 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; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

The meeting was called to order by Mayor Poston.  
Ecumenical invocation was led by Pastor Don Sturiano, Kingdom Life Christian Church.  
Pledge of Allegiance was led by Mayor Poston.

There were no proclamations or presentations.

*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 the September 8, 2010 Council Meeting.
- b) Minutes of the September 8, 2010 First Budget Meeting.
- c) Resolution 10-56 with 2011-12 FRDAP Grant Application for the Proposed Riverwalk Park Improvement Project.

**MOTION TO APPROVE the Consent Agenda Items a – c was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 5-0 for approval.**

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**FIRST READING OF PROPOSED ORDINANCE 2927**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 14, SECTION 14-6 OF THE CODE OF ORDINANCES TO PROHIBIT ALLOWING ANIMALS TO DEFECATE ON PUBLIC PROPERTY OR RIGHT OF WAYS, WATERWAYS OR UPON PRIVATE PROPERTY WITHOUT THE CONSENT OF OWNER(S); PROVIDING AN EFFECTIVE DATE.

Councilman Gallo suggested taking the word "waterways" out of the ordinance as there was no way this could be enforced.

General discussion between Councilman Gallo, Councilwoman Barnebey and City Attorney Bill Lisch, as to how this ordinance could be enforced. That there had to be an eye witness as to whose animal left the waste behind, such as the Bradenton Police Department or Code Enforcement.

As a Sarasota Bay Estuary board member Councilwoman Barnebey was aware that there were environmental issues on Palma Sola Causeway, and she would like to keep such issues to a minimum. She stated she would hate to see the Department of Environmental Protection or Department of Natural Resources fine the city for having poor water quality.

Councilman Gallo stated that the main pollution issue was not the horses on the Palma Sola Causeway but from drainage from Cedar Hammock and the neighboring homes along the causeway shoreline.

**MOTION TO APPROVE the first reading and set the second reading of Ordinance 2927 for October 13, 2010 was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 4-1 for approval. Councilman Gallo in opposition.**

~~~~~

**SECOND READING OF PROPOSED ORDINANCE 2926 PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS PERTAINING TO LANDSCAPE PLANS, PROCEDURES, USE CHARTS, DIMENSION AND AREA STANDARDS, VILLAGE OF THE ARTS STANDARDS, ACCESSORY STRUCTURES, DESIGN REVIEW CRITERIA FOR MULTIPLE BUILDINGS, PARKING, FENCES, SIGNAGE, AND PUBLIC ART; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened, anyone wishing to speak in favor please come forward.

**Ruth Seewer**, Development Review Manager, gave an overview of the changes to the Land Use Regulations known as "Attachment A" in Ordinance 2926.

Anyone wishing to speak in opposition please come forward. No one came forward, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report stating that the Planning Commission had approved the changes as presented. He stated that staff proposed the changes and their implementation at this time. He stated that staff was in the process of negotiating with Dover Kohl and Associates to develop a form-based code for the Community Redevelopment Areas, and other neighborhoods abutting these areas in order to simplify the development process.

**MOTION TO APPROVE proposed Ordinance 2926 with the recommendations made by the Planning and Community Development staff and the Planning Commission was made by Councilman Gallo, seconded by Councilman Smith and passed 5-0 for approval.**

**NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL**

**PROPOSED RESOLUTION 10-57 WATER/SEWER INCREASE PUBLIC HEARING**

Claude Tankersley gave an overview of the cost of water usage and displayed charts of the different ways that consumers buy water. He gave an overview of the cost per month for 3000 gallons of water as follows: Home Delivery would cost \$4500, water bought from a store would cost \$2,550, bottled water in a vending machine would cost \$750, and consumers' tap water at home would cost \$18.27. He stated that overall, water was a good deal. In addition, there were three agencies that regulate the city's water supply. He noted that vending machines get their water from the city's water supply.

He displayed the water and sewer operations which indicated that water treatment costs for chemicals and electricity had increased by 41% with other expenses having increased 2.8%.

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

He proposed and recommended increasing the water/sewer rates by 3%, a fair rate which would pay about 1/3 of the operational costs. He stated the other 2/3 would be eliminated by reduction in expenses.

Mr. Callahan gave a brief overview of why the rates weren't being increased by 10% which would cover costs completely. He stated a 10% rate increase would be very hard on the citizens and that the city would look for other ways to eliminate those expenses.

**MOTION TO APPROVE Resolution 10-57 was made by Councilman Gallo, seconded by Councilman Smith and passed 5-0 for approval.**

~~~~~

COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Nothing to report.

**Councilwoman Marianne Barnebey, Ward II:** Reminded everyone of the Manatee Glens Suicide Awareness Run/walk on Saturday, September 25<sup>th</sup>.

Councilwoman Barnebey stated there would be a fundraiser for the Manatee Players on Sunday and invited everyone to come and enjoy "Sunday in the Park with George". She stated local artist from the Art Center would be creating art inspired by the play.

Councilwoman Barnebey was saddened to announce the passing of pediatrician Dr. Irving Hall, Jr. on September 17, 2010.

**Councilman Patrick Roff, Ward III:** Announced that the annual Adopt-a-Shore cleanup would be held for the Wares Creek area on Saturday, October 2<sup>nd</sup> from 9:00 am to noon. He invited anyone who would like to help to please meet at the Bradenton Women's Club.

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

**Vice Mayor and Councilman Harold Byrd, Jr., Ward V:** Congratulated Coach Kinnan and the Manatee High Hurricanes on winning yet another game on Friday night.

**Mayor Wayne Poston:** Thanked the Council and Department Heads for getting the budget done and making the best out of what was not a perfect budget, but was the best that could be done under these very bad economic times.

DEPARTMENT HEADS

**Carl Callahan:** Gave an overview of the need for cash flow assistance for the Central Community Redevelopment Agency (CCRA) to take care of some unexpected expenses associated with the United Community project land issues and for the reimbursements of the Trail Grants expenses.

**REQUEST BY** Mr. Callahan for an advanced loan of \$250,000 to assist the CCRA, which would be reimbursed next fiscal year.

Mr. Lisch assured Councilwoman Barnebey that there was no conflict and she could vote on this issue.

**MOTION TO APPROVE an advanced loan in the amount of \$250,000 to the CCRA to be reimbursed to the city in the next fiscal year was made by Vice Mayor and Councilman Byrd, seconded by Councilman Roff and passed 3-2 for approval. Councilman Gallo and Councilman Smith in opposition.**

**Chief Souders:** Nothing to report.

**Staci Cross:** Reported that the city would be upgraded to Outlook Web Application (OWA) 2010 over the weekend. She stated this would be very cost effective to the city as it would be outsourced instead requiring that the IT Department support it. She stated this change would save about \$500 a month.

**Chief Radzilowski:** Nothing to report.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Reminded everyone that the Form-Based Code kickoff event would be held this Saturday from 9:00 am to noon in the Bradenton Municipal Auditorium.

**Bill Lisch:** Nothing to report.

**Carolyn Moore:** Reported flu shots would be available next week.

## ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 7:45 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.