

APPROVED BY
May 14, 2008
CITY COUNCIL

**CITY COUNCIL MEETING
April 23, 2008**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on April 23, 2008 at 6:00 p.m.

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

City Officials: Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; and Bruce Williams, Information Technology Business Analyst.

Press: The Herald.

The meeting was called to order by Vice Mayor and Councilman Gallo.

Ecumenical invocation was led by Councilman Byrd.

Pledge of Allegiance was led by Councilwoman Barnebey.

Mayor Poston, Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director were excused from the meeting.

PROCLAMATIONS

NATIONAL ARBOR DAY PROCLAMATION-April 25, 2008

Mary Runnell's widow of the prior City Council member Fred Runnells' accepted the proclamation.

2007 Growth Award

Ingrid McClellan, Executive Director of Keep Manatee Beautiful congratulated the City of Bradenton for earning its fifth 2007 Growth Award from the National Arbor Day Foundation.

OLDER AMERICAN'S MONTH PROCLAMATION-May, 2008

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

Vice Mayor and Councilman Gallo stated that a request had been submitted to reroute the previously approved Arthritis Foundation Walk/Run to be held on May 15, 2008. He stated the walk/run would still begin at the intersection of 3rd Avenue and Old Main Street but the finish would be diverted south down 10th Street, ending the route and closing 4th Avenue with additional vendors stationed on 4th Avenue.

Councilwoman Barnebey stated that with the Getdown Downtown event also going on this was a better route.

MOTION TO APPROVE the request by the Arthritis Foundation with a revised route was made by Councilwoman Barnebey seconded by Councilman Roff and carried 5-0 for approval.

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Distributed photographs taken by the Code Enforcement Department depicting large cut-up pieces of three large trees placed by a local tree service and then left by the side of the road at 6611 27th Avenue West. The tree service had told the resident that they had an agreement with the city to pick up such items. He stated that this was not the case. He stated at first the tree company said the resident would have to pay for the tree removal but later agreed to pay the city to haul away the tree debris.

Vice Mayor and Councilman Gallo asked if an ordinance could be drafted giving the city enforcement powers for tree services and contractors remodeling homes placing debris at the curb for the city to pick up.

Bill Lisch stated he would research this matter.

Discussion: Currently there was no cost to residents placing tree trimmings or debris from renovating their homes. The increased cost of the county landfill tipping fees.

Councilwoman Marianne Barnebey, Ward II: Stated she would be participating in the National Association against Mental Illness Fashion Show Saturday, April 26th.

Councilwoman Barnebey stated she and her family would again be participating in the DeSoto Parade this year.

Councilwoman Barnebey stated she was honored to be a judge for the Bradenton Herald Golden Herald Award which awarded young talented teenagers and their accomplishments. She stated the awards program would be held on May 8th in the Bradenton Municipal Auditorium.

Councilwoman Barnebey requested that the Florida Building Code be linked on the city's website so that citizens would have access to the link.

Councilwoman Barnebey stated she was appalled, after learning that all the many beautiful landscaping projects of trees planted on the Cortez Road medians had now been cut down and ripped out, two days prior to Earth Day.

Councilwoman Barnebey asked permission for her to bring this issue up at the next Metropolitan Planning Organization (MPO) meeting telling them that the City of Bradenton council members were very upset with the Florida Department of Transportation (FDOT) for allowing this to happen, as these trees could have been saved, relocated or used at a later time in our parks or for other locations.

MOTION FOR FDOT to contact the city in the future to have the opportunity to remove trees before the trees were annihilated was made by Councilwoman Barnebey seconded by Councilman Smith and was unanimously agreed to.

Councilman Patrick Roff, Ward III: Stated at the last Keep Manatee Beautiful meeting it was reported that the County Commissioners stated there would be no more tree plantings, due to future budget cuts.

Councilman Roff thanked everyone who participated in the Coastal cleanup in the Wares Creek neighborhood especially the Manatee High Key Club members who helped out.

Councilman Roff referred to an article from the May/June 2008 AAA Travel Magazine that mentioned the City of Bradenton and the vibrant artists' community Village of the Arts.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman Harold Byrd, Jr., Ward V: Opened up for discussion various issues with the Palma Sola Causeway regarding the Australian pine trees, current landscaping and placement of bollards.

Mayor Wayne Poston: Excused from the meeting.

CONSENT AGENDA

- a. Approval of Minutes of April 9, 2008.
- b. RESOLUTION 08-29 - A Resolution reappointing **Joseph Thompson** to the Planning Commission for the City of Bradenton, Florida and defining his term.
- c. RESOLUTION 08-30 - A Resolution appointing **Donald Bingham** and **James T. Bruen** to the Citizens Advisory Committee of the Metropolitan Planning Organization for the City of Bradenton, Florida and defining their term.
- d. RESOLUTION 08-31 - A Resolution appointing **Rigo Rivera** and **Napoleon Mills** to the Housing Authority Board for the City of Bradenton, Florida and defining their term.
- e. Grant application for Florida Communities Trust Program.

MOTION TO REMOVE Consent Agenda Item b.-Resolution 08-29 for discussion and to approve the Minutes of April 9, 2008, R-08-30, R-08-31 and the Grant Application in the Consent Agenda was made by Councilwoman Barnebey seconded by Councilman Roff and carried 5-0 for approval.

Councilwoman Barnebey stated with no reflection of the person Joseph Thompson, she questioned after reviewing Mr. Thompson's résumé, listed him as retired, living outside the city limits, showing no business or stake holdings in the city limits.

Councilwoman Barnebey stated after reviewing a listing of the Planning Commission members there was one member and one alternate residing in the city limits with the rest of the board living all over the county.

Councilwoman Barnebey stated that there appeared to be no regulation or policy requiring that a Planning Commission member had any of the following three (3) criteria's: 1. Be a resident. 2. Have a primary business. 3. Have stake holdings (owning property) in the city. She stated that the majority of the board should hold one or all of these three criteria's. She stated that the Planning Commission was a very important board and voiced her concern that the members should have some sort of link tied to the city.

All of the council members supported Councilwoman Barnebey concerns.

Tim Polk said the current Planning Commission members were dedicated and the new chairperson encouraged the members to attend each meeting. He stated in the future we would look at changing the by-laws to list the criteria's.

Vice Mayor and Councilman Gallo recommended approval of Resolution 08-29 reappointing Joseph Thompson to the Planning Commission as his résumé clearly showed him as a professional and well educated man.

Vice Mayor and Councilman Gallo asked that in the future have Mayor Poston and staff make a special effort to try and appoint those who has a stake to the city.

MOTION TO APPROVE Resolution 08-29 reappointing Joseph Thompson to the Planning Commission and to have a policy in writing making the majority of the Planning Commission Board have a stake in the city was made by Councilwoman Barnebey, seconded by Councilman Smith and carried 5-0 for approval.

Vice Mayor and Councilman Gallo stated that policy was a good term but staff now knew the wishes of the Council and that Council had final approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2888

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 2802 27TH STREET EAST MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.07.0023) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY IL (INDUSTRIAL LIGHT) TO CITY I (INDUSTRIAL); 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 2888 for May 14, 2008 was made by Councilman Byrd seconded by Councilman Roff and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2889

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1, LM, PDI TO CITY I (INDUSTRIAL) OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 2802 27TH STREET EAST, AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2889 for May 14, 2008 was made by Councilman Byrd seconded by Councilman Roff and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2890

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, PRELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OR THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Discussion: The ordinance provided policy language for investments made with diversified rules.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2890 for May 14, 2008 was made by Councilwoman Barnebey seconded by Councilman Byrd and carried 5-0 for approval.

SECOND READING OF PROPOSED ORDINANCE 2887

PUBLIC HEARING

AN ORDINANCE AMENDING CHAPTER 70, ARTICLE II, DIVISION 2 TITLED CROSS CONNECTION CONTROL, ADDING SECTION 70-67.

The public hearing was opened; those wishing to speak in favor or 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 staff recommendation for approval, explaining prior requirements of proper notification and quality inspections before installation of a Cross Connection Control Device.

MOTION TO APPROVE the second reading and public hearing of Ordinance 2887 was made by Councilman Roff seconded by Councilwoman Barnebey and carried 5-0 for approval.

MB.08.0020 WARD 4 NEIGHBORHOOD 7.03 RS

Request of Leigh Kellett Fletcher, Esq., Stearns Weaver Miller, et al, agent for Riviera Southshore Ventures, LLC, owner, and Wells Fargo Bank for a **one-year Extension of Time** for Planned Development Project known as Riviera Southshore located at 1203 Manatee Avenue East. (Zoned R1B, C1A, C1 and PDP)

Bill Lisch stated that at the March 12, 2008 Council meeting the agent had requested a five-year extension which had been denied due to the concerns voiced by council regarding maintenance of the property.

Mr. Lisch stated an agreement had been made which stipulated as follows: Wells Fargo had agreed to post a \$30,000 irrevocable Letter of Credit to make sure the area was maintained, if the extension was granted. If the property was not maintained then the city, after notice to the bank that the property was not being maintained, could contract with someone, or use the city's own employees at overtime rates, to do the maintenance and draw on the letter of credit. The developer has hired a maintenance company to take care of this matter – but not counting on that contract remaining in effect, the \$30,000 was assigned to insure that maintenance of the property was done.

Leigh Kellett Fletcher, on behalf of the land owner and Wells Fargo Bank gave a brief update since the previous request for a five-year extension in that the property had been mowed and a sale date had been set for May 16, 2008.

Discussion: Past problems of the developer with the on-going maintenance concerns of the property.

Vice Mayor and Councilman Gallo stated he would support the motion based on the discussion today and to follow what other city's and the county's have been granting due to the current real estate market.

Councilman Smith stated he would support the motion because of the nature of this project and the impact on city streets and city parks as this area was a lot more convoluted then a typical project.

Councilwoman Barnebey stated she would support the motion and requested that Ms. Fletcher stress to her clients that this neighborhood had been under a lot of anguish for along time and had been treated inappropriately.

Councilman Byrd stated he would support the motion as the city needed to do something about this property. He urged and challenged the developer and Wells Fargo to move forward.

MOTION TO APPROVE the request of MB.08.00200 for a one-year extension with the agreement as stipulated made by City Attorney Bill Lisch for posting a \$30,000 Letter of Credit and the maintenance of the property was made by Councilman Smith seconded by Councilman Roff and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Tim Polk

1632 Ballard Park Drive Demolition

Volker Reiss, Code Enforcement Compliance Manager stated that at the March 12, 2008 meeting he made a statement regarding the cost to demolish the building would be minimal. He stated that it was discovered after the meeting that an asbestos removal would have to be done before the structure could be demolished. He requested approval for using the lowest bid received of \$1500 to remove the asbestos material.

Mr. Callahan recommended approval of the request.

MOTION TO APPROVE the request for \$1500 to remove asbestos material with a stipulation that all the cost of the demolition and removal of debris be part of a lien was made by Councilman Roff seconded by Councilwoman Barnebey and carried 5-0 for approval.

Annual PHA (Public Housing Agency) Plan Public Notice

Mr. Callahan read the following notice:

NOTICE IS HEREBY GIVEN that the City of Bradenton Housing & Community Development Division has developed its Annual PHA (Public Housing Agency) Plan for the fiscal year beginning October 1, 2008. The proposed Agency Plan will be available for public review at the following locations during regular business hours:

- Planning & Community Development Office located at 101 12th Street West Bradenton, Florida 34205
- Bradenton City Hall City Clerk’s Office located at 101 12th Street West Bradenton, Florida 34205
- Housing & Community Development Division Office located at 912 7th Avenue East, Bradenton, FL 34208
- Manatee County Library located at 1301 Barcarrota Boulevard Bradenton, Florida 34205

A final Public Hearing to consider oral and written comments on the Agency Plan will be held by the Mayor and City Council acting as the Section 8 Housing Agency Board on Wednesday June 11, 2008 at 8:30 a.m. in the Council Chambers located at 101 Old Main Street Bradenton, Florida 34205. In addition, the City Council will adopt appropriate resolutions associated with the plan and will authorize filing with the Department of Housing & Urban Development (HUD) by July 9, 2008. Any public comments will become a part of the plan and mailed to HUD. For any questions or comments, please contact Willie Calhoun, Housing Supervisor at 941-932-9607 or willie.calhoun@cityofbradenton.com.

NO ACTION WAS NEEDED.

John Cumming

Solid Waste Rates/County Tipping Fees Increase - Resolution 08-33

Mr. Cumming stated that the Manatee County landfill tipping fees increased from \$33.00/ton to \$36.00/ton for household waste which reflected directly on the city’s costs for solid waste disposal. He explained that the city’s total cost last year for tipping 48,790 tons was \$1,657,988 for residential and commercial waste. He stated that residential rates should all be adjusted by a sum of \$0.59 per month per unit. This included single family, multi-family and trailers. Rate revisions were as follows:

Single family	Increase from \$16.01 to \$16.60/month
Multi-family	Increase from \$13.87 to \$14.46/month
Trailers	Increase from \$14.41 to \$15.00/month

Commercial rates were now in effect and should be increased from \$7.10 per cubic yard plus a \$35.35 monthly container rental fee to a sum of \$7.45 plus the \$35.35 monthly container rental fee. This fee would offset the landfill tipping fee increase of \$3.00 per ton.

RESOLUTION 08-33

A RESOLUTION AMENDING THE FEE SCHEDULE ADOPTED BY FORMER CHAPTER 12, SECTION 45 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY PROVIDING FOR AN INCREASE IN FEES FOR GARBAGE, TRASH AND RECYCLING, PROVIDING AN EFFECTIVE DATE.

Councilwoman Barnebey voiced her disapproval that rental properties consistently dumped large items such as furniture and appliances for the city to pick up and should be billed for these items.

Lengthy discussion: There was a problem in certain areas with rental homes consistently dumping large items and to start tracking and charging for these items.

Mr. Callahan stated the effective date for this resolution would be June 1, 2008.

MOTION TO ADOPT RESOLUTION 08-33 was made by Councilman Roff seconded by Councilman Smith and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: Gave a brief overview of the recent legislative session stating the house had forwarded their agreement to cap local revenues at 1.35 x taxable value and stated should this go through the senate, it would be a devastating impact on local city and county governments.

Discussion: Budget restraints and the legislative sessions in Tallahassee.

Chief Souders: Nothing to report.

Bruce Williams: Nothing to report.

Chief Radzilowski: Nothing to report.

John Cumming: Nothing to report.

Tim Polk: Gave a brief overview of a new grant program for severe repetitive loss of properties, through FEMA and was administered by the Department of Community Affairs, Flood Mitigation Assistance (FMA) Program.

REQUEST TO PROCEED with pursuing a grant application on behalf of the homeowner Robert Lee, 337 22nd Street Court Northeast with the stipulation that the homeowner would be responsible for the match determined by FEMA.

No discussion followed.

MOTION TO APPROVE the request on behalf of the homeowner Robert Lee, 337 22nd Street Court Northeast with the stipulation that the homeowner would be responsible for the match determined by FEMA was made by Councilman Smith seconded by Councilman Byrd and carried 5-0 for approval.

Mr. Polk congratulated **Darin Cushing** for passing an extensive test and that he was now certified as a Building Official.

Bill Lisch: Nothing to report.

Carolyn Moore: Excused from the meeting.

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.