

**CITY COUNCIL MEETING
October 22, 2003**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on October 22, 2003 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo, Councilwoman Ward II Marianne Barnebey Vice Mayor and Councilwoman Ward III Michele Weaver, Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden

City Officials: Wayne Poston, Mayor, Carl Callahan, City Clerk and Treasurer, John Cumming, Public Works Director, William Lisch, City Attorney, Mark Souders, Fire Chief, J. J. Lewis, Police Major, Larry Frey, Planning Services Director and Staci Cross, Information Technology Director

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.
Ecumenical prayer led by Rev. Don Carter, Trinity Assembly of God Church.
Flag salute was led by Mayor Poston.

PROCLAMATION:

FARM CITY WEEK

Earle Lucas, accepted the proclamation that proclaimed November 13th to 22nd 2003 as "Farm City Week".

MANATEE OPPORTUNITY COUNCIL DAY

Councilman Golden accepted the proclamation that proclaimed October 23, 2003 as "Manatee Opportunity Council Day".

PRESENTATION:

BRADENTON POLICE DEPARTMENT – OATH OF OFFICE FOR NEW OFFICERS

Major J.J. Lewis introduced two new police officers, **Matthew D. Palmer** and **Paul D. Amole**. Mayor Poston administered the Oath of Office.

JONES, EDMUNDS & ASSOCIATES, INC. – STORM DRAINAGE PROJECT UPDATE

Claude Tankersly, Jones, Edmunds & Associates, Inc. Consulting Engineers gave a detailed power point report, assisted by Seth Kohn, on the stormwater problems located at 10th Avenue East and 26th Avenue West.

Questions were asked and answers given regarding the stormwater system. Several options were given by Mr. Tankersly for correcting the problems at these two locations.

PIERRE ABADJIAN – COMMUNITY RATING SYSTEM AND FAIR HOUSING REPORT

Request from Councilwoman Barnebey to continue this issue to allow Mr. Abadjian adequate time to review the report and address the Council at a later date.

Mr. Callahan administered the Oath to any individuals who wished to speak during the public hearings.

PUBLIC COMMENTS:

Eloise Bacon, 1109 8th Street Court West voiced her concern with a Code Enforcement problem regarding an abundance of cars parked on a lot located at 9th Street West and 11th Avenue

Larry Frey stated that he would have Jeff Burton contact Ms. Bacon in the morning.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Concerns regarding Manatee County Impact Fees.

Request to instruct Larry Frey to contact Dr. Nichols or some other qualified economist to assist the City of Bradenton with the Manatee County Impact Fee Study regarding our rights and how the County fees would affect the City of Bradenton.

Discussion: Concerns of Impact Fees affecting Bradenton.

MOTION TO APPROVE the request was made by Councilman Gallo/Vice-Mayor Weaver carried 5-0 for approval.

Councilwoman Marianne Barnebey, Ward II: Invited everyone to attend the “Crimestoppers” Halloween children’s activity on Friday, October 31st in the City Auditorium.

Vice-Mayor Michele Weaver, Ward III: Received a letter from the Historical Wares Creek Neighborhood Association requesting action on properties owned by Thomas Austin located at 1714, 1718 and 1804 6th Avenue West.

Discussion: Unable to locate the owner. Solution for the City to temporarily maintain the property with mowing, securing the pool and boarding the buildings. To begin the process for demolition on the properties or proceed with foreclosure.

Patrick Roff, representing the Historical Wares Creek Neighborhood Association stated that the properties had been abandon for three years. He voiced his concern on the foreclosure process because the association would like to see a single family ownership and not to be used as rental multi-family dwellings.

MOTION TO INSTRUCT the Department of Development Services-DDS staff to temporarily maintain the properties located at 1714, 1718 and 1804 6th Avenue West with mowing the lawn, draining the pool, to secure the buildings and to start the demolition process and/or foreclosure process was made by Vice-Mayor Weaver/Councilwoman Barnebey carried 5-0 for approval.

Councilman Bemis Smith, Ward IV: Honored the promotion of Rebecca Pilsbury to Project Administrator and James Briesacher to Firefighter 4th class.

Councilman James Golden, Ward V: Reported on various Tampa Bay Regional Planning Council meetings to be held October 24, 2003 and November 4, 2003.

Councilman Golden would be attending a United Nations Simulation with Community Leaders and University Students on October 24, 2003 with a debate for Israeli-Palestinian Resolution.

Requested funds of \$3895 to complete a fence to surround the Martin Luther King, Jr. Park.

No discussion followed.

MOTION TO APPROVE the fence to complete the Martin Luther King, Jr. project for funds up to \$3895 was made by Councilman Golden/Councilman Gallo carried 5-0 for approval.

Mayor Poston: Read the following letter on record from Patrick Carnegie, Executive Director of 13th Avenue Community Center:

“Dear Mr. Poston:

As a follow up to our previous meetings and discussions regarding the relocation of the 13th Avenue Community Center to the Norma Lloyd Park complex, the United Community Center Board of Directors thank you for your efforts. In the best interest of the community and serving those needs we feel that at this time unless we have a finite proposal by November 1, 2003, we cannot continue to delay the process further and will have to therefore cease any further negotiations.

We will then continue with the original agreement, which we entered with the City of Bradenton to renovate the current site of the 13th Avenue Community Center. We can no longer delay the fund raising efforts which has put us at a great disadvantage at this time. “

Discussion: 13th Avenue fund raising efforts and terms of the lease agreement with the City.

Request of Council as to how they would like to respond to the letter with the November 1st deadline.

MOTION TO APPROVE to respond to the letter in the affirmative, to accept the 13th Avenue fund raising efforts and to stop negotiations to relocate the 13th Avenue Center to the Norman Lloyd Park was made by Councilman Golden/Vice-Mayor Weaver carried 3-1 with Councilman Gallo in opposition.

(Councilwoman Barnebey did not vote as there was a conflict of interest due to her husband Mark Barnebey was the legal representative for the 13th Avenue Community Center.)

Requested Larry Frey to follow closely Legislative House Bill 1:13A regarding impact of municipalities paying significantly higher recording fees to the Clerk of the Court.

Dedication of the Memorial Tree at Rossi Park today.

Invited everyone to attend the grand opening of the new six and one-half acre park at Rossi Waterfront on Thursday, October 30, 2003.

Councilman Gallo was excused from the meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

FIRST READING OF PROPOSED ORDINANCE #2727

An ordinance annexing to the City of Bradenton, Florida, certain land contiguous thereto, located at 7208 Manatee Avenue West and legally described.

MOTION TO APPROVE the first reading and set the second reading and public hearing for November 19, 2003 was made by Councilwoman Barnebey/Councilman Golden carried 4-0. Councilman Gallo absent from voting.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

A Resolution appointing H. Eugene Bay Jr. to the Grants and Assistance Community Relations Board for the City of Bradenton, Florida and defining his term.

No discussion followed.

MOTION TO APPROVE the resolution was made by Vice-Mayor Weaver/Councilwoman Barnebey carried 4-0 for approval. Councilman Gallo absent from voting.

OCCUPATIONAL LICENSE – VEHICLE FOR HIRE

Approval request from Dariusz Kowalski, owner of Skyline Airport Transportation (not present) for a taxi vehicle for hire.

Discussion: Approval pending all City requirements were in order and received and that the vehicle passed inspection.

MOTION TO APPROVE the request with the requirements was made by Councilwoman Barnebey/Councilman Golden carried 4-0 for approval. Councilman Gallo absent from voting.

Major J.J. Lewis

FORFEITURE FUNDS

Request to approve expenditures for fourteen (14) tactical vests and one (1) Infrared Telescopic Camera with equipment from the forfeiture funds totaling \$34,644.

No discussion followed.

MOTION TO APPROVE the request was made by Councilwoman Barnebey/Vice-Mayor Weaver carried 4-0 for approval. Councilman Gallo absent from voting.

John Cumming

**Keep Manatee Beautiful Adopt-A-Shore Program
Historic Wares Creek Neighborhood**

Request for approval to authorize John Cumming to sign the Adopt-A-Shore Program Agreement for the Historic Wares Creek Neighborhood which would allow volunteer work in Wares Creek.

Bill Lisch reviewed the agreement requesting to incorporate in the indemnity and hold harmless clause to include any Workman's Compensation claims.

MOTION TO APPROVE the request to authorize signature of John Cumming and to incorporate in the indemnity and hold harmless clause to include any Workman's Compensation claims was made by Vice-Mayor Weaver/Councilwoman Barnebey carried 4-0. Councilman Gallo absent from voting.

Carl Callahan

A Resolution authorizing execution and delivery of a Master Lease Agreement, equipment schedule No. 01, and related instruments, and determining other matters in connection therewith.

Discussion: That financing the fire truck had been recently approved by Council with the leasing company requesting this resolution for its documents.

MOTION TO APPROVE the resolution was made by Councilman Smith/Vice-Mayor Weaver carried 4-0 for approval. Councilman Gallo absent from voting.

DEPARTMENT HEADS:

Carl Callahan:

Requested approval for the Farmer's Market to relocate the market from 12th Street West to 13th Street West between 6th and 8th Avenues.

No discussion followed.

MOTION TO APPROVE the request was made by Vice-Mayor Weaver/Councilman Smith carried 4-0 for approval. Councilman Gallo absent from voting.

Gave a brief update on the Parking Garage Project consisting of an Interlocal Agreement with Manatee County. Mr. Callahan invited anyone to come by his office who wished a more detailed update.

Requested authorization to make final line item adjustments within the appropriate departments.

MOTION TO APPROVE the request was made by Councilman Golden/Vice-Mayor Weaver carried 4-0 for approval. Councilman Gallo absent from voting.

Mark Souders:

Nothing to report.

Staci Cross

Nothing to report.

Major Lewis

Nothing to report.

John Cumming

Nothing to report.

Larry Frey

Nothing to report.

Bill Lisch

Nothing to report.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 8:00 p.m.

NOTE: This is not a verbatim record. An audio tape recording of the meeting is available upon request.