

**CITY COUNCIL MEETING  
October 25, 2006**

**APPROVED BY**  
**November 15, 2006**  
**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 October 25, 2006 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 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; 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:** Bradenton Herald

The meeting was called to order by Mayor Poston.  
Ecumenical invocation was led by Councilman Golden.  
Flag salute was led by Mayor Poston.

PROCLAMATIONS

***Farm City Week – November 12-18, 2006***

PRESENTATIONS

**Swearing In Of New Officers**

Mayor Poston gave the oath of office to **Officer Nasheka Hampton** and **Officer Roger Edwards**.

Major Tokajer presented to Mayor Poston the State Reaccreditations Award Certificate making this the fourth year of accreditation for the Bradenton Police Department.

Mayor Poston was proud to announce that Bradenton was among only five cities in the state of Florida in which both police and fire departments had received this distinguished honor.

*Mr. Callahan administered the Oath to any individuals who wished to speak 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 the current city code references construction hours from 7:00 a.m. to 6:00 p.m. Monday through Saturday. She requested that the Council consider amending this ordinance to change the hours on Saturday to begin later in the morning.

General discussion to include both consideration of work times for both new construction and home remodeling. To include amending all noise ordinances pertaining to high decibel levels.

**ACTION: Bill Lisch stated that he would research this issue and report back to Council on his findings.**

**Councilman Patrick Roff, Ward III:** Nothing to report.

**Councilman Bemis Smith, Ward IV:** Commended the police department for its involvement with Youth Football this past Saturday.

**Councilman James Golden, Ward V:** Reported that he was selected to serve on the Nominating Committee for the Tampa Bay Regional Planning Council and would also be serving on the Municipal Services Delivery Statewide Council for Affordable Housing.

**Mayor Wayne Poston:** Announced the closing today for the Habitat for Humanity house located at 503 11<sup>th</sup> Avenue East.

Mayor Poston reported that he and Mayor Bustle of Palmetto would be revisiting the transportation study for the Metropolitan Planning Organization (MPO). He stated that Manatee County had promised to pay for a new study, but in a recent board meeting it was decided by Commissioner Joe McClash that a new study was not needed.

Mayor Poston stated that a new study was needed for the pre-existing communities and not just for the new developments in east Manatee County.

**REQUEST BY** Mayor Poston to approve the conceptual site plan and the preliminary plans for the Norma Lloyd Park Interlocal Agreement between the City and Manatee County.

**Terms** of the agreement were as follows:

1. The City would support the Central Community Redevelopment Agency contribution of \$2.1 million toward development of the park.
2. That the Central Community Redevelopment Agency would appropriate the contribution of \$400,000 toward the development of the United Community Center.
3. That the parcel for the Gym and Community Center as shown in the illustration would be deeded from the Central Community Redevelopment Agency to the City. The City would then deed the parcel to the United Community Center with a revert clause stating that, should the Community Center move, go to another site, discontinue using this parcel for the purpose of the center, or fail to raise the funds in a specified time, the parcel would revert back to the City.
4. That the timeframe to raise the funds would be less than five (5) years.
5. That Manatee County would manage and maintain Norma Lloyd Park.

Mayor Poston commented that the anticipation of park impact fees from the Mixon development would assist with funding for the park.

**Sherod Halliburton**, Executive Director of the Central Community Redevelopment Agency, **Paul McCain**, Chairman of the 13<sup>th</sup> Avenue Community Center Board, and **Patrick Carnegie**, Executive Director of the Central Community Center, briefly spoke on the preliminary plans for Norma Lloyd Park, answered questions from the Council, and confirmed that they all agreed to the terms of the agreement. They thanked Mayor Poston and Carl Callahan for their leadership and guidance during this process of bringing this vision a step closer to reality.

Councilman Smith voiced his disapproval about having to make an instant decision at today's meeting, as he would have liked more time to review the issue. He did not wish to commit to expend taxpayers money without spending quality time examining the issue.

Councilwoman Barnebey stated that, due to the relationship her husband's law firm had with the United Central Community Center, she would have to abstain from voting.

She voiced her approval of the plan as presented giving a quote from Martin Luther King Jr., "It is always the right time to do the right thing" as this issue had been discussed for many years.

Vice Mayor/Councilman Gallo and Councilman Roff stated they would support this issue as they felt comfortable with the terms as presented, which were similar to those which had been established with the Manatee Players

**MOTION TO AUTHORIZE Mayor Poston to move forward with the five (5) terms as outlined and presented for the preliminary plans for the Norma Lloyd Park Interlocal Agreement between the City and Manatee County was made by Councilman Golden/Vice Mayor Councilman Gallo and carried 3-1 for approval.** (Councilman Smith in opposition and Councilwoman Barnebey abstained from voting.)

CONSENT AGENDA

**Approval of Minutes of October 11, 2006**

Vice Mayor/Councilman Gallo abstained from voting due to his absence at the meeting.

**MOTION TO APPROVE the Consent Agenda with the October 11, 2006 minutes was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.** (Vice Mayor/Councilman Gallo abstained from voting.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**LU.06.0034 WARD 5 NEIGHBORHOOD 1.03/1.04 RS**

Request of Larsen-Tihy Construction Company and Joe and Debby Hampton, owners, to change the Land Use Atlas Designation from R-2A and R-1D to C-1A for property located at 504, 508, 516, 518, 522, and 526 9<sup>th</sup> Avenue East. (Zoned R-2A/R-1D)

**PROPOSED ORDINANCE NO 2849**

**FIRST READING**

*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 R-2A AND R-1D to C-1A FOR PROPERTY LOCATED AT 504, 508, 516, 518, 522 AND 526 9<sup>TH</sup> AVENUE EAST AND LEGALLY DESCRIBED.*

**MOTION TO APPROVE the first reading and set the second reading and public hearing for LU.06.0034, Ordinance 2849 for November 15, 2006 was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.**

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**LU.06.0033 WARD 5 NEIGHBORHOOD 1.03/1.04 RS**

Request of The Artists Guild of Manatee, Inc. to allow for accessory dwelling units and artist workshops/galleries in the Village of the Arts Overlay District/VAOD. (Zoned R-3B/Urban Village/VAOD)

**PROPOSED ORDINANCE NO 2850**

**FIRST READING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON LAND USE REGULATIONS TO ALLOW FOR ACCESSORY DWELLING UNITS AND ARTISTS WORKSHOPS/GALLERIES IN THE VILLAGE OF THE ARTS OVERLAY DISTRICT (VAOD) AND THE REGULATION THEREOF; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*

Mayor Poston stated that terms in the ordinance would allow the residents to have a second dwelling on the property, providing that the dwelling did not exceed a certain size and that the property owner lived on the property.

**MOTION TO APPROVE the first reading and set the second reading and public hearing for LU.06.0033, Ordinance 2850, for November 15, 2006 was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.**

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

**REQUEST BY** Mark Eubanks, Bradenton Downtown Progress Executive Director, for an amendment to the Old Main Street Market public event application previously approved by Council on September 13, 2006. Mr. Eubanks requested to extend the market hours and to move the market closer to the northern portion of Old Main Street next to City Hall to participate in the “Holiday Hop” trolley tour being held on December 2, 2006.

No discussion followed.

**MOTION TO APPROVE the amendment request of Old Main Street Market to extend their hours on December 2, 2006 was made by Councilwoman Barnebey/Councilman Smith and carried 5-0 for approval.**

Tim Polk

**FLOOD MITIGATION ASSISTANCE PROGRAM AWARD**

**Jeana Winterbottom**, Grants Coordinator, gave a brief overview of the program in which the state provides 75% of the flood proof project cost and homeowners provide 25%.

She referred to a memorandum dated October 23, 2006 that stated the Division of Emergency Management awarded \$118,970.67 and \$194,983.02 of federal funds to the City of Bradenton to flood proof two homes owned by S. Boone and J. Morrison which had been listed within the City’s repetitive flood claim list.

No discussion followed.

**MOTION TO APPROVE the Flood Mitigation Assistance Program Award as presented was made by Councilman Smith/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Golden was absent from voting.)

DEPARTMENT HEADS

**Carl Callahan:** For informational purposes referred to a request made to Council several weeks ago regarding the City partaking in “Doggie Dining” and stated that the request had recently come before the Board of County Commissioners. He stated should the County decide to adopt an ordinance regarding this issue, the City could decide to opt out or go with the County ordinance.

General discussion was made that restaurants could choose to opt out to participate and would have to complete an application if they chose to adopt the policy.

NO ACTION WAS TAKEN.

Mr. Callahan referred to a letter dated October 5, 2006 from Rick Fawley, President of Fawley Bryant Architects, Inc., and quoted Mr. Fawley stating that it was "Critical to meeting the project schedule to engage a Contractor/Construction Manager as soon as possible for pre-construction services for this project."

He stated that the project would need to be scheduled to coordinate with the Pirates' Spring Training Schedule to avoid any conflicts in their daily operations and to provide safer conditions for the general public during construction.

Mr. Callahan stated that due to the stringent timeframe, and significant adverse financial ramifications, he recommended utilizing the services of Jones, Edmunds and Associates (JEA), and Fawley Bryant to expedite the architectural phase and obtaining National Development Corporation Construction (NDC) as the Contractor/Construction Manager on this project as NDC had done an excellent job in the building of the Judicial Center Parking Garage. He stated that this process would fall under the emergency contracting guidelines of the Florida Statutes.

Mr. Callahan requested approval to move forward without delay with the design team as presented and to meet with the construction manager to negotiate the construction cost. He stated a proactive stance now would prevent paying a premium for those services in a rushed situation. He stated that construction would only begin after receiving confirmation from the state on the grant funding.

**MOTION TO APPROVE the request with the recommendation made by Carl Callahan to approve the design services team of JEA and Fawley Bryant and to begin preliminary negotiations with the project manager from NDC for the Pirates City and McKechnie Field renovations was made by Vice Mayor/Councilman Gallo/Councilman Golden and carried 5-0 for approval.**

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**REQUEST BY** Joe McDonald for a street closure on November 22, 2006 between Manatee Avenue and 3<sup>rd</sup> Avenue West from 10:00 p.m. to 2:30 a.m.

Mr. Callahan stated that Mr. McDonald had indicated that last year on the day before Thanksgiving there had been a sizable crowd on Old Main Street and there had been concerns for the safety of the crowd.

General discussion was made that there were problems in closing the street at 10:00 in the evening and that the street should be closed earlier to eliminate cars from being parked and trapped on Old Main Street.

Councilman Golden made a motion to table the request but the motion died for a lack of second.

**ACTION: Chief Radzilowski indicated that the police department would monitor the situation and close the street if it was deemed necessary.**

**Chief Souders:** Chief Souders stated that due to a state requirement that controlled burns had to be supervised by a certified instructor, controlled burns had been discontinued a year ago. He stated the fire department now had two safety instructors certified to conduct live controlled burns.

He stated a recruit class from Manatee Technical Institute (MTI) needed to do a controlled burn to complete their training program and that all costs would be paid for by the School Board.

**REQUEST BY Chief Souders to approve a controlled burn at 1328 15<sup>th</sup> Street West and meet all state requirements to secure the property.**

No discussion followed.

**MOTION TO APPROVE the request made by Chief Souders for a controlled burn at 1328 15<sup>th</sup> Street West was made by Councilman Golden/Councilman Roff and carried 5-0 for approval.**

**Staci Cross:** Reported that additional installation had been completed in the Planning and Community Development Department to allow inspection requests and make permit payments online.

**Chief Radzilowski:** Attended the International Police Chief Conference in Boston last week where the hot topics included how to reduce liability within the department and how to deal with gang related crimes. He stated that the state had reported that crime was down in the city of Bradenton.

**John Cumming:** Reported that due to the gasoline tax revenue anticipated for next year, more street improvement and paving would begin throughout the city.

**Tim Polk:** Nothing to report.

**Bill Lisch:**

Read the following **Resolution 06-63**.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA AMENDING LAND USE RULES AND REGULATIONS APPENDIX A, SCHEDULED FEES AND CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY REDUCING THE FEES FOR SPECIAL USE APPLICATION FOR RESIDENTIAL DOCKS TO A TOTAL OF \$207 CONSISTING OF \$100 FOR APPLICATION AND REVIEW FEE, \$100 FOR PUBLIC NOTICE AND \$7 FOR EACH SIGN.**

No discussion followed.

**MOTION TO APPROVE Resolution 06-63 was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.**

Mr. Lisch reported that the Mira Isles lawsuit had been dismissed due to a technicality. He assumed they would appeal the decision within the 30-day deadline.

**Carolyn Moore:** Nothing to report.

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 8:10 p.m.

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