

**CITY COUNCIL MEETING
August 28, 2002**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on August 28, 2002 at 6:00 p.m.

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

Also Present: Carl Callahan, City Clerk and Treasurer
John Cumming, Public Works Director
William Lisch, City Attorney
Mark Souders, Fire Chief
Al Hogle, Police Chief
Jerry West, Planning Director

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Prayer was led by Rev. William E. Gerhart, Anglican Church of St. Philips.

Flag salute was led by Councilman Smith.

Councilman Gene Gallo was excused from the meeting.

PROCLAMATION:

Mr. Callahan read the following:

OKTOBERFEST 2002 PROCLAMATION

Councilwoman Barnebey accepted the proclamation on behalf of the Great Outdoors Conservancy and invited everyone to attend Oktoberfest at the Manatee County Fairgrounds the weekend of September 27-29, 2002.

PRESENTATION:

CENTRAL COMMUNITY REDEVELOPMENT AGENCY

Steven Thompson, Chairman of the CCRA stated that the Central Community Redevelopment Agency had adopted an initial revitalization plan which identified the needs of the community with some established priorities. He stated the most important priority adopted was the need for a library and community center within the community. He stated that the agency was currently working on acquiring property for a site located off of State Road 64.

He stated that they had also identified the community's commercial area and major roadways (13th Avenue and 9th Avenue/Martin Luther King Boulevard) within the Central Community Redevelopment area for revitalization.

He stated that the Central Community Redevelopment Agency had voted unanimously to participate with the Downtown Development Authority and the City of Bradenton to develop plans for these roadways.

He requested approval for the City of Bradenton's participation in the plan as follows:

- One third of the cost of \$13,535 for Preliminary Concept Design Services of the 9th Avenue Improvements from 9th Street East to 9th Street West.
- One half of the cost of \$23,875 including in-kind services, for Preliminary Concept Design Services of the 13th Avenue Improvements from 9th Street East to 9th Street West.

Bill Theroux, Downtown Development Authority Director stated that the Downtown Development Authority Board had approved the one-third contribution for the survey and analysis of Martin Luther King Boulevard.

Motion to approve the request for the City of Bradenton to pay one-third of the cost of participation with the Central Community Redevelopment Agency for the Preliminary Concept Design for the 9th Avenue improvements and one-half of the cost including in-kind services for the Preliminary Concept Design for the 13th Avenue improvements was made by Councilman Smith, seconded by Councilman Golden and carried 4-0 for approval.

NEIGHBORHOOD ENHANCEMENT PROGRAM WARE'S CREEK PROJECT

Patrick Roff, President of the Historic Ware's Creek Neighborhood Association stated that they had received a County grant for four attractive painted redwood signs. He requested approval to place the signs at various locations throughout the neighborhood.

He requested a letter from the Council advising the County of their approval.

Bill Lisch stated that he would draft the letter.

No discussion followed.

Motion to approve the request was made by Vice Mayor Weaver, seconded by Councilwoman Barnebey and carried 4-0 for approval.

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

PUBLIC COMMENTS:

No one came forward.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Excused absence.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey requested Jerry West to give an update on the Monk Building.

Jerry West stated that all permits with revised plans had been submitted but had not been approved by the Planning Department.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver stated that she had the opportunity to attend the Florida League of Cities Conference and stated that it was a good learning experience.

Councilman Bemis Smith, Ward IV:

Councilman Smith thanked the Fire Department Honor Guard for attending a funeral for a firefighter in Oviedo, Florida in showing their support to the family.

Councilman Smith commended *The Hospice Group* for their care and support with giving dignity to those who were destined to die.

Councilman James Golden, Ward V:

Councilman Golden announced that the Juvenile Justice Council was in need of representatives from the City of Bradenton to serve on the Council.

Mayor Poston:

Mayor Poston commented that he attended the Florida League of Cities Conference and stated that those who attended greatly benefited in learning from other cities that had similar problems and giving solutions for those problems.

Mayor Poston said at the conference he had the opportunity to meet with Congressman Jim Davis who gave him great ideas regarding the COPS grant and with affordable housing initiatives.

Mayor Poston stated that he also met Robin Berallas, an Intergovernmental Relations Coordinator, on the staff for President George Bush and stated that his job was the "Trouble Shooter" in dealing with any federal agency.

Mayor Poston stated that Senator Bill Nelson met this week in the Council Chambers for a well attended "Town Meeting".

Mayor Poston reminded everyone to come and gather downtown on the waterfront for a fly-by and festivities on September 11th to give "Tribute to Heroes" in recognizing our police and firefighters who risk their lives everyday.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

**M-02-07 WARD 4 NEIGHBORHOOD 7.03 RESOLUTION P/H CONTINUED
Request of James Dellinger for vacation of a portion of 17th Street North East
legally described as “the northernmost 75 feet of 17th Street North East”
between the properties located at 105 17th Street North East and 108 17th Street
North East (Zoned R-1B).**

Mayor Poston stated the public hearing had been continued from the previous meeting and requested anyone to speak in favor of the request to please come forward.

Councilwoman Barnebey stated that her husband was a law partner with David Wilcox who represented the applicant, James Dellinger. She stated that she would be recusing herself from voting on this issue.

David Wilcox, representing James Dellinger requested a vacation on a piece of land on 17th Street adjacent to Mr. Dellinger’s two properties.

James Dellinger and **Loren Dellinger** distributed a proposal with photographs showing the many ways that they had cleaned up the subject property some of which were replacing a drain pipe at his expense and landscape on the property. They stated that they agreed to maintain the property and comply with all the City’s specifications. They listed several letters from neighbors who were in favor of the request. They mentioned that a neighbor **Alan Brugger** was in opposition of the request. They requested approval of the vacation of right-of-way.

Angela Barrett, 108 17th Street East, stated that she was in favor of the vacation.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward. No one came forward.

Note: A letter was received from **Alan E. Brugger**, 102 NE 17th Street which was distributed to the Council that stated he was in opposition of the request.

Mayor Poston closed the public hearing.

Jerry West stated that the Planning Commission denied approval of the request as there was a concern on an issue from Public Works. He stated that this concern had been corrected. He stated that there were three issues in the Comprehensive Plan which discussed this particular issue. He commented that each issue would be addressed site specific by judgment as to application.

John Cumming stated as long as Public Works retained a utility easement down to the sea wall and had access to maintain the drainage pipe he had no problem with the request.

Stipulation: To retain a utility easement with an access that would provide City maintenance along the waterfront.

Bill Lisch stated that the City could not deed a right-of-way but could only vacate a right-a-way.

Motion to approve the resolution to vacate with the stipulation was made by Councilman Smith, seconded by Councilman Golden and carried 3-0.

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM, OR THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 23, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 27, MILITARY SERVICE PRIOR TO EMPLOYMENT; ADDING A NEW SECTION 28, PRIOR POLICE SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Motion to accept the first reading and set the second reading and public hearing on September 25, 2002 was made by Vice Mayor Weaver, seconded by Councilman Golden and carried 4-0 for approval.

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS, BY AMENDING THE DEFINITION OF "ACCUMULATED CONTRIBUTIONS"; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 24, MILITARY SERVICE PRIOR TO EMPLOYMENT; AMENDING SECTION 25, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; ADDING SECTION 27, PRIOR FIRE SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Motion to accept the first reading and set the second reading and public hearing On September 25, 2002 was made by Councilman Smith, seconded by Councilman Golden and carried 4-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

13th AVENUE COMMUNITY CENTER

Bill Lisch stated that Councilwoman Barnebey would have to recuse herself on this issue as her husband was the attorney for 13th Avenue Community Center.

Mark Barnebey, representing the 13th Avenue Community Center requested a continuance for this issue in order to have a full Council at some time in the near future.

Mayor Poston asked if anyone wishes to speak on this issue to please come forward.

Ted Jenkins, 6267 30th Street East, **Alberta Smith**, 925 21st Street East, **Thomas Christopher**, 1031 3rd Street West, **Charles B. Smith**, 1701 4th Avenue West, Palmetto, **Eloise Walker Bacon**, 1109 7th Street Court West, **Mary Dunbar**, **Eric Spiller**, Champs Footwear, **Wayne Bacon**, 1022 2nd Street West, **Napoleon Mills**, 1622 17th Street East, **Dorothy Brown**, 1630 21st Street East, (no name given), **Gaston Meredith**, 202 10th Avenue West, **Joe Houston**, 1005 41st Street East and **Calvin Johnson**, 601 10th Avenue East stated that some of them were a product of the 13th Avenue Community Center. That the center was a vital asset to the community for the current and future children to have a place to learn values, play freely and channel their energies. They requested to keep the center at the existing location and to extend the length of the lease.

(Tape 2, Side 1)

Discussion: Relocating the center and ownership of property for the center.

No action was taken.

Mr. Callahan read the following:

The American Patriotism Celebration Task Force 2002 and the United Way of Manatee County is requesting to have a Firebase Display at Rossi Park from Saturday, November 9th through the Saturday, November 16th and a Parade on Monday, November 11, 2002 through downtown Bradenton.

No discussion followed.

Motion to approve the request was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 for approval.

Mr. Callahan read the following:

The Hernando DeSoto Historical Society is requesting a revised location for the already approved Oktoberfest, October 4th, 5th and 6th from closing Old Main Street to closing 10th Street with closing Barcarrota Boulevard from Twin Dolphin Restaurant to 10th Street.

No discussion followed.

Motion to approve the request to revise the location was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 3-1 with Councilman Golden in opposition.

Mr. Callahan read the following:

The Full Gospel Holiness Church is requesting to hold a tent revival at Rossi Park on Friday, September 27th and Saturday, September 28th from 6:00 p.m. to 10:30 p.m.

Discussion: To have the music end at 10:00 a.m. **Stipulation:** Whatever the hours were for prior Full Gospel events.

Motion to approve the request with the stipulation was made by Councilman Golden, seconded by Councilman Smith and carried 4-0 for approval.

Mr. Callahan read the following:

MGA-TV INTERLOCAL AGREEMENT

Mr. Callahan stated that this was an agreement to have the Council meetings televised.

Discussion: The cost remained the same.

Motion to approve the Interlocal Agreement was made by Vice Mayor Weaver, seconded by Councilman Golden and carried 4-0 for approval.

Mr. Callahan read the following:

MANATEE COUNTY SCHOOL BOARD INTERLOCAL AGREEMENT

Mr. Callahan stated that the agreement would allow the City of Bradenton to collect Impact Fees and transmit the fees to the School Board. He stated that there was a 3½% administrative fee for collection purposes.

Bill Lisch stated that he had reviewed and had revised the agreement. He recommended approval of the agreement.

Councilman Smith voiced his concern regarding "Customer Service" when contractors had to pay an additional 3½% for this service when they pay the impact fee.

Motion to approve the Interlocal Agreement was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 3-1 with Councilman Smith in opposition.

John Cumming

WATER MAIN INSTALLATION

Mr. Cumming stated that this installation was for new construction of office buildings located in the 800 block of Manatee Avenue East and that the work required completion within the next 45 days. He recommended the low quote from Gigliotti Contracting for \$28,732.00 and requested approval.

No discussion followed.

Motion to approve the recommendation of Gigliotti Contracting was made by Vice Mayor Weaver, seconded by Councilwoman Barnebey and carried 4-0 for approval.

Mr. Callahan read the following:

VERISON WATER TOWER AGREEMENT

Mr. Callahan stated that Bill Lisch had revised the initial agreement and that all parties were satisfied with the agreement to place a transmitting antenna on a water tower located at 2905 W. 6th Avenue. He stated that he and Mr. Lisch recommended the approval of the agreement.

No discussion followed.

Motion to approve the recommendation for the agreement was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 4-0 for approval.

Mayor Poston requested John Cumming to look into placing the new City of Bradenton logo on water tanks throughout the City.

DEPARTMENT HEADS:

Carl Callahan

Nothing to report.

Chief Souders

Chief Souders stated that he too had attended the funeral in Oviedo, Florida and thanked the Honor Guard for representing the City of Bradenton.

Chief Souders stated that this past weekend the firefighters had collected \$10,852 for the Muscular Dystrophy Association Boot Drive.

Chief Hogle

Nothing to report.

Jerry West

Nothing to report.

John Cumming

Mr. Cumming stated that with all the rains from the past few days 1 billion gallons or 700,000 gallons every minute had gone over the reservoir dam in one day. He stated that the City uses approximately 1.6 billion gallons in one year.

Mr. Cumming stated that he had received a check for \$272,000 from Federal Emergency Management Agency (FEMA) for last years storm clean-up and anticipated a final check in the near future.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 8:20 p.m.

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