

**CITY COUNCIL MEETING  
March 25, 2009**

APPROVED BY  
April 8, 2009  
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 March 25, 2009 at 6:00 p.m.

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

**City Officials:** Carl Callahan, City Clerk and Treasurer; 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, and Carolyn Moore, Human Resources Director.

**Press:** The Herald.

“MAYOR FOR THE DAY” -- Kendall Miller, second grader at St. Stephen’s School.

The meeting was called to order by Mayor of the Day, Kendall Miller and Mayor Poston.  
Ecumenical Invocation led by Pastor Joey Mimbs, Bethel Baptist Church.  
Pledge of Allegiance was led by Mayor of the Day, Kendall Miller and Mayor Poston.  
Staci Cross, Information Technology Director was excused from the meeting.

PROCLAMATIONS

WATER CONSERVATION MONTH – APRIL, 2009

**REQUEST BY BILL LISCH TO APPROVE:**

**FIRST READING OF PROPOSED ORDINANCE 2905**

AN ORDINANCE AMENDING ARTICLE VII, SECTION 70-205, OF THE CODE OF ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, BY ELIMINATING THE NECESSITY OF GIVING A WRITTEN WARNING FOR VIOLATION OF A WATER SHORTAGE ORDER WHEN REQUIRED BY THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD); PROVIDING AN EFFECTIVE DATE.

**MOTION TO APPROVE THE FIRST READING AND SET THE SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE 2905 FOR APRIL 8, 2009 WAS MADE BY COUNCILMAN GALLO, SECONDED BY COUNCILMAN ROFF AND CARRIED 5-0 FOR APPROVAL.**

NATIONAL TARTAN DAY – APRIL 6, 2009

THE AMERICAN OCCUPATIONAL THERAPY ASSOCIATION MONTH – APRIL, 2009

PRESENTATIONS

**REALIZE BRADENTON CULTURAL PLAN by Mike Kennedy**

**Mike Kennedy**, Downtown Development Authority Executive Director with the assistance of **Susie Walters**, co-chair of the plan and **Julie Peeler**, Vice President of Arts & Business Programs gave a PowerPoint presentation outlining the cultural plan which was sparked when the Bradenton Culture and Business Alliance and the Knight Foundation recommended merging downtown revitalization and cultural development strategies after the 2007 Downtown by Design planning process surfaced interest in the community.

**Tom Capp**, Chief Operating Officer, Gorman and Company, and **Bernie Crogan**, local businessman and real estate investor spoke on the Realize Bradenton study and plans to revitalize the downtown arts, culture and heritage to generate and transform the downtown area into a vital, prosperous and livable popular destination.

**REQUEST BY MIKE KENNEDY TO ENDORSE THE ONE-YEAR REALIZE BRADENTON ART, CULTURE AND HERITAGE STUDY.**

**MOTION TO ENDORSE THE REALIZE BRADENTON CULTURAL PLAN WAS MADE BY COUNCILMAN ROFF, SECONDED BY COUNCILWOMAN BARNEBEY AND CARRIED 5-0 FOR APPROVAL.**

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

CITIZEN COMMENTS

**Betty Rhodes**, voiced her concern about the incidence and process for closing Club RJ's.

CONSENT AGENDA

- a) Meeting minutes of the March 11, 2009.
- b) **Resolution 09-22** CDBG January 1, 2008 – DECEMBER 31, 2008 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER).
- c) **Resolution 09-23** Appointing Tim Calpin, Jeanne Nelson, Bruce Wickens, Nicholas Dzembo, William Humphreys Jr., Rebekah Brightbill, Ellen Weiss and Tom Cookingham to the Affordable Housing Advisory Committee.
- d) **Resolution 09-24** SHIP rehap contract with Elizabeth Finney, 2514 7<sup>th</sup> Avenue East.
- e) **Resolution 09-25** Supporting the application to the DEP Recreational Trails Program grant to fund the new development and enhancement of Norma Lloyd Park.
- f) **Resolution 09-26** – FDOT LAP Agreement for sidewalks FM#416236-1.
- g) **Request for a road closure** 14<sup>th</sup> Street between Manatee Avenue West and 4<sup>th</sup> Avenue to install an air handler on a building behind First Presbyterian Church.
- h) **Public Event**-Arthritis Walk Thursday, May 7, 2009 with street closure on Old Main Street and 3<sup>rd</sup> Avenue.

**MOTION TO APPROVE THE CONSENT AGENDA WITH ITEMS (a) THROUGH (f) AND (h), AND TO TAKE ITEM (g) OUT FOR DISCUSSION WAS MADE BY COUNCILMAN GALLO, SECONDED BY VICE MAYOR AND COUNCILMAN SMITH AND CARRIED 5-0 FOR APPROVAL.**

Discussion: That the road closure request for Saturday had been changed to Friday.

**Nancy Gallo**, B & I Contractors stated that after the discussion with the police department regarding traffic concerns, it was decided to leave the road closure request for Saturday.

**MOTION TO APPROVE ITEM (g) WAS MADE BY COUNCILMAN GALLO, SECONDED BY VICE MAYOR AND COUNCILMAN SMITH AND CARRIED 5-0 FOR APPROVAL.**

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**SECOND READING OF PROPOSED ORDINANCE 2902** **PUBLIC HEARING**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 18-260 OF THE CODE OF ORDINANCES; PROVIDING FOR A TEMPORARY CESSATION OF THE IMPOSITION OF IMPACT FEES FOR PARKS AND RECREATIONAL IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

**SECOND READING OF PROPOSED ORDINANCE 2903**

**PUBLIC HEARING**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 18-261 OF THE CODE OF ORDINANCES; PROVIDING FOR A TEMPORARY CESSATION OF THE IMPOSITION OF IMPACT FEES FOR PUBLIC SAFETY IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

**SECOND READING OF PROPOSED ORDINANCE 2904**

**PUBLIC HEARING**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 18-262 OF THE CODE OF ORDINANCES; PROVIDING FOR A TEMPORARY CESSATION OF THE IMPOSITION OF IMPACT FEES FOR ROADS; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened, those in favor please come forward, no one came forward. Those in opposition, please come forward, no one came forward the public hearing was closed.

Receipt of a letter from the Federation of Manatee County Community Associations by Ernest "Sandy" Marshall in opposition to amend the ordinances.

Tim Polk gave the Planning and Community Development Evaluation and Report with staff recommendation for approval with the following three conditions for each ordinance:

1. The ordinance would take effect April 1, 2009.
2. Any permits applied for between April 1, 2009 and April 1, 2010, and issued within 60 days of the application date would be eligible for the waiver.
3. Construction must commence within 30 days of the date the permit was issued.

Councilman Roff stated he would support the motions for temporary waiving of impact fees with a one-year cessation to help stimulate the economy and growth.

Vice Mayor and Councilman Smith stated he would support the motions as impact fees are directed toward the impact of growth and that there had been a loss of approximately 1,000 people in the last year.

Councilwoman Barnebey stated she would not support the motions as she did not think it would make a big difference as most of what the city charged for impact fees was already in the core of development. She stated if the state passed a three-year cessation on impact fees we would have to follow it.

Councilman Byrd agreed with Councilman Roff and Vice Mayor and Councilman Smith and would support the motions as long as it was for a one-year suspension as the city had to do something in order to stimulate the economy and help with development.

**MOTION TO APPROVE PROPOSED ORDINANCE 2902 WITH THE PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION WITH THREE CONDITIONS TO AMEND THE PARKS AND RECREATION IMPACT FEE ORDINANCE WAS MADE BY VICE MAYOR AND COUNCILMAN SMITH, SECONDED BY COUNCILMAN GALLO AND CARRIED 3-1 TO APPROVE WITH COUNCILWOMAN BARNEBEY IN OPPOSITION AND COUNCILMAN GALLO ABSENT FROM VOTING.**

**MOTION TO APPROVE PROPOSED ORDINANCE 2903 WITH THE PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION WITH THREE CONDITIONS TO AMEND THE PUBLIC SAFETY IMPROVEMENT IMPACT FEE ORDINANCE WAS MADE BY VICE MAYOR AND COUNCILMAN SMITH, SECONDED BY COUNCILMAN ROFF AND CARRIED 4-1 TO APPROVE WITH COUNCILWOMAN BARNEBEY IN OPPOSITION.**

**MOTION TO APPROVE PROPOSED ORDINANCE 2904 WITH THE PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION WITH THREE CONDITIONS TO AMEND THE ROADS IMPACT FEE ORDINANCE WAS MADE BY VICE MAYOR AND COUNCILMAN SMITH, SECONDED BY COUNCILMAN GALLO AND CARRIED 4-1 FOR APPROVAL WITH COUNCILWOMAN BARNEBEY IN OPPOSITION.**

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

Tim Polk

### **Neighborhood Stabilization Program (NSP) - Public Hearing**

**Tom Cookingham**, Planning and Community Development Assistant Director gave a PowerPoint presentation of the NSP which was established as an emergency disaster strategy to assist local governments in addressing abandoned and foreclosed homes that might become sources of blight for the Bradenton community with the city eligible for \$2,576,267 of state allocated funds.

Lengthy discussion: How this would impact the city and who would manage the properties as a rental agent and the possibility of lowering Beacon scores to 520.

Councilman Gallo stated he would not support the request as the amount of funding would not greatly benefit the community and, in the end, would cost the city money. He voiced his concern that the city was not in the business of managing properties.

Councilwoman Barnebey stated that the city had to do everything possible to help in these difficult economic times to serve and protect the citizens, not throw them out of the house.

Councilman Roff stated that there were federal funds available now and with a lot of people out of work this should help create jobs in the construction field. He stated the city had to try to do something as he has watched the deterioration of numerous homes in foreclosure in Ward III and beyond.

The public hearing was opened anyone wishing to speak in favor please come forward, no one came forward.

Anyone wishing to speak in opposition please come forward, hearing none the public hearing was closed.

Tim Polk stated the pros and cons were discussed in a previous workshop and that the Planning and Community Development staff and Grants Committee recommended approval of the request.

**MOTION TO ACCEPT THE NEIGHBORHOOD STABILIZATION PROGRAM GRANT APPLICATION SUBMISSION TO THE DEPARTMENT OF COMMUNITY AFFAIRS AS RECOMMENDED BY THE PLANNING AND COMMUNITY DEVELOPMENT STAFF AND GRANTS COMMITTEE WAS MADE BY COUNCILMAN BYRD, SECONDED BY COUNCILMAN ROFF AND CARRIED 4-1 FOR APPROVAL WITH COUNCILMAN GALLO IN OPPOSITION.**

## COUNCIL REPORTS

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

**Councilwoman Marianne Barnebey, Ward II:** Submitted a petition with six signatures of residents around the 28<sup>th</sup> Street Park who request that the Council consider taking action regarding the use by Manatee High School students of off-street parking designed for park visitors only. The petition stated this caused unsafe traffic flow issues, and no parking for park visitors.

Discussion: Problems of insufficient campus parking, with parking signs placed protecting other parts of the neighborhood which had been requested by School Resource Officers.

**ACTION: TO WORK OUT SOMETHING WITH THE SCHOOL RESOURCE OFFICERS TO EDUCATE THE STUDENTS AND TO HAVE THE TRAFFIC SAFETY COMMITTEE RESEARCH THIS AREA.**

Councilwoman Barnebey stated she received a letter complaining that the Tropicana train going over the Manatee River bridge was blowing its whistle several times at 5:00 a.m. and was a quality of life issue for the nearby neighboring residents.

General discussion: Nothing could be done as it was a federal law.

Councilwoman Barnebey gave her condolences to Deputy Chief Tokajer and family on the passing of his mother.

**Councilman Patrick Roff, Ward III:** Stated the U.S. Census Bureau would be doing some initial census work beginning March 30<sup>th</sup> through July, 2009 and stated it was important to have everyone counted. He asked if Tim McCann could place something on the City's website letting the citizens know that there would be people in neighborhoods conducting pre-census work.

**Vice Mayor and Councilman Bemis Smith, Ward IV:** Gave his condolences to the families on the passing of Jerry Hill.

**Councilman Harold Byrd, Jr., Ward V:** Voiced his concern to the school board regarding the low enrollment at the G.D. Rogers Magnet School.

**Mayor Wayne Poston:** Announced that the G.D. Rogers School was the first school in the state constructed to be environmentally friendly and was still in construction. He stated once the school was completed and parents could see what it looked like, perhaps the enrollment would increase.

Mayor Poston stated he gave the eulogy for Jerry Hill, the long-time outdoor writer for the Bradenton Herald and stated he would be missed by many.

Mayor Poston stated that Zio's Restaurant was now out of business and now was the time for FDOT to do something at the corner of 6<sup>th</sup> Avenue and 14<sup>th</sup> Street to increase traffic safety.

## DEPARTMENT HEADS

**Carl Callahan:** Reported that the city had an opportunity to receive some Economic Development Agency (EDA) federal funds to be used for various projects which have already been planned; but there was a very tight timeframe to see what was available and what the city could qualify for.

**REQUEST BY CARL CALLAHAN TO AUTHORIZE MAYOR POSTON OR HIMSELF TO EXECUTE A CONTRACT WITH CAPITAL PHILANTHROPY GROUP AND KARIN MURPHY CONSULTING TO RESEARCH GRANT FUNDS FOR A PREAPP PROCESS AND TO SEE WHAT THE CITY WAS QUALIFIED FOR.**

No discussion followed.

**MOTION TO APPROVE THE REQUEST MADE BY CARL CALLAHAN TO EXECUTE A CONTRACT WITH CAPITAL PHILANTHROPY GROUP AND KARIN MURPHY CONSULTING TO RESEARCH EDA GRANTS WAS MADE BY COUNCILMAN GALLO, SECONDED BY VICE MAYOR AND COUNCILMAN SMITH AND CARRIED 5-0 FOR APPROVAL.**

## PROPOSED RESOLUTION 09-27

**A RESOLUTION OF THE CITY COUNCIL OF BRADENTON, FLORIDA SUPPORTING AND MAKING APPLICATION TO THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (COMMISSION) THROUGH ITS BOATING IMPROVEMENT GRANT PROGRAM (FBIP) TO FUND THE EXPANSION AND CONSTRUCTION OF A PUBLIC DAY-DOCKING FACILITY.**

Tim Polk displayed a rendering showing the existing fishing pier and the proposed day-dock with boat slips. He stated the deadline to submit this grant application was April 2, 2009.

Councilman Gallo voiced his concern with maintenance costs to maintain this facility and under the present economic problems he felt it was important to direct our energy and funds to existing problems.

Councilman Roff stated he would support the request as this topic comes up at almost every Manatee County Chamber of Commerce meeting.

Vice Mayor and Councilman Smith stated he would support the request as the current collected Parks Impact Fees could be used for the dock with the potential stimulus of a boating facility to help jump start the downtown area.

**MOTION TO APPROVE THE PROPOSED RESOLUTION 09-27 WAS MADE BY COUNCILWOMAN BARNEBEY, SECONDED BY COUNCILMAN BYRD AND CARRIED 4-1 FOR APPROVAL WITH COUNCILMAN GALLO IN OPPOSITION.**

**Chief Souders:** Nothing to report.

**Carolyn Moore:** Nothing to report.

**Staci Cross:** Excused from the meeting.

**Chief Radzilowski:** Nothing to report.

**Claude Tankersley: REQUEST TO FOR CONCEPTUAL APPROVAL FOR A MCAT GRANT TO RELOCATE THE TRANSIT FACILITY WITHIN THE EXISTING PUBLIC RIGHT-OF-WAY OF A PORTION OF THE 13<sup>TH</sup> STREET BLOCK BETWEEN 6<sup>TH</sup> AND 8<sup>TH</sup> AVENUE SUBJECT TO TRAFER OF JURISDICTION FROM THE CITY OF BRADENTON FOR THE PUBLIC RIGHT-OF-WAY TO MANATEE COUNTY IN ACCORDANCE WITH APPLICABLE FLORIDA STATUTES.**

Discussion: That the request would first come before council then would go to the county. It was agreed to by MCAT representatives in the audience that the City of Bradenton would have input as to the design of the facility.

**MOTION TO SUPPORT THE CONCEPTUAL PLAN AS REQUESTED BY MCAT TO RELOCATE THE MCAT TRANSIT FACILITY WAS MADE BY COUNCILMAN GALLO, SECONDED BY COUNCILMAN ROFF AND CARRIED 5-0 FOR APPROVAL.**

Mr. Tankersley stated as part of the Mobility Study there was a need to redesign the Manatee Avenue West project from 9<sup>th</sup> Street to 15<sup>th</sup> Street.

**REQUEST TO HAVE THE ENGINEERS MODIFY THE MANATEE AVENUE WEST DESIGN PLAN BETWEEN 9<sup>TH</sup> STREET TO 15<sup>TH</sup> STREET.**

Discussion: The design plan with a deadline at the end of this April. Concerns for unknown cost to the city at this time.

**MOTION TO APPROVE THE ENGINEERS TO MODIFY THE MANATEE AVENUE WEST DESIGN PLAN WITH THE STIPULATION TO KEEP THE COST AT \$25,000 OR LESS WAS MADE BY COUNCILMAN GALLO, SECONDED BY VICE MAYOR AND COUNCILMAN SMITH AND CARRIED 5-0 FOR APPROVAL.**

Vice Mayor and Councilman Smith asked the Public Works Department to remove the "DO NOT BLOCK THE INTERSECTION" sign that allowed vehicles to drive across Manatee Avenue near the downtown post office where another sign stated "DO NOT CROSS THE INTERSECTION" which created confusion.

Mr. Tankersley stated the signs were FDOT signs and that FDOT had been notified of the confusion but FDOT had not responded. He stated if FDOT does not respond then this issue could be included in the design starting next year.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Stated there were several CDBG and SHIP loans that were going into foreclosure and people were abandoning the homes.

**REQUEST BY BILL LISCH FOR THE CITY COUNCIL TO AUTHORIZE HIM TO PROVIDE FOR A RELEASE OF LIEN (SHIP LOAN) DURING THE SHORT SALE PROCESS.**

Discussion: Due to the state of the economy there were many loans going into foreclosure. Also Mr. Lisch noted that the City lien would be cancelled out by the foreclosure process.

**MOTION TO APPROVE THE REQUEST MADE BY BILL LISCH TO AUTHORIZE HIM TO RELEASE A LIEN FOR THE PURPOSE OF ACCOMMODATING A SHORT SALE WAS MADE BY COUNCILMAN GALLO SECONDED BY COUNCILMAN ROFF AND CARRIED 5-0 FOR APPROVAL.**

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:00 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.