

CITY OF BRADENTON
CITY COUNCIL MEETING
April 27, 2016
6:00 P.M.
MINUTES

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 6:00 p.m. on Wednesday, April 27, 2016.

Present: Mayor Wayne Poston; Councilman/Vice Mayor Ward I Gene Gallo; Councilman Ward II Gene Brown; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith; and Councilman Ward V Harold Byrd, Jr.

City Officials: Carl Callahan, City Administrator; Melanie Bevan, Police Chief; Jim McLellan, Public Works & Utilities Director; Chuck Edwards, Fire Chief; Catherine Hartley, Director of Planning & Community Development; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by **Councilman Harold Byrd, Jr.**
(The City does not endorse the religious beliefs of any speaker.)

The meeting was called to order by Mayor Poston.

The Pledge of Allegiance was led by Mayor Poston.

PROCLAMATIONS:

Parental Alienation Month – April, 2016

Danica Fields, Executive Director, Kids Need Both, Inc., thanked all for the proclamation and for helping to bring attention to a child abuse issue which affects over 22 million families in the country in which combatant parents prevent visitation or manipulate the child against the other parent. This behavior results in alienation and harm to children, grandparents, and society.

National Arbor Day – April 29, 2016

The proclamation was accepted by **Ingrid McClellan, Executive Director, Keep Manatee Beautiful,** and **Caryl Ponder, Chairman, Tree & Land Preservation Board,** who thanked everyone for their investment in helping to meet the high standards which permitted Bradenton its designation as a “**Tree City U.S.A.**” She invited all to attend the Arbor Day planting ceremony of six trees at Norma Lloyd Park this Friday, April 29th.

National Small Business Week – May 1-7, 2016

The proclamation was accepted by **Vice President of Public Policy & Small Business of the Manatee County Chamber of Commerce, Michael Gallen,** accompanied by his daughter, **Juliette,** who stated he appreciated the City’s support in making Bradenton an attractive locale for the development of small businesses. Councilman Roff congratulated the Chamber of Commerce for being recognized as a center for “**Business Preparedness**” by the Tampa Bay Regional Planning Council at the **Future of the Region Awards Ceremony** which had been held last week. Mayor Poston added that Bradenton had been named #25 out of 1,600 cities as one of the best places to start a business.

PRESENTATIONS: None.

Carl Callahan administered the oath to anyone wishing to speak on any non-agenda items or during the public hearings.

CITIZEN COMMENTS:

Rodney Jones, Vice President of the local NAACP, expressed his disappointment about the long delay of the Rogers Grocery Store Project completion. He said the delays and unfulfilled promises had caused much distress. He urged action be taken as soon as possible as the community still desired to see a grocery store in place. He offered his assistance in helping to keep lines of communication open.

Frank Tschida, co-owner, Motorworks Brewing, 1014 9th Street West, asked Council to review the current noise ordinance as it did not distinguish between residential, commercial, entertainment, and/or bar districts. He said that due to one individual, his business was being negatively impacted in an area designed to be an entertainment district.

Discussion: Misuse of ordinance, police discretion, need to support entertainment district

CONSENT AGENDA

- A. Budget Adjustment - Criminal Justice Education Training.
- B. Budget Adjustment – Fire Control.
- C. Resolution 16-22: Adopting the CDBG substantial amendment.
- D. Resolution 16-23: Adopting the Residential Construction Mitigation Program grant application.
- E. Resolution 16-24: Interlocal agreement to participate in Brownfields Assessment Coalition.
- F. Authorizing the Mayor to execute the agreements with Airgas Specialty Products and Odyssey Manufacturing to supply water and wastewater treatment chemicals.
- G. Vehicle for Hire Permit: Request from Astra Medical Transportation to operate a non-emergency patient transport in the City. (Previously tabled item.)**

MOTION TO APPROVE Consent Agenda Items A-F was made by Councilman Byrd, seconded by Councilman Smith, and approved 5-0.

MOTION TO REMOVE ITEM G from the table for further discussion was made by Councilman Smith, seconded by Councilman Roff, and approved 5:0.

Vice Mayor Gallo stated that his reason for originally flagging Item G at the last Council meeting was because no previous applicant had ever stated that stretchers would be transported. He had spoken to the City's Local Business Tax representative and had many of his questions answered and concerns alleviated.

MOTION TO APPROVE CONSENT AGENDA ITEM G was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

ORDINANCE 2981 SECOND READING & PUBLIC HEARING

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; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 27, PRIOR FIRE SERVICE; AMENDING SECTION 29, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 30, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

The Public Hearing was opened. Those in favor were asked to come forward. None came forward.

Those in opposition were invited to come forward. None came.

The Public Hearing was closed.

Mr. Callahan gave a brief summary of the changes which would result in a minor negative impact of .8%. Most of the terms had already been agreed to during collective bargaining.

MOTION TO APPROVE ORDINANCE 2981 was made by Councilman Roff, seconded by Councilman Smith, and approved 5-0.

2016-17 CDBG Proposed Budget and Use of Funds PUBLIC HEARING

The City has developed a Proposed Budget and Use of Funds for the 2016-17 Community Development Block Grant program. Federal regulations, and our Citizen Participation Plan, require a public hearing be held on the development of the Annual Action Plan. The Proposed Budget and Use of Funds are the main component of the Action Plan and this public hearing serves as the primary opportunity for citizens to comment on the development of the 2016-17 Action Plan.

The Public Hearing was opened. Those in favor were asked to come forward.

Tim Dutton, Suncoast Community Capital, thanked Council for their support for CDBG funding and stated that Suncoast Community Capital had applied to work in the City's two CRA districts to help circulate monies, increase business per capita, work with the community for 12-18 months to assist creation of micro-businesses, and focus on 15-29 year-olds to repair credit and develop business ideas. He encouraged all to review the detailed proposal which Suncoast had submitted.

Those opposed were invited to come forward. None came.

The Public Hearing was closed.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND COUNCIL – None scheduled.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Vice Mayor Gene Gallo, Ward I – Nothing to report.

Councilman Gene Brown, Ward II – Councilman Brown thanked Catherine Hartley and Jim McLellan for their recent assistance with some citizen concerns.

Councilman Patrick Roff, Ward III – Councilman Roff reported that last Saturday's Ware's Creek Clean-up under Keep Manatee Beautiful had been very successful. A number of ballplayers from the Marauders baseball team, as well as a couple of City employees, had pitched in to help.

He thanked Chief Bevan for her initiative to host **Neighborhood Squad Meetings**. The first one had been held on 13th Street, and representatives from police, code enforcement, fire, and other City departments had been present to speak to the public.

Councilman Bemis Smith, Ward IV – Mr. Smith thanked Catherine Hartley for her help with a constituent and Jim McLellan for getting parking signs installed in an area in Mr. Smith's ward.

Councilman Harold Byrd, Jr., Ward V – Nothing to report.

Mayor Wayne Poston – Nothing to report.

DEPARTMENT HEAD REPORTS

Carl Callahan: Mr. Callahan said that there would be a Council Workshop followed by a CRA meeting on Wednesday. Numerous CRA topics would be discussed: grocery store site progress, Ballard Park pocket park development, as well as other commitments to development agreements and loans as many exciting things were taking place.

Catherine Hartley: Ms. Hartley said she had been pleased to begin to meet people in the community who were bringing forth projects. She announced that tomorrow she would be speaking at an event called City Works, which was focused on public outreach and grassroots planning.

Chief Edwards: Chief Edwards reminded everyone to get ready to throw beads and parade through the streets on Saturday in the Hernando DeSoto Historical Society's Grand Parade.

Chief Bevan: Chief Bevan said the Neighborhood Squad Meetings would be held regularly in different areas of the city. She said that children could receive a coupon from any officer for a free Slurpy provided by 7-11's **Operation Chill**. She announced that two additional civilian employees had been hired and four additional new officers had been sworn in just prior to the Council meeting.

Jim McLellan: Felt everyone was all set for the parade and all would go smoothly. He said the Citywide paving program would resume in earnest next week. Mr. McLellan said that the rusting water fountains at Riverwalk had been repainted into an array of different colors and had been well received. He said he looked forward to participating at the Arbor Day celebration on Friday. Lastly, he said that FDOT would like to attend the next City Council meeting on May 11th to provide information about a median improvement project which would commence on 8th Avenue West between 9th and 14th Streets West.

Bill Lisch: Mr. Lisch said he had attended a meeting with representatives from Manatee County Code Enforcement, the sheriff's department, and county attorneys to discuss an enforceable noise ordinance. A decibel meter needed to be used or the state attorney would not prosecute. The positives included the stability of one ordinance throughout the area; county sheriffs could also cite noisy vehicles in Bradenton; rather than the City, Manatee County would need to defend any challenges; and the City could opt out at any time if desired. He referred to a previously distributed copy of the County's proposed noise ordinance for review. The county planned to institute the ordinance by the end of May. Mr. Lisch recommended that the City accept this ordinance in place of the current City ordinance.

Discussion: Concern about application of noise ordinance in parks and stadiums, entertainment districts, police discretion, impacts upon neighborhoods, and hindrance to development.

MOTION TO BE INCLUDED IN MANATEE COUNTY'S NOISE ORDINANCE WITH THE OPPORTUNITY TO OPT OUT OR MODIFY AS DEEMED NECESSARY, was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.

There being no further business, Mayor Poston adjourned the meeting at 7:12 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.