

CITY COUNCIL MEETING May 25, 2011

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on May 25, 2011 at 6 p.m.

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

City Officials: Carl Callahan, City Clerk and Treasurer/Chief of Staff; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Chuck Edwards, Fire Chief; and Tim Polk, Department of Planning and Community Development Director.

Ecumenical Invocation was led by Reverend Dee Graham, Campus Minister, Sarasota Association for Campus Ministry.

Pledge of Allegiance was led by Mayor Poston.

The meeting was called to order by Mayor Poston.

Councilman Ward I Gene Gallo and Michael Radzilowski, Police Chief were excused from the meeting.

PROCLAMATIONS

2011 Code Enforcement Officers' Appreciation Week

PRESENTATIONS

None were presented.

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

CITIZEN COMMENTS

No one came forward.

CONSENT AGENDA

- a) Minutes of May 11, 2011
- b) Resolution 11-24/ CDBG Housing Rehabilitation Contract, Shirley Backmon Haynes.
- c) Resolution 11-25/ Supporting the Tampa Bay Regional Planning Council in declaring the month of June, 2011 as Hurricane Awareness Month.
- d) Resolution 11-26/ Reappointment of James Farr to the Tree and Land Preservation Board.
- e) Resolution 11-28/Appointment of Caryl Ponder to the Tree and Land Preservation Board.
- f) Resolution 11-29/ Supporting the Florida Department of Environmental Protection issuing a determination that Numeric Nutrient Criteria is necessary for the state.
- g) Bid for Service/Agreement for Asbestos Removal and Disposal Services/TC
- h) Public Event – South Florida Museum request to hold Snooty's Birthday, Saturday, July 16, 2011, from 10 am to 2 pm.
- i) Public Event – South Florida Museum request to hold Snooty's Gala, Saturday, November 5, 2011, from 6 pm to 12 am.
- j) Public Event – Arthritis Foundation request to hold Octoberfest on Old Main, Saturday, October 1, 2011, from 3 pm to 10 pm.

MOTION TO APPROVE CONSENT AGENDA ITEMS a-j was made by Vice Mayor and Councilman Roff, seconded by Councilman Byrd and passed 4-0. Councilman Gallo was excused from the meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2932

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR A CONTINUED ADMINISTRATION AND IMPLEMENTATION OF THE CITY OF BRADENTON RED LIGHT INFRACTION ENFORCEMENT PROCEDURES; PROVIDING AN EFFECTIVE DATE.

General discussion: Placement of new cameras and placement of signs.

Deputy Chief Lewis stated the new cameras were all in place at Manatee Avenue East and 27th Street East facing westbound; at 6th Avenue and First Street West facing eastbound and at 9th Street and 3rd Avenue West facing southbound.

Claude Tankersley stated FDOT would be placing signs within two weeks.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Proposed Ordinance 2932 for June 8, 2011 was made by Councilman Byrd, Councilwoman Barnebey and passed 3-1 with Councilman Smith in opposition. Councilman Gallo was excused from the meeting.

FIRST READING OF PROPOSED ORDINANCE 2933

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, READOPTING THE PROVISIONS OF ORDINANCE NO. 2917 WHICH ESTABLISHED A MORATORIUM ON PAIN MANAGEMENT CLINICS; PROVIDING FOR AN EXPIRATION AFTER ELEVEN (11) MONTHS; PROVIDING AN EFFECTIVE DATE.

General discussion: What the legislation regulations were for pain management clinics with the current criteria being very limited. The legislation had no money for enforcement. No regulation criteria of determination as to whether a doctor was legitimate. This ordinance was readopting the current ordinance and would expire in eleven months as there would be nothing in place if this ordinance was not passed.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Proposed Ordinance 2933 for June 8, 2011 was made by Councilwoman Barnebey, seconded by Councilman Byrd and passed 4-0. Councilman Gallo was excused from the meeting.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

RESOLUTION 11-30

PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA ACKNOWLEDGING AND APPROVING THE ACTION TAKEN BY THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF BRADENTON, FLORIDA, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF THE CITY OF BRADENTON, FLORIDA COMMUNITY REDEVELOPMENT AGENCY WITH RESPECT TO THE ISSUANCE OF NOT EXCEEDING \$5,500,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF BRADENTON, FLORIDA COMMUNITY REDEVELOPMENT AGENCY TAX INCREMENT REVENUE BONDS, SERIES 2011 (DOWNTOWN REDEVELOPMENT AREA RIVERWALK PROJECT) TO FINANCE VARIOUS CAPITAL IMPROVEMENTS WITHIN THE CITY OF BRADENTON, FLORIDA DOWNTOWN COMMUNITY REDEVELOPMENT AREA; APPROVING THE ISSUANCE OF SUCH BONDS AND THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH CAPITAL IMPROVEMENTS; APPROVING THE FORM OF AN INTERLOCAL AGREEMENT WITH THE AGENCY TO FURTHER SECURE THE REPAYMENT OF THE BONDS BY COVENANTING TO BUDGET AND APPROPRIATE CERTAIN LEGALLY AVAILABLE NON-AD VALOREM REVENUES IN THE EVENT THAT THE INCREMENT TAX REVENUES PLEDGED BY THE AGENCY TO THE PAYMENT OF THE

BONDS IS INSUFFICIENT FOR SUCH PURPOSE; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; DELEGATING CERTAIN GENERAL AUTHORITY TO THE MAYOR, CITY CLERK AND OTHER EMPLOYEES AND REPRESENTATIVES OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS RESOLUTION.

Mr. Callahan gave a brief description of the bond financing with a request to approve the Downtown Development Authority Board's action for the approval of the Riverwalk Project. He recommended approval of the request for Resolution 11-30 to approve a bond not to exceed \$5.5 million.

The public hearing was opened, anyone wishing to speak in favor please come forward.

John Stokes Nabors, Giblin & Nickerson law firm, gave a brief overview of the resolution which was structured similar to the Pirates City bond financing in 2007.

Anyone wishing to speak in opposition please come forward, no one came forward, the public hearing was closed.

MOTION TO APPROVE Resolution 11-30 was made by Vice Mayor and Councilman Roff, seconded by Councilwoman Barnebey and passed 4-0. Councilman Gallo was excused from the meeting.

BUSINESS BY APPOINTMENT:

Ed Vogel

RESOLUTION 11-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY OF BRADENTON, FLORIDA INDUSTRIAL DEVELOPMENT REVENUE AND REFUNDING BOND (MANATEE COUNTY FAMILY YMCA PROJECT), SERIES 2011, IN A PRINCIPAL AMOUNT OF NOT EXCEEDING \$4,000,000 FOR THE PURPOSE OF MAKING A LOAN OF FUNDS TO MANATEE COUNTY FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. IN ORDER TO REFINANCE OBLIGATIONS OF MANATEE COUNTY FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. RELATED TO THE MANATEE COUNTY, FLORIDA INDUSTRIAL DEVELOPMENT REVENUE BOND, SERIES 2001 (MANATEE COUNTY FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. PROJECT), FINANCE CERTAIN SOCIAL SERVICE CENTER IMPROVEMENTS AND FOR OTHER PURPOSES DESCRIBED HEREIN; PROVIDING THAT SUCH REVENUE BONDS SHALL NOT CONSTITUTE A DEBT, LIABILITY OR OBLIGATION OF THE CITY OF BRADENTON, FLORIDA, MANATEE COUNTY, FLORIDA OR THE STATE OF FLORIDA OR ANY POLITICAL SUBDIVISION THEREOF, BUT SHALL BE PAYABLE SOLELY FROM THE REVENUES HEREIN PROVIDED; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINANCING AGREEMENT AMONG THE CITY OF BRADENTON, FLORIDA, MANATEE COUNTY FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION, INC. AND SUNTRUST BANK; APPROVING THE FORM OF AND/OR AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE FOREGOING; AND PROVIDING CERTAIN OTHER DETAILS IN CONNECTION THEREWITH.

MOTION TO APPROVE Resolution 11-27 was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 4-0. Councilman Gallo was excused from the meeting.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Excused from the meeting.

Councilwoman Marianne Barnebey, Ward II: Stated she would be taking part in the Veteran's Memorial Day Services on Monday, May 30th beginning at 9 a.m.

Councilwoman Barnebey announced on June 4th Del Couch Music Foundation would be holding a fundraiser at Renaissance on 9th for Performing Arts Career scholarship opportunities.

Vice Mayor and Councilman Patrick Roff, Ward III: Stated he and his wife attended and enjoyed the "Party on the Plaza" event hosted by Realize Bradenton which had been a very unique event from other downtown events.

Vice Mayor and Councilman Roff stated as the representative of the Tampa Bay Regional Planning Council (TBRPC), he had attended a regional business plan meeting hosted by the TBRPC for the establishment of future goals of Tampa Bay businesses and to focus on creating better job opportunities within a more diversified job market. They recommended four target industries within the area: 1. Medicine and Human Resources; 2. High Tech Electronics; 3. Business Finance and Data Services; and 4. Marine and Environmental Activity Services.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman Harold Byrd, Jr., Ward V: Stated he had discussed the Covington House in East Bradenton with the Front Porch Director. A historic building which had been used as a rooming house/hotel by African Americans, the building has now fallen into disrepair. He asked that the council look at different solutions to eliminate slum and blight, not only with this structure, but for other structures in the area as well.

Mayor Wayne Poston: Stated that the *American Style* Magazine rated the City of Bradenton #10 in the top 25 small cities in the nation for public art and cultural amenities.

Mayor Poston stated that at the last City Council workshop, the council had toured the Perico Island development. The sales offices and model homes were now back in operation, a good sign that the housing market was moving forward.

Mayor Poston stated he received a letter from WCI Communities, stating they would begin construction of a \$2 million clubhouse on the river in the Tidewater Preserve area with four new models of homes to choose from. This was another good economic sign which also holds opportunities for additions jobs.

DEPARTMENT HEADS

Carl Callahan: Stated the city had been notified that its obligation had been fulfilled for the Wares Creek project with a \$1 million contribution, which was composed of \$500,000 from the city and from a matching grant of \$500,000 from the Florida Department of Environmental Protection.

Chuck Edwards: Stated the fire department would be participating in the annual hurricane drill tomorrow and would dedicate it to the memory of Chief Mark Souders.

Deputy Chief J.J. Lewis: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Stated that the state law on boom boxes had been overturned and that he was working with the Florida League of Cities to see what could be done about this disruption of the peace.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 6:45 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.