

CITY OF BRADENTON
CITY COUNCIL MEETING
June 24, 2015
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, June 24, 2015.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Vice Mayor 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; Michael Radzilowski, Police Chief; Claude Tankersley, Public Works and Utilities Director; Chuck Edwards, Fire Chief; Tim Polk, Department of Planning & Community Development Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was given by Pastor Bob Green of Oneco United Methodist Church.
(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: None scheduled.

PRESENTATIONS: None scheduled.

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

CITIZEN COMMENTS: None.

CONSENT AGENDA:

- a) Resolution 15-19: Approving the CDBG Sub- Recipient Bid Award to USA Fence and Demolition.
- b) Public Event: Bradenton Farmers' Market from Oct. 3-May 28 on Old Main Street.
- c) Public Event: Bradenton Blues Festival from Dec. 4-5 at Riverwalk.
- d) Public Event: ArtSlam on March 5 in downtown.

MOTION TO APPROVE Consent Agenda Items a-d was made by Councilman Gallo, seconded by Vice Mayor Brown, and approved 5:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

ORDINANCE 2967 2nd READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION II, SUBDIVISION 1 AND SUBDIVISION 2, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON BY DECLARING AND ESTABLISHING THE CITY COUNCIL OF THE CITY OF BRADENTON AS THE COMMUNITY REDEVELOPMENT AGENCY FOR THE COMMUNITY REDEVELOPMENT AREAS OF THE CITY OF BRADENTON; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 15-17 2nd READING & PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, DECLARING THE CITY COUNCIL TO BE THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF BRADENTON, FLORIDA; REPEALING ALL PRIOR RESOLUTIONS WHICH ARE IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

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

Norma Dunwoody, 1417 Second Street West, said “if it’s not broken don’t fix it” – and asked that the CCRA be left alone so as not to disrupt the work being done.

JoAnne Jones-Abnar, representing East Manatee Community Network, requested Council to consider holding town hall meetings to discuss the needs and desires of the community before taking this action. She submitted a signed petition from like-minded supporters.

Warren Merriman, address exempt, stated his belief that the CRA’s had done excellent work and felt that Council may be rushing to judgment. He expressed concern that they may not have sufficient time to devote to the effort and to the citizens by assuming this responsibility.

Tim Dutton, Manatee County resident, reiterated his research results previously expressed at the last City Council meeting, that communities are more successful when more people are actively engaged. He asked Council to consider the impact this change could have on community engagement in the CRA areas.

Stephen Thompson, Chairman of the Board of the Central Community Redevelopment Area, stated that the CCRA had worked diligently to bring the community together and address issues of concern. He felt much momentum currently existed to continue on the many projects that were in the works which were poised to make significant changes. He expressed apprehension that such a sudden shift could decrease momentum and disrupt services. He recommended further dialogue be had with the community to convey what the plan of the City Council would be.

Councilman Gallo took the opportunity to state that very little would change. He stressed that it was desired that all of the current board members would continue. The only thing which would change via this modification would be that Council would be involved in advance to approve projects rather than to veto projects after the fact.

Mr. Thompson reiterated that he, the board members, and the community were unclear about what was being accomplished. He thought further meetings with all those involved would be beneficial to aid in understanding.

Councilman Smith explained that until Council determined that they wanted to be the CRA board it would be futile to make plans about structuring it. He elaborated that once consensus had been reached, work could be started to make any changes in structure prior to the proposed transition date of January 1, 2016 to make it a smooth transition.

Venice Jones McNair, CCRA resident, expressed her belief that Council was trying to control monies. She said that none of the Council members were as available to the public as the CCRA board.

Councilman Byrd stressed that the CCRA had very little discretionary funds and that Council was not trying to do any power grab on any pot of money. He stated that this change could bring dollars together for more impact in areas in need.

Eloise Bacon, CCRA resident, said she had gotten more confused by the current discussion. She said that other areas in the city had received attention but absolutely nothing had been done in her 14th Street neighborhood which remained a slum. She charged the Council to make changes there.

The Public Hearing was closed.

Mayor Poston repeated his opposition to the change and cited the example from past history when there had been a move to change Manatee County into a charter county. The City of Bradenton had been against that change because it would have required that the City ask Manatee County for approval before anything could be moved forward. He felt the Council was putting the CRA boards in the same position.

Vice Mayor Brown said he felt more community involvement should have been attained as there seemed to be a lot of negative perception that this was a “take over” which left much misunderstanding. He stated that Bradenton was a benchmark for how well things have been done and that he would have liked to have had a plan in place prior to making this move. He said that if the vote went against his wishes, however, he would get aboard and do whatever was needed to make it work.

Discussion: The approachableness of the Council members to the citizens; desire to see continuation of current board members; hope for continued community involvement; possible restructuring ideas; goal of effective and efficient service.

MOTION TO APPROVE ORDINANCE 2967 AND AMEND IT TO TAKE EFFECT JAN. 1, 2016, was made by Councilman Smith, seconded by Councilman Roff, and approved 4:1 with Vice Mayor Brown in opposition.

Bill Lisch stated that if a formalized plan was not ready to roll out by 1/1/16, with 30 days' prior notice, it could be delayed.

MOTION TO APPROVE RESOLUTION 15-17 AND AMEND IT TO TAKE EFFECT JAN. 1, 2016, was made by Councilman Smith, seconded by Councilman Roff, and approved 5:0.

Discussion: Possible creation of an Economic Development Department which would work directly with the DDA, 14th Street CRA, Bradenton CRA, and the CCRA, as well as with Realize Bradenton and the Housing & Community Development Department; addition of two more members to the Board (1 from the 14th Street CRA and 1 from the CCRA); Mayor would continue to appoint the DDA board.

Carl Callahan displayed a preliminary generalized organization chart depicting his concept of the proposed restructure flow. He presented maps of the CRA districts and provided explanations of the various divisions between the DDA, Bradenton CRA, 14th Street CRA, and the Central CRA. He requested Council to each give some thought about how they would anticipate the relations and communication between divisions be best accomplished.

MOTION TO REQUEST THE CITY ADMINISTRATOR TO BEGIN THE PROCESS OF ESTABLISHING AN ECONOMIC DEVELOPMENT DEPARTMENT was made by Councilman Smith, seconded by Councilman Roff, and approved 5:0.

ORDINANCE 2968 2nd READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 29, DEFERRED RETIREMENT OPTION PLAN; 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.

Carl Callahan reviewed the two major changes which were approved by the Fire Pension Board:

1. Pop-up option - Survivor Benefits - Amount would be adjusted so that it would actuarially pay for itself.
2. Accredited members drop account – Would allow interest to be paid for time served until date employee left.

These changes would not change contribution rates, but would instead be paid for by anyone who selected the change.

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

The Public Hearing was closed.

MOTION TO APPROVE ORDINANCE 2968 was made by Councilman Byrd, seconded by Vice Mayor Brown, and approved 5:0.

ORDINANCE 2969 2nd READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE INCLUDING MODIFICATIONS TO SIGNAGE AND FENCE STANDARDS; MODIFICATIONS TO THE VILLAGE OF THE ARTS OVERLAY DISTRICT; PROVIDING FOR CORRECTION OF TYPOGRAPHICAL ERRORS; AND PROVIDING AN EFFECTIVE DATE.

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

Bonni Brown, Village of the Arts resident and business owner, thanked Tim Polk, Claude Tankersley, and Councilman Roff for all of the diligence and hard work they had contributed to work on issues with the Village, one of which was lack of visibility which would be aided by this proposed change.

Gene Tenery, Village of the Arts resident and business owner, echoed the support for this expansion and felt it would revolutionize the Village.

Don Anderson-Cosgrove, Village of the Arts Board Member, stated the Village had come a long way in 15 months and he supported this welcomed increase in exposure. He invited the Council members, the 14th Street businesses, and the CRA board to an open meeting on August 3rd to begin the cooperative efforts.

Johnette Isham, Realize Bradenton Executive Director, said that the Village of the Arts had come a long way through the 2-year long *Tapestry Program*. She felt it was a jewel which would be integral in attracting millenials. She thanked all for their support of the Village and the 14th Street District.

Those in opposition were asked to come forward. None came.
The Public Hearing was closed.

Tim Polk gave the Staff and Planning Commission recommendation for approval:

STAFF RECOMMENDATION:

APPROVAL of LU.15.1832 as submitted

PLANNING COMMISSION RECOMMENDATION (May 20, 2015):

APPROVAL of LU.15.1832 as submitted

MOTION TO APPROVE ORDINANCE 2969 was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

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

JUSTICE ASSISTANCE GRANT PUBLIC HEARING

A PROPOSAL TO USE THE ALLOCATION OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM OF \$24,124 FOR LAW ENFORCEMENT EQUIPMENT, TECHNOLOGY AND ADMINISTRATIVE COSTS, NOT EXCEEDING THE CAP OF 10%. MOTION TO AUTHORIZE THE BRADENTON POLICE DEPARTMENT TO SUBMIT THE 2015 JAG APPLICATION BY JUNE 26, 2015.

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

Warren Merriman, speaking as a former grant writer and administrator for the police department and referencing a letter of dissent written by **Devon Davis**, stated that, with an increase in crime and narcotic activity, he did not feel that scanners were a priority or wise way to utilize grant monies. He said that the police department currently had four copier/scanner machines on site and this expenditure of \$24,000 was unjustifiable. He felt the money would be better served to obtain crime-fighting weapons and devices.

The Public Hearing was closed.

In response to Council questions, Chief Radzilowski stated that gun violence had dropped in the City of Bradenton and that he was not at liberty to discuss ongoing narcotic investigations. He refuted Mr. Merriman and said that it was a current need that existed to chronicle public information in updated formats and was in keeping with the purposes for which the grant was created.

MOTION TO APPROVE THE ALLOCATION OF THE JUSTICE ASSISTANCE GRANT was made by Councilman Gallo, seconded by Councilman Smith, and passed 5:0.

RESERVOIR PROPERTY

Carl Callahan said that Claude Tankersley was available to answer any water-use or technical questions about the property if needed. Following up on a previous discussion held three weeks ago about the three bidding finalists, Mr. Callahan stated that, if so desired, Council could make a decision today to select one of the bidders to begin the contract negotiation process.

Councilman Gallo stated that he felt the bids should be increased through the negotiation process.

Discussion: Perception that the bid process had been followed properly and the need for the City to maintain credibility.

MOTION TO BEGIN NEGOTIATIONS WITH WCI COMMUNITIES TO PURCHASE THE RESERVOIR PROPERTY was made by Councilman Smith, seconded by Councilman Byrd, and approved 4:1 with Councilman Gallo in opposition.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I – Nothing to report.

Vice Mayor Gene Brown, Ward II – Nothing to report.

Councilman Patrick Roff, Ward III – Stated he had been very pleased to see that some properties which had been slated for demolition had been demolished. He said he had been getting complaints about 1114 16th Street West which was also due to be demolished. It was clarified that there was a lengthy procedural process to follow before a property could be demolished. That troubled property and more would be targeted as soon as possible.

Councilman Bemis Smith, Ward IV – Nothing to report.

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

Mayor Wayne Poston – Mayor Poston said that Chief Radzilowski, Chief Edwards, and Carl Callahan had been in attendance at a meeting today regarding the upcoming countywide enhancements to the Emergency 911 system.

DEPARTMENT HEAD REPORTS

Carl Callahan: Nothing to report.

Deputy Chief Ezell: Nothing to report.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Stated that it would be beneficial to have a secondary Red Light Camera Appeals Hearing Magistrate appointed for those times when Alan Prather was unavailable. Mr. Prather had recommended Jose Estigarribia, an association in his firm, Porges, Hamlin, Knowles, & Hawk, who was familiar with the process.

MOTION TO APPROVE JOSE ESTIGARRIBIA AS A SECONDARY MAGISTRATE was made by Councilman Byrd, seconded by Vice Mayor Brown, and approved 5:0.

Mr. Lisch updated Council that the City had won a long-term lawsuit against Reflections of Manatee, which now had requested to settle. He recommended we not accept the settlement.

MOTION TO REJECT THE OFFER FROM REFLECTIONS OF MANATEE was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.

There being no further business, Mayor Poston adjourned the meeting at 8:19 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.