

CITY OF BRADENTON
CITY COUNCIL MEETING
August 17, 2011
8:30 A.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 8:30 a.m. on August 17, 2011.

Present: Councilman Ward I Gene Gallo; 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: Sharon Beauchamp, Assistant City Clerk and Treasurer; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Chuck Edwards, Fire Chief; J.J. Lewis, Deputy Chief of Police; and Tim Polk, Department of Planning & Community Development Director.

Mayor Wayne Poston, City Clerk & Treasurer/Chief of Staff Carl Callahan, and Police Chief Michael Radzilowski were excused from the meeting.

Ecumenical invocation was led by Shirley Baucom, CareNet Manasota Pregnancy Center.

Pledge of Allegiance was led by Shirley Baucom.

The meeting was called to order by Vice Mayor Roff.

PROCLAMATIONS:

- Children's Summit Day Aug. 27, 2011- Proclamation accepted by Councilwoman Barnebey
- Tribute to Heroes – Proclamation accepted by Chief Chuck Edwards, Bradenton Fire Dept. nt
- Two Cities Alliance between Pittsburgh and Bradenton – Mayor Wayne Poston & City Clerk Carl Callahan are currently on a trade mission to Pittsburgh to work out the alliance specifics.

PRESENTATIONS: None.

Vice Mayor Roff administered the oath to anyone wishing to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS:

Carol Whitmore, Holmes Beach resident, applauded the City for its efforts to create an inline skating park. Having had experience in a similar park creation as Mayor of Holmes Beach, she encouraged council to consider using an in-state company so that when repairs are needed, they can be done in a timely manner.

Councilman Smith, as Council point person for the skate park, stated that specifics have been discussed and seem to be acceptable to all parties. The contractor and the community will soon be holding discussion meetings to work out details and make it a state-of-the-art skate park. A public meeting to review final plans is expected for September, with construction expected to begin in December, and with a completion date anticipated for some time next Spring. He believes everyone involved will be pleased.

John Chappie, County Commissioner, District 3, reported that he has received comments from his constituents that, due to the increased horse presence on the Causeway, urine and its strong smell are a serious problem for walkers, joggers, and homeowners. He said that Palma Sola Scenic Highway had addressed this issue at their last meeting and had decided to let City Council make the decision. Their master plan would then be adjusted accordingly.

MOTION to bring up the issue of banning horses from the Causeway for reconsideration was made by Councilman Gallo, seconded by Councilwoman Barnebey, and approved 5:0.

Councilman Gallo referred to a memorandum prepared by City Attorney, Bill Lisch. It was Attorney Lisch's legal position that the area in question is under the jurisdiction of the Florida Department of Transportation. Citizens with concerns were encouraged to contact the state.

MOTION to request the city attorney to cease and desist in the drafting of an ordinance to ban horses from the Causeway was made by Councilman Gallo, seconded by Councilman Byrd, and approved 5:0.

Brian Hennesey, 1202 68th Street West, addressed Council on a recent bidding process which had not seemed to follow usual procedures to award contracts for Neighborhood Stabilization Program residences.

Discussion: Attorney Lisch had reviewed the process and found it to be in compliance. Questions about bonding requirements were discussed and Mr. Polk was instructed to ensure that the required bonds are in place.

Johnette Isham, *Realize Bradenton*, gave an update about the positive media which Bradenton has been experiencing, including in international markets. The city has gone from #22 to #10 in ranking as one of the best small cities for the arts and has been selected as 1 of only 20 host cities for a major blues festival. ArtSlam 2010 had won national awards, and this year's event is expected to draw many thousands as a destination and as part of Festival sARTeé, a part of the Ringling International Festival.

Ken Holmes, McCabe's Irish Pub on Old Main Street, wished to address his concerns about the Get Down Downtown public event application. He felt that, if it was not a safety concern, the location of the stage should not be limited to the top of Manatee Avenue only but should take turns being placed in different locations to accommodate other Old Main Street merchants. Councilman Smith brought the application forward. Having been submitted so late prior to the council meeting due to time constraints of the organizer, it had not been able to be reviewed by the various City Departments.

MOTION to hold a Special Council Meeting to discuss the Get Down Downtown events was made by Councilwoman Barnebey, seconded by Councilman Byrd, and approved 5:0.

CONSENT AGENDA:

- a) MINUTES July 20, 2011
- b) RESOLUTION 11-47 Support of Tampa Bay Regional Planning Council's One Bay Regional Vision.
- c) Public Event Request of Redeemed Christian Center, Just for Girls & Bradenton Central CRA to close 11th Ave. East to 9th Ave. East on 21st St. East to host its annual Unity in the Community Back to School Resource & Wellness Rally from 11 a.m. to 3 p.m. Saturday, Aug. 20.

- d) Public Event Tribute to Heroes Memorial Service from 8:30-10:30 a.m. Sunday, Sept. 11, at the Emergency Services Memorial at Rossi Park.
- e) Public Event Manatee Glens' annual Walk for Life from 7:30-noon Saturday, Sept. 24, down the southbound lane of the Green Bridge.
- f) Contract Renewal - Department of Corrections Work Squad contract.
- g) RESOLUTION 11-48 Appointing Lynda Towery to the Code Enforcement Board.
- h) MB.11.0051 Request for a one-year extension of time for the Cottages at San Casciano, 121 48th St. Ct. NE.
- i) MB.11.0052 Request for a one-year extension of time for the Cottages at San Lorenzo, 209 48th St. Ct. E.
- j) Joint Funding Agreement between the City and U.S. Geological Services covering station #02300042-Ward Lake Outfall NR Bradenton and station #02300033 Braden River at Lakewood Ranch Road near Lorraine Road.
- k) RESOLUTION 11-50 Reappointing Darrell Turner and Darin Autrey to the Architectural Review Board.
- l) RESOLUTION 11-51 Reappointing John J. Coury to the Merit Board.
- m) Approve Mayor to execute agreement on behalf of the City with Manatee County for reuse of reclaimed water in the Evers Watershed.
- n) Approve Mayor to execute agreement on behalf of the City for monitoring and reuse of reclaimed water in the Evers Watershed between City and Braden River Utilities (BRU).
- o) Approve Mayor to execute the authorization and consent letter on behalf of the City for enhancement of Bellsouth Mobility, LL Antenna Facilities at City elevated water tank #3.
- p) Approve funds for energy efficiency and conservation block grant proposals.

Vice Mayor Roff stated that City Clerk Carl Callahan had requested that Item O be removed from the Consent Agenda to be given further consideration at a later date.

MOTION to approve the Consent Agenda Items A-P with Item O removed for further consideration at a later date was made by Councilwoman Barnebey, seconded by Councilman Smith, and approved 5:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

RESOLUTION 11-45 PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA DESIGNATING A BROWNFIELD AREA TO BE CALLED THE MANATEE RIVER HOTEL BROWNFIELD AREA WITHIN THE CITY FOR PROPERTY LOCATED AT 309 10th STREET OF APPROXIMATELY 0.85 ACRES (THE "BROWNFIELD AREA") FOR THE PURPOSE OF ENVIRONMENTAL SITE REHABILITATION AND ECONOMIC REDEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 11-46

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, RECOMMENDING WIDEWATER BRADENTON LLC OR AN AFFILIATED COMPANY (COLLECTIVELY "WIDEWATERS) BE APPROVED AS A QUALIFIED BROWNFIELD BUSINESS PURSUANT TO S.288.107, FLORIDA STATUTES; AFFIRMING THE SITE OF THIS PROJECT IS IN A DESIGNATED BROWNFIELD AREA; REQUESTING A WAIVER OF LOCAL FINANCIAL SUPPORT; PROVIDING FOR AN EFFECTIVE DATE.

The Public Hearing was opened to anyone in favor.

Will Robinson and Brian Long, Widewaters Group, gave a PowerPoint presentation of the history of the Manatee River Hotel, formerly known as the Pink Palace, and their request that Council designate it as a Brownfield area. This designation is required by the FDEP to be eligible for certain incentives to clean up the area to make project feasible. Originally built in 1925, it is among Bradenton's largest and best preserved historic structures. It is a contributing structure in Bradenton's downtown historic district, is listed in the National Park's list of certified historic structures, and is also on the Florida master site file of historic places. In 2005, it was vacated and purchased for construction of a condominium facility. The project fell to the economic downturn. It was boarded up in 2009 and was acquired by Widewaters in 2010. Architectural renderings of the proposed combination of refurbishing and modernization of the facility into a functional hotel were displayed. The economic benefits of this redevelopment are expected to be significant for the downtown area. However, the site has been contaminated and the contamination needs to be addressed.

Frank Hearne, Mechanik, Nuccio, Hearne, & Wester, environmental attorney, addressed the necessity of designating the site into a Brownfield area and explained the 4 statutory criteria for this designation: has potential economic development has potential to interest the private sector, has a staff report that supports the development, the area is not overly large in geographical area, and the area is site-suitable for open space and cultural and historic preservation. Res. 11-45 would accomplish the designation. Res. 11-46 would aid in obtaining funding from the state and to waive participation of allocation of city funds.

Cathy Slusser, Manatee County Historical Society, reminded Council that the Historical Society had previously sent a letter which expressed its strong support for the restoration of the Manatee River Hotel. She said that there are many individuals who expressly travel to historic hotels and who would be drawn to Bradenton to see this redeveloped property.

The public hearing was opened to those opposed. No one came forward.

The public hearing was closed.

Tim Polk, Planning and Community Development Director, gave the Planning and Community Development staff report recommending approval of Resolutions 11-45 and 11-46.

MOTION to approve Resolution 11-45 was made by Councilman Smith, seconded by Councilwoman Barnebey, and approved 5:0.

MOTION to approve Resolution 11-46 was made by Councilman Smith, seconded by Councilwoman Barnebey, and approved 5:0.

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

No new business.

BUSINESS BY APPOINTMENT

None scheduled.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Expressed his most sincere sympathies to the family of Glenn Davis, a former Captain of the Bradenton Fire Department and a Braden River Fire Commissioner, who passed away following a long illness.

Councilman Gallo said that he had received from the Planning and Community Development Department, a list of numerous PDP extension requests, some of which go back several years. Councilman Gallo suggested that this topic be considered at the next Council workshop, and asked City Attorney, Bill Lisch, to bring forward information about established guidelines that other municipalities employ regarding extensions.

Councilman Gallo said he had been contacted by a towing company from Palmetto that has a tow truck which is driven by a person who lives in Bradenton. It is the driver's custom to park the tow truck at his home and he had recently been cited by Code Enforcement. It was the driver's stance that a tow truck is classified as an emergency vehicle and, therefore, should be exempt. The Florida Statutes do not define tow trucks as emergency vehicles, nor does the City. Councilman Gallo asked if there was any interest on the part of the rest of the Council to include tow trucks as emergency vehicles. After discussion, it was determined that there is no inclination to discuss changing the definition of emergency vehicles, and Councilman Gallo will report this to the driver.

Councilwoman Marianne Barnebey, Ward II: Announced that Women's Equity Day, which celebrates women's right to vote, will be held on Saturday, August 20th, at the Hyatt in Sarasota. She will be participating in the program and encouraged all to attend.

Councilwoman Barnebey invited everyone to participate in Children's Summit Day on Saturday, August 27th, at the Manatee County Civic Center. She said it is a very fine event which provides a large variety of services to children ranging from inoculations to school supplies.

She lastly wished to also remind everyone that school will be restarting on Monday, August 22nd, and that drivers need to be especially focused and cautious during this time.

Vice Mayor and Councilman Patrick Roff, Ward III: Stated that he had attended the Florida League of Cities 85th Annual Conference in Orlando last week. He said that one of the sessions he had attended had been moderated by Councilwoman Barnebey, who had done an excellent job. Author Richard Florida was present and signed a personal copy of "The Great Reset" which focuses on the need to attract the creative class culture. The City of Bradenton is right on the mark in that effort.

Councilman Bemis Smith, Ward IV: Expressed sympathies to the Glenn Davis family.

Councilman Harold Byrd, Jr., Ward V: Also offered condolences to the Davis family.

Councilman Byrd announced that in the audience was Tonya Brown McKinney, a former Bradenton graduate of Southeast High School, who is going to be inducted into the FSU Hall of Fame.

He further mentioned that the clean ups and improvements being made on 3rd Avenue West, as well as the construction progress of the new Manatee Players' Theatre, have made a very positive impact in that area.

DEPARTMENT HEADS

Sharon Beauchamp: The City budget, OPEB Employee Benefits, and establishment of GASB-54 Fund Balance policies are ongoing works in progress.

Chief Edwards: Invited everyone to participate in the observations to be held in honor of the 10th anniversary of the 9/11 attack:

Sept. 9 – Luncheon in the Bradenton Municipal Auditorium

Sept. 11 – Memorial Service at the Waterfront Memorial - 8:30 prayer service; 9:30 memorial service; motorcycle event also that day

Sept. 17 – Cross country run at University Park with proceeds to go to the Mercy Service Memorial Fund.

Chief Edwards also reported that BFD will have fire trucks in place in front of school zones on the first day of school with lights on to remind drivers to slow down.

He offered condolences to the Glenn Davis family and stated that the visitation would be held on Friday at Shannon Funeral Home with the funeral to follow on Saturday at Samoset Baptist Church.

Deputy Chief Lewis: When asked by Vice Mayor Roff about the preparation for similar types of Flash Mob situations such as those experienced in London and other places, he responded that the police department trains for smaller scale situations and have shields, that there are Mutual Aid Agreements in place, and that resources are available.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

ADJOURNMENT

There being no further business, Vice Mayor Roff adjourned the meeting at 10:52 a.m.

NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available for a fee upon request.