

**CITY OF BRADENTON**  
**CITY COUNCIL MEETING**  
**March 14, 2012**  
**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 Wednesday, March 14, 2012.

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

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

Councilwoman Ward II Marianne Barnebey was out with an excused absence.

Ecumenical invocation was led by Councilman Byrd.

Pledge of Allegiance was led by Mayor Poston.

The meeting was called to order by Mayor Poston.

**PROCLAMATIONS:**

- Firefighters Association Local 2546 Appreciation Month - April 2012– Accepted by Fire Marshal Kenneth Langston who invited Council to come out on March 23, 24, & 25 for the Firefighters' MDA Boot Drive
- National Safe Place Week, March 18-24, 2012 – Proclamation accepted by Family Resources, Inc.

**PRESENTATIONS:** Paul Blackketter and Bob Whitford - World Class Rowing – Presentation Withdrawn

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

**CITIZEN COMMENTS:** None

**Carl Callahan**

**CONSENT AGENDA:**

- A. Minutes from March 7, 2012, special City Council meeting.
- B. Minutes from Feb. 8, 2012, City Council meeting.
- C. Public Event: Sacred Heart's Stations of the Cross march around church on Friday, April 6.
- D. Public Event: Music On Old Main for Saturday, April 7.
- E. Temporary blocking of parking spaces in front of First Baptist Church, 401 13th St. W., for plant sale on Saturday, April 21.
- F. Public Event: Cinco de Mayo on Old Main Street for Saturday, May 5.
- G. Budget adjustment for police equipment.
- H. Request from BPD to donate surplus tactical shields to Fredericktown Police Department.
- I. **RESOLUTION 12-07**

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, APPROVING THE STATE HOUSING INITIATIVE PARTNERSHIP/COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROJECT FUNDING AND PROVIDING AN EFFECTIVE DATE.

J. RESOLUTION 12-08

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, DESIGNATING ALL DEPARTMENT HEADS AND THE PERSONNEL DIRECTOR AS ESTABLISHED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AS SENIOR MANAGEMENT CLASS FOR STATE RETIREMENT PURPOSES; PROVIDING AN EFFECTIVE DATE.

K. MB.12.0059 One-Year Extension of Time, Tropicana Manufacturing Company

Request of Tropicana Manufacturing Company for a PDP one-year extension of time. The original approval of the Planned Development Project for the construction of a retention pond (MA.09.0023) was granted on April 8, 2009. This is the 3rd request for a one-year extension (MB.10.0043 granted 3/24/10; MB.11.0049 granted /26/11).

L. RESOLUTION 12-09

A RESOLUTION APPOINTING CAPTAIN KEITH DAVIS TO THE ENTERPRISE ZONE BOARD FOR THE CITY OF BRADENTON, FLORIDA, AND DEFINING HIS TERM.

**MOTION TO APPROVE CONSENT AGENDA ITEMS A-L was made by Vice Mayor/Councilman Gallo, seconded by Councilman Byrd, and approved 4:0.** (Councilwoman Barnebey Excused)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

RESOLUTION 12-06

A resolution authorizing certain closures of Old Main Street for public events to be made administratively.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, RELATING TO TEMPORARY CLOSINGS OF OLD MAIN STREET FOR PUBLIC EVENTS BY PROVIDING THAT APPROVAL OF SUCH CLOSURES MAY BE MADE ADMINISTRATIVELY; PROVIDING THAT THE DOWNTOWN DEVELOPMENT AUTHORITY, THROUGH ITS EXECUTIVE DIRECTOR, AND REALIZE BRADENTON THROUGH ITS PRINCIPAL OFFICER, ACTING JOINTLY SHALL HAVE THE AUTHORITY TO APPROVE SUCH TEMPORARY CLOSURES; PROVIDING AN EFFECTIVE DATE.

Carl Callahan clarified that the DDA would have approval authority but the previously expressed wishes of Council would be honored and the stage would be maintained at the location closest to Manatee Avenue. Provision would be made to allow requests for stage relocation to come before Council on a case-by-case basis.

**MOTION TO APPROVE RESOLUTION 12-06 was made by Councilman Smith, seconded by Councilman Byrd, and approved 4:0.** (Councilwoman Barnebey was excused.)

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Tim Polk, Director of Planning & Community Development

Urban Format Grocery Store development agreement – Decision will be deferred until March 28, 2012 to allow the second public hearing to be held.

**MOTION TO VETO ACTION OF THE CCRA ON THE URBAN GROCERY STORE DEVELOPMENT AGREEMENT was made by Councilman Byrd, seconded by Councilman Roff.**

**MOTION TO CONTINUE TO THE MARCH 28, 2012 COUNCIL MEETING was made by Councilman Byrd, seconded by Councilman Smith, and approved 4:0.** (Councilwoman Barnebey was excused.)

**Carl Callahan, City Clerk & Treasurer**

a) City of Bradenton Surplus Funds Investment Policy

It has been 10 years since our surplus funding investment policy has had major review. Permission was being requested to authorize Mayor Poston to execute 3 proposed updates to the surplus policy statement:

- Lehman's has been changed to Barclay's Index
- Allow for taxable municipal bonds
- Allow for Yankee Bonds (investments by foreign countries investing in US companies)

**MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE SURPLUS FUNDS INVESTMENT POLICY was made by Councilman Gallo, seconded by Councilman Byrd, and approved 4:0. (Councilwoman Barnebey was excused.)**

b) Relocation of stage for April 19th Get Down Downtown.

A request had been made by one of the owners of the establishments on Old Main Street to have the stage moved from the top of Manatee Avenue to 4<sup>th</sup> Avenue for the April 19<sup>th</sup> Get Down.

Discussion: A business situated next to the location where the stage normally is placed would like to have it varied once in a while, and businesses on the far end of the regular stage location would like to have opportunity to have it brought closer to their establishments on occasion. Noise & crowd safety concerns.

**MOTION TO APPROVE REQUEST to relocate stage to the east side of 4<sup>th</sup> Avenue behind the sidewalk was made by Councilman Smith and seconded by Councilman Gallo.**

Further discussion: When the stage has been placed on 4<sup>th</sup> Avenue, both the Fire Department and the Police Department personnel have seen increased crowd congestion and resultant safety concerns. It is the responsibility of Council to be concerned about public safety vs. fairness to all businesses on Old Main Street.

**WITHDRAWAL OF HIS SECOND TO THE MOTION was made by Councilman Gallo.**

**MOTION DIED for lack of a second.**

**William Lisch, City Attorney**

**RESOLUTION 12-13**

A RESOLUTION AMENDING RESOLUTION 12-04 OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE ISSUANCE OF A QUIT CLAIM DEED; PROVIDING AN EFFECTIVE DATE.

Previous Resolution 12-04 had contained incorrect information provided to the City. Resolution 12-13 would provide that the property would be given back to Sarah Burnett Moore and Mark H. Burnett rather than the cattle company as stated in the previous resolution.

**MOTION TO APPROVE RESOLUTION 12-13 was made by Councilman Smith, seconded by Councilman Byrd, and approved 4:0. (Councilwoman Barnebey was excused.)**

BUSINESS BY APPOINTMENT - None

**COUNCIL REPORTS**

**Councilman Gene Gallo, Ward I:** Thanked Chief Radzilowski for having his forces respond quickly to an alarm which had sounded from Councilman Gallo's home while the Councilman and his wife were out of town.

**Vice Mayor and Councilman Patrick Roff, Ward III:** Announced that he had attended a dedication in the Village of the Arts for the installment of the first piece of public art. The dedication was followed by an art walk.

The Ware's Creek mangrove island has been completely removed. Due to an excessive amount of muck having been withdrawn, the project had ceased temporarily until retooling of the equipment is completed, along with the paperwork.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Councilman Harold Byrd, Ward V:** Announced that the second town hall meeting for the Urban Format Grocery Store would be held on Thursday, March 15, at 6:00 p.m. at the Dream Center. A final decision will be made at the March 28 City Council meeting.

**Mayor Wayne Poston:** Stated that the public art dedication and art walk had been a great event. The mayor also reminded everyone that the Old Main Street Merchants' Association would be sponsoring St. Paddy's Day on Saturday, March 17<sup>th</sup>, on Old Main Street.

#### DEPARTMENT HEADS

**Carl Callahan:** Nothing further to report.

**Chief Edwards:** Nothing to report.

**Chief Radzilowski:** Nothing to report.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 9:23 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.