

CITY OF BRADENTON
CITY COUNCIL MEETING
September 12, 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, September 12, 2012.

Present: Mayor Wayne Poston; Vice Mayor/Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff, and Councilman Ward V Harold Byrd, Jr.

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

Councilman Bemis Smith, Ward IV, was out with an excused absence.

Ecumenical invocation was led by Lexie Taylor of Manatee Religious Services.

Pledge of Allegiance was led by Mayor Poston.

The meeting was called to order 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:

Philip Brown, new President of United Way of Manatee County, introduced himself and provided an overview of the purpose of the worldwide organization and its efforts to advance the common good within communities. It is dedicated to assisting people to get a shot at a good life. Partnering with other organizations, it invests over \$3 million year in the community, primarily in the health and human services sector. As Mosaic was a topic of discussion on today's agenda, Mr. Brown also expressed his thanks for the major contributions the Mosaic Foundation has made to the community. He further expressed his wishes to work together with the city as time goes on.

J.D. Good, 417 12th Street West, owner of Old Main Pub, returned before Council with a request that the denial to the request for outside expansion voted on at the August 15th Council meeting be reconsidered.

Discussion: Expression by Council that parties with vested interest from both sides have worked out details previously and are present during reconsideration. Clarification of the protocol to request reconsideration of the request requires that a motion be made and seconded today by one of the majority voters.

Mr. Good commented that he had not been properly prepared for a more complete presentation when he had appeared at the August 15th Council meeting and requested Council to review some information which he then passed out to them. He requested that the City attorney review the information and offer his legal opinion as to whether or not the Old Main Pub was grandfathered in to serve and sell outside. He also referred to emails that had been sent to Council and asked that they review them.

Mayor Poston stated that Council and Mr. Lisch would take the information into consideration.

CONSENT AGENDA:

1. Minutes: Aug. 25 Emergency City Council meeting (Hurricane Isaac).
2. Resolution 12-33: Authorizing the vacation of 32nd Street West.
3. Resolution 12-34: Adopting the State Housing Initiatives Partnership (SHIP) annual report.
4. Resolution 12-36: Reappointing Ron Santarlas to the Merit Board.
5. Resolution 12-37: Reappointing Thomas Heitzman to the Tree Board.
6. Resolution 12-38: Recognizing the IAFF Supervisory Bargaining Unit.
7. Approval of application from Sabal Palm Limousine to operate a limousine service in the City limits.
8. Surplus property disposal: Authorize surplus and disposal of vehicle.
9. Public Event: Childrens' Fall Festival on Saturday, Oct. 20, at Harvest Chapel, 1300 17th Ave. W.
10. Public Event: Star Talk Along the Riverwalk on Saturday, Oct. 20.
11. Public Event: Riverwalk Fishing College – request to change date to Saturday, Oct. 20.
12. Public Event: Rotary's Taste of Manatee Saturday, Nov. 3, and Sunday, Nov. 4, on the Riverwalk.
13. Public Event: Snooty Gala on Saturday, Nov. 3, at the museum.
14. Public Event: Water Works Science Fun on Saturday, Nov. 17, on the Riverwalk.
15. Public Event: Kids Create on Saturday, Dec. 8, at the Riverwalk's Outdoor Living Room.
16. Approval of Summation 360 contract for utility billing services.

MOTION TO APPROVE CONSENT AGENDA ITEMS 1-16, was made by Councilman Byrd, seconded by Councilman Roff, and approved 4:0 with Councilwoman Barnebey abstaining from voting on Item 2 due to a conflict of interest, hence Item 2 being approved 3:0. (Councilman Smith was excused.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

ORDINANCE #2942

FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 62-88 OF THE CODE OF ORDINANCES BY EXPANDING THE AREA OF THAT CITY PARK KNOWN AS THE ANTHONY B. ROSSI WATERFRONT PARK; PROVIDING SKATEBOARDING PROHIBITIONS WITHIN SUCH PARK EXCEPT IN DESIGNATED AREAS; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE #2942 AND SET THE SECOND READING AND PUBLIC HEARING for September 26, 2012, was made by Councilwoman Barnebey, seconded by Vice Mayor/Councilman Gallo, and approved 4:0. (Councilman Smith was excused.)

ORDINANCE #2943

FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CODE OF ORDINANCES, SECTION 50-36 BY PROHIBITING PARKING IN ELECTRIC VEHICLE CHARGING SPACES OTHER THAN FOR THE SOLE PURPOSE OF CHARGING SUCH ELECTRIC VEHICLE; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE #2943 AND SET THE SECOND READING AND PUBLIC HEARING for September 26, 2012, was made by Councilman Byrd, seconded by Councilman Roff, and approved 4:0. (Councilman Smith was excused.)

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

Carl Callahan, City Clerk & Treasurer/Chief of Staff

The Downtown Development Authority and Realize Bradenton have been notified that Mosaic Company Foundation has approved a grant of \$95,000 for the support and naming of the Riverwalk amphitheater. Request of Council to accept the grant and the renaming of the amphitheater.

David Gustafson, Downtown Development Authority Executive Director, stated that the Riverwalk had acquired nine funding partners which had resulted in \$810,000 to date. He expressed thanks to the Mosaic Company Foundation for their partnership with the community in making a long-term investment in the design and maintenance of the Riverwalk.

Martha Monfried, Mosaic Vice President of Public Affairs, said that Mosaic is an integral part of the communities in which it operates and donates to many worthy causes to make the communities successful. Last year, charitable contributions had amounted to \$8.4 million. Mosaic was proud to be a partnering sponsor of the Bradenton Riverwalk, which will be a tremendous enrichment to the city. By naming the amphitheater, it is hoped that it will open up dialogue as to how food is grown to supply the world.

Johnette Isham, Realize Bradenton Executive Director, stated that it takes everyone working together to help communities. She said Mosaic's far-reaching support increases community citizenship and helps grow the common good.

Vernon DeSear, Realize Bradenton Chair, understanding that the grant selection process was very competitive, expressed appreciation that Mosaic had selected the Riverwalk project. The Riverwalk will become the focal point of area revitalization efforts which have been made by the City, the DDA, Realize Bradenton, community partners, and thousands of volunteers.

Mary Sheppard, 4220 32ND Ct. E., stated her opposition to naming the amphitheater after Mosaic. She acknowledged that the reclamation efforts were much better than 25 years ago, but there is still grave concern about the mining practices and ground water contamination. She felt that there were many other well-known, reputable names in the community which could be used instead.

Discussion: Copy of grant not seen by Council; naming rights for perpetuity; naming after company which has experienced public contention

MOTION TO APPROVE THE NAMING RIGHTS OF MOSAIC FOR THE AMPHITHEATER was made by **Councilman Roff**, seconded by **Vice Mayor/Councilman Gallo** and resulted in a 2:2 vote with **Vice Mayor/Councilman Gallo & Councilman Roff** in favor; **Councilman Byrd and Councilwoman Barnebey** opposed. **Mayor Poston** broke the tie vote and voted in favor resulting in a vote of 3:2. (Councilman Smith was excused.)

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Due to the poor economy and the number of foreclosures, many banks have been negligent in their property upkeep responsibilities. Vice Mayor/Councilman Gallo asked fellow Councilmembers to support him in requesting Code Enforcement to provide information to the Public Works Department to assist in maintaining properties in violation of city codes and to lien those properties for services rendered. The responsibility may need to fall upon the City to maintain safety and quality of life for the citizens to keep The Friendly City friendly, attractive, and neat.

Discussion: Waiting for response from banks to bring properties into compliance results in too much delay and leaves lawns out of control. Concern about City's ability to absorb costs and the need to attempt to recoup funds from banks/owners in violation. Program could be instituted and monitored to ensure costs are not too high.

MOTION TO REQUEST CODE ENFORCEMENT TO PROVIDE INFORMATION TO PUBLIC WORKS to maintain properties in violation was made by **Vice Mayor/Councilman Gallo**, seconded by **Councilman Byrd** and approved 4:0. (Councilman Smith was excused.)

Councilwoman Marianne Barnebey, Ward II: Stated that she had been informed by the Sarasota Bay Estuary Program that BP will be fined by the government for negligence in the oil spill. The fine money is to be dispersed among Florida communities. She recommended that Mark Alderson, SBEP Executive Director, be invited to come before Council to make a presentation about this information. The consensus was have him appear at the September 26th City Council meeting.

Councilwoman Barnebey also offered condolences to the Ridgill family. Paul Ridgill had served the City as a councilmember and Vice Mayor for several years. She also expressed sympathies to the family of Elaine Cox.

Councilman Patrick Roff, Ward III: The 9th Avenue bridge replacement project has been moving along well. The bridge has been removed and the creek channel is now being redirected to enhance flood control efforts.

Councilman Harold Byrd, Ward V: Nothing to report.

Mayor Wayne Poston: Nothing to report.

DEPARTMENT HEADS

Carl Callahan: Mr. Callahan reminded Council that the Tourist Development Council would be making a presentation today at 1:00 regarding the rebranding program, and the Budget Hearing would take place at 5:01 p.m.

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 9:57 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.