

## CITY OF BRADENTON

### CITY COUNCIL SPECIAL MEETING MINUTES November 13, 2019 8:30 A.M.

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 8:30 a.m. on Wednesday, November 13, 2019.

Present: Councilman Ward I Gene Gallo; Councilman Ward II Gene Brown; Councilman Ward III Patrick Roff; Councilman Ward IV Bill Sanders; and Vice Mayor/Councilman Ward V Harold Byrd, Jr.

City Officials: Carl Callahan, City Administrator/Economic Development Director; Sharon Beauchamp, City Clerk & Treasurer; Catherine Hartley, Planning & Community Development Director; Tim Geer, Assistant Fire Chief; Melanie Bevan, Police Chief; Jim McLellan, Public Works & Utilities Director, and Scott Rudacille, City Attorney.

Mayor Wayne Poston was out with an excused absence.

Vice Mayor Harold Byrd opened the meeting.

#### **CONSENT AGENDA**

- a) Engagement Letter: Attorney Services
- b) Recycle Processing Agreement

**MOTION TO APPROVE CONSENT AGENDA** was made by Councilman Roff and seconded by Councilman Sanders. Motion passed 5-0.

#### **BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS:**

Sharon Beauchamp, City Clerk & Treasurer

Ordinance 3055: FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, DECLARING, ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM ON THE OFFERING FOR HIRE OF MOTORIZED SCOOTERS OR MICROMOBILITY DEVICES, OR ISSUANCE OF ANY AUTHORIZATIONS, PERMITS OR FRANCHISES PERTAINING TO MICROMOBILITY HUBS, FOR A PERIOD OF 180 DAYS, IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP REGULATIONS FOR SUCH USES IN THE CITY; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Gallo requested an explanation for Ordinance 3055. Ms. Beauchamp explained scooter rental companies have recently contacted the City inquiring about the process to begin renting scooters within City limits. She said Ordinance 3055 will impose a temporary moratorium to allow Council time to review and approve rules and regulations for such companies to follow.

**MOTION TO APPROVE THE FIRST READING OF ORDINANCE 3055 AND SET THE SECOND READING FOR NOVEMBER 20, 2019** was made by Councilman Roff and seconded by Councilman Sanders. Motion passed 5-0.

Scott Rudacille, Interim City Attorney

Ordinance 3056: FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, RELATING TO UNLAWFUL ACTIVITY WITHIN PUBLIC ROADS AND RIGHTS-OF-WAY; AMENDING CHAPTER 62 OF THE CITY OF BRADENTON CODE TO FURTHER PROHIBIT ACTIVITIES THAT INTERFERE WITH PUBLIC SAFETY AND THE PRIMARY PURPOSE OF PUBLIC ROADS AND RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Gallo asked if the Fire Department would be allowed to file for a special permit for the MDA Boot Drive. Scott Rudacille, City Attorney said if the firemen are on a state road, they may be able to apply for a special permit through the Florida Department of Transportation. Tim Geer, Assistant Fire Chief announced because of staff safety concerns, they have been seeking alternative ways to raise money during the boot drive.

**MOTION TO APPROVE THE FIRST READING OF ORDINANCE 3056 AND SET THE SECOND READING FOR NOVEMBER 20, 2019** was made by Councilman Sanders and seconded by Councilman Brown. Motion passed 5-0.

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

Carl Callahan, City Administrator/Economic Development Director

- Charter/Ordinance Review and Administrator Discussion

Vice Mayor Byrd requested Council please be mindful that not all elected officials are present at the meeting.

Mr. Callahan explained the charter can be changed via referendum and ordinances. Councilman Gallo inquired if outdated language in the charter can be updated by ordinances rather than referendum and Mr. Rudacille confirmed that most of the outdated verbiage can be changed by ordinance.

Charter Discussion – Sections 1-6 (Establishing Municipality)

After a brief discussion, it was the general consensus of Council to bring the language up to date in Sections 1-6 via ordinance, then focus on updating the charter after it is revised.

Charter Discussion – Section 7 (City Officers)

Mr. Callahan reiterated in Section 7, the officers recognized are a Mayor and five Councilmen along with a Chief of Police, City Clerk and Secretary which in modern day, the Secretary would be a similar

position as the Mayor's assistant. He recommended eliminating any reference to salary amounts other than how salary is determined and also eliminating any reference to frequency of payment.

Councilman Roff recommended the term "officer" be defined in the charter update. Mr. Rudacille offered to research the terminologies for officials versus officers and if other City charters include specific job titles.

Councilman Brown requested staff prepare a draft charter excluding the language that will be removed via ordinance for Council to review. Mr. Callahan agreed to provide Council with a draft.

Vice Mayor Byrd reminded Council to be mindful of election deadlines if a referendum will be brought before the public for a vote. Ms. Beauchamp announced the Supervisor of Elections office advised the next election ballot submission deadline is August 10, 2020.

Councilman Roff reiterated the need for a charter review and in his opinion, amending Section 7 to reflect the Police Chief will answer to the Mayor and Council; not to the Mayor alone. Councilman Brown suggested each Councilmember submit their charter updates to Mr. Callahan. Councilman Gallo said he agrees with the Mayor appointing the Police Chief after Council's approval of appointment.

Because of the difference in opinion on Section 7, Vice Mayor Byrd suggested moving forward with the meeting and once the draft charter is presented, Council can suggest changes to that section.

#### Charter Discussion – Section 8 (Mayor/Police Chief)

If it is determined the City will stay in the Mayor and Council form of government, Mr. Callahan suggested the Mayor and Council's responsibilities be clearly defined in Section 8; which will take a referendum to update.

#### Charter Discussion – Section 10 (Mayor's Supervision)

Mr. Callahan announced the Mayor's supervisory role should be clearly defined in Section 10. He reminded Council the charter should make the government work efficiently and effectively.

Councilman Brown said in his opinion, Council must decide what form of government the City will follow moving forward prior to the charter review. He added it's good to have five opinions on issues, but the Mayor have the oversight. He inquired if moving away from the City's current form of government would mean a City Manager form of government. Mr. Callahan said he doesn't believe that would be the case, however Council will need to define oversight in Section 10. Mr. Callahan suggested its Council's duty to legislate as policy makers with general oversight; which isn't clearly defined in the charter.

#### Charter Discussion – Section 11 (Wards)

It was the consensus that Section 11, which defines the ward boundaries, continue to be defined by ordinance.

#### Charter Discussion – Section 12 (Term, residence of Councilmen)

Councilman Gallo recommended Section 12 be edited to clearly define a certain amount of time a Councilmember must reside in their ward. Councilman Roff suggested rewording Section 12 to read “Each Councilmember shall be a resident for six months of the wards from which they are elected.” Vice Mayor Byrd said that section should be updated by a referendum and Councilman Brown suggested fine tuning a residency date.

#### Charter Discussion – Section 13 (City Council duties)

Mr. Callahan pointed out Section 13 states the Mayor shall be entitled to vote in an event of a tie. Vice Mayor Byrd said in his opinion, he would like to change the verbiage in Section 13 to make clear the City has a Legislative Branch and Administrative Branch. He added if the Mayor’s power to vote in the instance of a tie were removed, he could speak one-on-one with Council without violating any Sunshine Laws.

Councilman Sanders requested clarification on the process of how City board members are appointed. A brief discussion ensued explaining the Mayor’s responsibility for appointing City board members.

Councilman Sanders said in his opinion, City board members’ names should be listed on the City website. Sharon Beauchamp, City Clerk & Treasurer explained with the launch of the new website, information was scaled back for ADA compliance and cyber security reasons. She added all board members’ names are a matter of public record and that information certainly would be provided to anyone that asked.

Councilman Brown said although he is in favor of listing board members’ names on the website, he’s very apprehensive about email spoofing.

**MOTION TO NOTIFY CITY BOARD MEMBERS THEIR NAMES WILL BE ADDED TO THE CITY’S WEBSITE** was made by Councilman Sanders and seconded by Councilman Gallo. Motion passed 4-1. Councilman Brown voted no.

## Charter Discussion – Sections 14 and 17

Mr. Callahan suggested cleaning up the language in Section 14 and 17. He also requested a legal opinion as to the voting procedures for passing ordinances discussed in Section 17.

## Charter Discussion – Section 18

Mr. Callahan announced he researched the City Clerk selection process over the last 100 years and there wasn't a consistent process. His interpretation is the Clerk position is being singled out because the position is named as a City official in the charter. Because the Clerk position has changed drastically over the years, Mr. Callahan suggested Council decide what form of government the City will follow moving forward before making a decision on Section 18.

In an effort to keep the amount referendums low, Councilman Roff asked if Section 18 is something Council would consider leaving in the charter. Mr. Callahan said Section 18 can possibly stay as-is because many functions listed in the charter are still attributed to the Clerk. Vice Mayor Byrd reminded Council editing of Section 18 will be determined by changes decided in Section 7.

Vice Mayor Byrd announced after thorough review of the charter, his focus is to update the following:

1. Clarifying City officers and officials
2. Veto and other powers of the Mayor
3. Mayor's authority over the Police Department

Councilman Roff and Councilman Sanders agreed with Vice Mayor Byrd's charter review points.

Vice Mayor Byrd added he doesn't have a problem with how the Police Chief is hired, but he would like to let the voters decide if they would rather the position be treated as a department head (comparable to the Fire Chief's position) or stay as-is.

A brief discussion ensued regarding the differences between the Police Chief's position and other department heads.

Mr. Rudacille explained the differences between the Police Chief's position and other department heads is the Mayor can hire and fire the Police Chief as opposed to the other department heads.

## Charter Discussion – Section 54

It was the general consensus to clean up or eliminate Section 54, Board of Adjustment, as the duties are covered by the Planning Commission.

Mr. Callahan suggested the primary election of officers section be revised once the definition of “officers” is determined.

Upon the conclusion of the review, Mr. Callahan requested Council review the charter and provide him with their suggested changes and concerns.

Councilman Roff reiterated the urgency to have any referendums to the Supervisor of Election’s office by August and asked whether a charter consultant should be engaged. Mr. Rudacille explained that Blalock Walters attorneys have experience in preparing charter language and ordinances to bring forward for a vote. He added one area when special counsel is brought in is with the Charter Review Committee process and the City’s Conflict Counsel, Gretchen Vose, has expertise in that area.

Councilman Sanders requested the subject of Charter Review be added to the November 20, 2019 City Council agenda. Mr. Callahan said he would add the discussion to the agenda. It was the general consensus to discuss the review during the November 20, 2019 meeting when all elected officials are present.

## **COUNCIL & DEPARTMENT HEAD REPORTS**

**Councilman Gene Gallo, Ward I:** Councilman Gallo thanked Jeannie Roberts, Communications Coordinator, for the great job she did creating the City’s new website.

**Councilman Gene Brown, Ward II:** Councilman Brown announced he met with Department of Transportation staff while in Tallahassee last week to discuss traffic issues in Manatee County. He said the meeting went very well.

**Councilman Patrick Roff, Ward III:** Councilman Roff said at the last Tampa Bay Regional Planning Council meeting, it was announced the board would be holding the first Resiliency Leadership Summit on January 7-8, 2020. He announced a resolution will be brought forward at the November 20, 2019 for the City to join the Tampa Bay Regional Resiliency Coalition.

**Councilman Bill Sanders, Ward IV:** Councilman Sanders also gave Ms. Roberts kudos for the new website and added the CRA section is especially informative. He inquired if the archeology contract with Reflections of Manatee will be brought forward at the November 20, 2019 and Mr. Callahan said as soon as he receives the requested addendum, the contract will be brought to Council.

**Vice Mayor Harold Byrd, Ward V:** Vice Mayor Byrd wished everyone a Happy Thanksgiving.

**Sharon Beauchamp, City Clerk & Treasurer:** Nothing to report.

**Catherine Hartley, Planning & Community Development Director:** Ms. Hartley announced SAFEbuilt has been contracted to fill the vacant Building Official’s position until a replacement has been found.

**Tim Geer, Assistant Fire Chief:** Assistant Chief Geer announced at the conclusion of Fire Prevention Month, the Fire Department reached over 3,000 students. He concluded the Fire Department will set up a large American flag to salute deceased Army Spc. Nicholas Charles Panipinto as he returns home to Bradenton this evening.

**Melanie Bevan, Police Chief:** Nothing to Report.

**Jim McLellan, Public Works & Utilities Director:** Nothing to report.

**Carl Callahan, City Administrator/Economic Development Director:** Nothing to report.

**Scott Rudacille, Interim City Attorney:** Nothing to report.

The City Council meeting adjourned at 11:58 a.m.

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