

**CITY OF BRADENTON BEACH
COMMISSION MEETING
THURSDAY, JULY 17, 2014 @ 12:00PM
KATIE PIEROLA COMMISSION CHAMBERS**

CALL TO ORDER

NOTE: DUE TO A MALFUNCTION, THIS MEETING WAS NOT RECORDED AND THE MINUTES WERE MANUALLY TAKEN BY KAREN PERRY.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PRESENT: Mayor William “Bill” Shearon; Vice Mayor Jack Clarke; Commissioner Janie Robertson; Commissioner Ed Straight; Commissioner Janet Vosburgh

ALSO PRESENT: Ricinda Perry, City Attorney; Tom Woodard, Public Works Director; Sheila Dalton, City Treasurer; Alan Garrett, City Planner; Steve Gilbert, City Planner; Sam Speciale, Police Chief

PRESS: The Anna Maria Island Sun, The Islander

MOTION BY COMMISSIONER ROBERTSON TO ADOPT AGENDA AS PRESENTED. MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES.

ORDER OF BUSINESS:

1. PRESENTATIONS:

a. Alan Garrett, City Planner, spoke of the hours he needs to spend with the City and he needs six more hours per week in the fiscal year, for a total of \$3,000 for the fiscal year. Alan will look at fee schedule to update to recoup the costs.

Commissioner Vosburgh feels that it is our obligation to help people out and if we cannot do so, we should not charge them.

City Planner Garrett agreed, but feels that if they need a variance, the fees would be adjusted, to which Commissioner Vosburgh agreed.

Commissioner Robertson wishes to put this matter for discussion at the next meeting.

Commissioner Straight asked how we compare with other cities on the Island.

City Planner Garrett has compared and Commissioner Straight agreed to move ahead.

Vice Chairman Clarke wants to move ahead now with these issues.

Mayor Shearon said that the Commission already approved \$9,000 and we need to look at fees and update and redo policy and procedures with the concept that one has x amount of time and, after that time, it is billable.

Commissioner Vosburgh suggested one-half hour at no charge.

Commissioner Robertson asked how soon they could bring a proposal to a meeting.

Mayor Shearon said to establish a workshop and we would get a model to work with, and we could get it ready as soon as possible. The August 19, 2014 meeting would be the workshop.

Vice Mayor Clarke said the money would support City Planner Garrett's time to work at workshops. The Commission appropriated the \$3,000.

Mayor Shearon authorized City Planner Garrett to put in the extra hours to get the job done.

2. GENERAL PUBLIC COMMENTS (PER COMMENT CARDS)

The Clerk read Karen Cervetto's email dated July 12, 2014. See Exhibit attached.

MAYOR SHEARON CLOSED PUBLIC COMMENT

3. APPROVAL OF MINUTES:

- a. City Commission Meeting minutes dated June 5, 2014
- b. City Commission Workshop Meeting minutes dated July 1, 2014
- c. Special City Commission Meeting minutes dated June 5, 2014

MOTION BY COMMISSIONER ROBERTSON TO APPROVE THE MINUTES AS PRESENTED. MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES.

4. CONSENT AGENDA:

- a. Approval of M.T. Causley Invoice 0614-202
- b. Approval of June Invoice for Legal Services for Ricinda H. Perry, P.A.

MOTION BY COMMISSIONER ROBERTSON TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES .

5. OLD BUSINESS: None.

6. NEW BUSINESS:

a. Ric Gatehouse Design 1 Studio Website Proposal.

Mayor Shearon stated his concerns with website: This was done a long time ago, and his position is that he has a concern re user-friendliness of email. We are behind due to no City Clerk and to create a website now would take staff's time and resources, and he feels now is not the right time. And, we need to look at other options.

Commissioner Vosburgh thought the proposal was excellent and she felt we should vote in a positive way for this.

Commissioner Robertson is against Mr. Gatehouse's proposal and requirements of \$5,000.00. We have to pay him to do anything we want. She would prefer a website to our constituents and that the rest of the proposal does not apply to the City's website.

Vice Mayor Clarke said the proposal would cost us per month until our new website is started. He believes time is of the essence here because we need to act on it now and show the taxpayers that we are doing it.

Commissioner Straight and Commissioner Vosburgh are also in favor of moving forward.

MOTION BY COMMISSIONER STRAIGHT TO APPROVE THE WEBSITE REDEVELOPMENT PROPOSAL AS PRESENTED BY RIC GATEHOUSE TO THE COMMISSION ON JULY 1, 2014 AT THE REGULARLY SCHEDULED WORKSHOP MEETING, AT A COST ESTIMATED AT \$4,500 BUT NOT TO EXCEED \$5,000, WITH CUSTOMER REVISIONS / ADDITIONS. TERMS ARE 50% DOWN (\$2,200) AND THE BALANCE BEFORE THE SITE GOES "LIVE". INVOICE TO BE PAID FROM LINE ITEM 5310 - ADMINISTRATION PROFESSIONAL SERVICES. MOTION SECONDED. VOTE: COMMISSIONER STRAIGHT, AYE; COMMISSIONER VOSBURGH, AYE; COMMISSIONER CLARK, AYE; COMMISSIONER ROBERTSON, NAY; MAYOR SHEARON, NAY. MOTION PASSES BY A VOTE OF 3-2.

- b. Resolution Number 14-819, a Resolution of the City of Bradenton Beach, Florida, Adopting IRS Code 125 and providing for an effective date.**

City Attorney Ricinda Perry read the Resolution into the record.

City Treasurer Sheila Dalton stated that the Resolution would make health contributions tax deductible for employees.

City Attorney Ricinda Perry has no objections.

MOTION BY COMMISSIONER ROBERTSON TO APPROVE THE FIRST READING OF RESOLUTION NUMBER 14-819 OF THE CITY OF BRADENTON BEACH, FLORIDA, ADOPTING IRS CODE 125 AND PROVIDING FOR AN EFFECTIVE DATE. THE SECOND READING WILL BE AT THE NEXT CITY COMMISSION MEETING, AUGUST 7, 2014 @ 6 PM. MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES.

- c. Resolution Number 14-820 a Resolution of the City of Bradenton Beach, Florida, Amending Resolution 14-817 and Resolution 13-807, amending the City's Budget for fiscal year 2013-2014 and providing for an effective date.**

City Attorney Ricinda Perry changed the attorneys' fees budget to \$81,000.

MOTION BY VICE MAYOR CLARKE TO APPROVE RESOLUTION NUMBER 14-820 OF THE CITY OF BRADENTON BEACH, FLORIDA, AMENDING RESOLUTION NUMBER 14-817 AND RESOLUTION NUMBER 13-807, AMENDING THE CITY'S BUDGET FOR FISCAL YEAR 2013-2014 AND PROVIDING FOR AN EFFECTIVE DATE OF JULY 17, 2014. MOTION SECONDED. VOTE: MAYOR SHEARON, NAY. ALL OTHERS, AYE. MOTION PASSES BY A VOTE OF 4-1.

- d. 1st Reading and Public Hearing Re: Ordinance Number 442-14 Business Tax, Imposing a five percent (5%) Increase to the local Business Tax Receipt Fees.**

City Treasurer Sheila Dalton advised the Commission that they can do this every two (2) years.

There was some discussion as to whether the three Commissioners who are business owners should recuse themselves from this vote.

City Attorney Ricinda Perry read from the State Code of Ethics for Public Officers; there is no conflict of interest and therefore the Commissioners do not need to recuse themselves.

MOTION BY COMMISSIONER STRAIGHT TO APPROVE THE FIRST READING AND PUBLIC HEARING OF ORDINANCE NUMBER 442-14, AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA, ADOPTING AN AMENDMENT TO THE CODE OF ORDINANCES CHAPTER 54 (TAXATION), ARTICLE 2 (OCCUPATIONAL LICENSE TAX), SECTION 54-39, (TAX SCHEDULE), LEVYING AND IMPOSING A FIVE PERCENT (5.0%) INCREASE TO THE LOCAL BUSINESS TAX RECEIPT FEES CHARGED FOR THE PRIVILEGE OF ENGAGING IN OR MANAGING ANY BUSINESS, PROFESSION, OR OCCUPATION WITHIN THE MUNICIPAL LIMITS OF THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE AND TO CONTINUE FOR SECOND READING TO THE CITY COMMISSION MEETING OF AUGUST 21, 2014 @ 6 PM. MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES.

- e. **1st Reading and Public Hearing Re: Ordinance Number 443-14 Amending the Current Employee Payroll Deduction monthly amount.**

City Treasurer Sheila Dalton stated that wording needs to change to monthly rather than bimonthly.

Mayor Shearon stated he was not sure if this has been published, but wants to open it up to public comment.

PUBLIC COMMENT OPENED.

No public comment.

PUBLIC COMMENT CLOSED.

MOTION BY COMMISSIONER ROBERTSON TO APPROVE THE FIRST READING AND PUBLIC HEARING OF ORDINANCE NUMBER 443-14, AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA, AMENDING THE CURRENT EMPLOYEE PAYROLL DEDUCTION MONTHLY AMOUNT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN

EFFECTIVE DATE AND TO CONTINUE FOR A SECOND READING AT THE CITY COMMISSION MEETING OF AUGUST 7, 2014 @ 6 PM. MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES.

- f. Proposed Maximum Millage rate of \$4.7967 mills and to schedule a 1st Public Hearing on September 4th, 2014 (Tentative Budget Hearing) and a 2nd Public Hearing on September 24nd, 2014 (Final Budget Hearing for FY 2014-2015).**

City Treasurer Sheila Dalton recommended we set first Public Hearing for September 4, 2014 and second Public Hearing for September 24, 2014.

MOTION BY COMMISSIONER ROBERTSON TO APPROVE THE PROPOSED MAXIMUM MILLAGE RATE OF \$4.7967 MILLS AND TO SCHEDULE A 1ST PUBLIC HEARING ON SEPTEMBER 4TH, 2014 (TENTATIVE BUDGET HEARING) AND A 2ND PUBLIC HEARING ON SEPTEMBER 24, 2014 (FINAL BUDGET HEARING FOR FY 2014-2015). MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES.

- g. Approval of Invoice #5 (Account #28503-009) from Blalock Walters.**

Mayor Shearon questioned one item and will be getting a credit for concerns he emailed to Blalock Walters regarding some items which were improperly billed.

Vice Mayor Clarke asked City Attorney Perry to comment on the way to keep track of which bills belong to which category?

City Attorney Perry brought number 4 invoice – Lincoln – off to the side.

In summaries, you give us updates. When we voted to support the Mayor and the allegations of acts performed as mayor, fine, but not Mr. Lincoln putting in other issues, which do not apply to same. There may be three categories on Mr. Lincoln's bills, which are not segregated.

City Attorney Perry will give us information as to the segregation.

The Mayor has not authorized Mr. Johnson to take care of Linger Longer; if Mr. Lincoln sues him as an individual that would be different.

MOTION BY COMMISSIONER STRAIGHT TO APPROVE INVOICE #5 (Account #28503-009) FROM BLALOCK WALTERS IN THE AMOUNT OF \$2,470.00 TO BE PAID FROM

**ADMINISTRATION ATTORNEY FEES LINE ITEM 5313.
MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES.**

7. ATTORNEY BUSINESS:

a. Microsoft 365 Update

City Attorney Perry researched and found that because City Clerk Jamie Anderson activated it, we can't get a refund.

Commissioner Vosburgh suggested that we fight this, as we can't use it.

Mayor Shearon asked her if she was willing to take this on.

Commissioner Vosburgh said yes.

**MOTION BY COMMISSIONER ROBERTSON TO APPOINT
COMMISSIONER VOSBURGH TO DEAL WITH YHR
MICROSOFT 365 REFUND. MOTION SECONDED. VOTE: ALL
AYE. MOTION PASSES.**

**b. Approval of Contract for Fishing Pier Reconstruction and Lighting
Design Building between City of Bradenton Beach and Duncan
Seawall, Dock and Boat Lift, LLC.**

City Attorney Perry went through the Draft 3 redlined changes. See Exhibit attached.

There was discussion relating to a possible supervisor or job foreman on the Project. If we do it ourselves, we would need a form describing who is placing the order, etc. We would then take the price and offset it against the contract. If we want to do that, we need to work with Public Works Director Woodard and City Treasurer Dalton for forms as to what to offset, as the Contract controls.

There are three (3) changes to be made to the Contract, which City Attorney Perry will do for the meeting on Monday, July 21, 2014.

**COMMISSIONER ROBERTSTON MOVED TO INCORPORATE
THE CHANGES INTO THE CONTRACT AND TO RECONVENE
TO DISCUSS AGAIN ON MONDAY, JULY 21, 2014 @ 12 PM.
MOTION SECONDED. VOTE: ALL AYE. MOTION PASSES.**

8. COMMISSIONERS' REPORTS AND ACTIVITIES:

Vice Mayor Clarke made his report:

EOC: No report.

Budget: We will meet on Tuesday, July 22, 2014.

AMI Community Center: Next meeting is July 18, 2014. He will report further.

9. MAYORS' REPORT AND ACTIVITIES:

Everyone is happy with the Liaison Assignments, and, for the record, all are acceptable.

City's Fishing License is renewed; and anyone can fish on the pier without an individual license.

July 4th: Chief Speciale had a meeting and from now on, maintenance will have radios to communicate with Law Enforcement.

Stormwater: We received 300 payments; 23 had responses; 5 just had email addresses; the others had comments or suggestions to which the Mayor will respond.

Paul Roat was cancelled.

New Boat Laws: There are two (2) new ones. We will do that at another time.

Symphony on the Sand: It will have sand sculpture. Chief Speciale and Mayor Shearon attended the meeting.

Planning & Zoning: Mayor Shearon decided to direct City Planner Alan Garrett and/or Building Official Steve Gilbert to sit down with Jack Burns to cut the expenses.

Manasota League of Cities: Mayor Shearon will be involved with beach re-nourishment.

Meetings with County Officials: Mayor Shearon met with Manatee County Parks and Natural Resources Director Charlie Hunsiker regarding communication skills.

BIEO: Commissioner Robertson wants to revisit the issue of Coquina Bridge from the BIEO meeting. We will table.

Mayor Shearon stated further that we are catching up on the minutes.

City Clerk Status: City Attorney Perry updated the status of hiring a City Clerk; and asked the Commission to refer any calls relating to that position to her. Mayor Shearon feels that Florida applicants would be the best. We will wait until July 28, 2014 and then we can go out of State for applicants.

10. ADJOURNMENT Meeting was adjourned at 5:35 PM.

William "Bill" Shearon
Mayor

ATTEST:

Karen Perry, City Clerk

NOTE: This is not a verbatim record.

kp/drb