

**CITY COUNCIL MEETING
August 15, 2007**

**APPROVED BY
September 12, 2007
CITY COUNCIL**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on August 15, 2007 at 8:30 a.m.

Present: Mayor Wayne Poston; Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

City Officials: Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; and Staci Cross, Information Technology Director.

Press: The Herald and the Herald-Tribune.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Councilman Golden.
Pledge of Allegiance was led by Mayor Poston.

Carolyn Moore, Human Resources Director was excused from the meeting.

PROCLAMATIONS

TRIBUTE TO HEROES – September 11, 2007

MANATEE CHAMBER OF COMMERCE DAY – August 15, 2007

Mayor Poston congratulated the Manatee Chamber of Commerce staff for not only winning the state award three times in 2000, 2004 and 2007 but also for winning the distinguished national award as “2007 Chamber of the Year.”

PRESENTATIONS

BRADENTON POLICE DEPARTMENT

- Officer of the Month for August – Officer Michael Page
- Promotions- John Affolter to Lieutenant and Valorie Shoates to Sergeant
- Swearing in of New Officer – Joseph Kelly

Chief Radzilowski announced that Valorie Shoates was the first African-American female to become sergeant in the Bradenton Police Department.

PLANNING AND COMMUNITY DEVELOPMENT

- John Kelly, Housing Inspector - 31 Years of Service
- Summer Youth Program Students

Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS - No one came forward.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Thanked the firefighters who had saved a man’s life and stated that all the training given to them had paid off.

Vice Mayor and Councilman Gallo stated that he had received several emails and phone calls from local firms regarding the approval of the \$297,000 contract for an out of county consultant. He stated that the firms voiced their disapproval and asked that they be considered for any future decisions when hiring a consultant.

Tim Polk stated that he was drafting a policy with the assistance of Carl Callahan and John Cumming to use local consultants. He stated he would bring this policy back to council for adoption.

Councilwoman Marianne Barnebey, Ward II: Stated she attended a “National Night Out” gathering at Pinebrook/Ironwood and another one at the Bradenton Women’s Club. She thanked the police department for their participation in this worthy cause.

Councilwoman Barnebey announced she was the Manatee Literacy Council Honorary Chairman for the Read-a-Thon and encouraged everyone to read and participate by donating for every book they read.

Councilwoman Barnebey stated as a representative of the city she would be attending a Women’s Equity Luncheon at the Bradenton Auditorium on Saturday, August 18th.

Councilwoman Barnebey stated that on Sunday evening, August 19th she and Shirley Johnson, Police Department Parking Enforcement Officer, would be appearing in the “Diva Show” at the Manatee Players Theater.

Councilwoman Barnebey reminded everyone that school would be reopening Monday, August 20th and announced there was a new access into the Manatee High School campus parking lot. She stated that the new openings were from 35th Street or 32nd Street and there was no longer an access off of 9th Street.

Councilman Patrick Roff, Ward III: Stated he had attended the ribbon cutting ceremony for the Manatee County Public Safety Building and stated that the facility was a world class structure, built in a strategic location off of Highway 301 to withstand 200 mph winds.

Councilman Roff stated that street and sidewalk improvements along with demolition of the lawn bowling court were positively changing the appearance of the neighborhood.

Councilman Roff stated he attended the National Night Out at the Bradenton Women’s club and thanked the police department for their participation.

Councilman Bemis Smith, Ward IV: Thanked the police and fire departments for their participation at the neighborhood Ward IV National Night Out at Braden River Lakes.

Councilman Smith encouraged the city to continue with the historic preservation efforts on behalf of the many historic buildings in his ward. He voiced his concern they were being lost to a certain developer by demolition.

Councilman James Golden, Ward V: Reported as Fire Commissioner the Fire Department received in 105 fire calls and 284 medical calls for the month of July.

Councilman Golden thanked all of the departments who participated in the National Night Out at the Village of the Arts and in the Paige Projects area.

Councilman Golden stated that the City of Bradenton would be hosting Democratic Senator Bill Nelson on Tuesday, August 21, 2007 from 3:30 to 4:30 and asked the Council if there were any issues they would like for him to discuss with Senator Nelson.

General discussion: The issues requested by Council for discussion with Senator Nelson were the escalated cost of the Wares Creek project and the increasing cost of road improvements throughout the state.

Mayor Wayne Poston: Mayor Poston stated he enjoyed working and visiting with everyone at the “National Night Out” festivities which had been located at seven different sites this year. He stated that partnering with the community was working to help hold down crime.

Mayor Poston stated that it had been a great honor for him to have received the NAACP Adversity Award this past Saturday evening.

Mayor Poston stated that he served on the Florida Consumer Advisory Council as one of fifteen people who advise the governor on legislative bills. Mayor Poston stated that the City of Bradenton would be hosting the next Florida Consumer Advisory Council meeting on September 5, 2007.

Mayor Poston stated that he had been appointed to the Tampa Bay Area Regional Transportation Authority to serve with 15 other people to assist in the formation of a public/private partnership with other Tampa Bay governments to encourage mass transportation. Mayor Poston stated the first meeting would be held September 24, 2007.

CONSENT AGENDA

Approval of Minutes of July 18, 2007.

RESOLUTION 07-37

A RESOLUTION SUPPORTING THE *NO CHILD LEFT BEHIND (NCLB) ACT* OF 2001 AND 2007, H.R. 648 WHICH APPLIES TO ALL SCHOOL DISTRICTS AND SCHOOLS WITHIN STATES THAT ACCEPT FEDERAL TITLE I DOLLARS.

MA.07.0017 WARD 5 NEIGHBORHOOD 7.08/8.03

Request of King Engineering Associates, agent for Ryan Mixon, LLC, for a one-year PDP Extension for the future Villages of Glen Creek project at property located at 2605 26th Avenue E. (Zoned PDP)

Bradenton Police Department Budget Adjustment over \$10,000.

MOTION TO APPROVE the Consent Agenda consisting of the minutes of July 18, 2007, Resolution 07-37, MA.07.0017 and budget adjustments over \$10,000 for the police department was made by Vice Mayor and Councilman Gallo, seconded by Councilman Smith and carried 5-0 for approval.

The following agenda item was moved up on the agenda:

REQUEST BY the Old Main Street Merchants, Inc. to hold the “Get Down Downtown” events every third Thursday starting September 20, 2007 until June 19, 2008 on Old Main Street from Manatee Avenue to 3rd Avenue West.

Mike Gold gave a brief overview of the 2007-2008 community events.

MOTION TO APPROVE the 2007-2008 Get-Down Downtown public events was made by Vice Mayor and Councilman Gallo, seconded by Councilman Smith and carried 4-1 for approval. Councilman Golden was in opposition due to his religious beliefs.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2870/AX.07.0019

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 5300 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading of proposed Ordinance 2870 and set the second reading and public hearing for September 26, 2007 was made by Vice Mayor and Councilman Gallo seconded by Councilwoman Barnebey and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2871/CP.07.0019/Zeris

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES LOCATED AT 1503 9TH AVENUE WEST, 1519 9TH AVENUE WEST, 1527 9TH AVENUE WEST, 1601 – 1611 9TH AVENUE WEST, 1613 9TH AVENUE WEST, 1619 9TH AVENUE WEST AND 1625 9TH AVENUE WEST MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.07.0019) CHANGING THE FUTURE LAND USE DESIGNATION FROM CITY RESIDENTIAL 10 TO CITY UCBD (URBAN CENTRAL BUSINESS DISTRICT); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor and Councilman Gallo asked that the council receive information on the concurrent traffic study prior to the second reading.

MOTION TO APPROVE the first reading of proposed ordinance 2871 and set the second reading and public hearing for September 12, 2007 was made by Vice Mayor and Councilman Gallo seconded by Councilwoman Barnebey and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2872/LU.07.0036/Zeris

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM RESIDENTIAL-3A (R-3A) TO URBAN CENTRAL BUSINESS DISTRICT OVERLAY/DOWNTOWN FRINGE DISTRICT (UCBD/C-1) OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 1503 9TH AVENUE WEST, 1519 9TH AVENUE WEST, 1527 9TH AVENUE WEST, 1601-1611 9TH AVENUE WEST, 1613 9TH AVENUE WEST, 1619 9TH AVENUE WEST AND 1625 9TH AVENUE WEST, AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading of proposed ordinance 2872 and set the second reading and public hearing for September 12, 2007 was made by Councilman Roff seconded by Councilman Smith and carried 4-1 for approval. Councilwoman Barnebey was absent from the chamber.

FIRST READING OF PROPOSED ORDINANCE 2873/CP.07.0020/Morgan Johnson

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES LOCATED AT 5412, 5520, 5526, and 5530 SR 64 EAST MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.07.0020) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY COMMERCIAL, PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

MOTION TO APPROVE the first reading of proposed ordinance 2873 and set the second reading and public hearing for September 12, 2007 was made by Councilman Smith seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2874/LU.07.0037/Morgan Johnson

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY SUBURBAN AGRICULTURE AND NEIGHBORHOOD COMMERCIAL- MEDIUM (A-1 AND NC-M) TO CITY PDP (PLANNED DEVELOPMENT PROJECT) OR OTHER APPROPRIATE ZONE FOR THE PROPERTIES LOCATED AT 5412, 5520, 5526, and 6630 SR 64 EAST AND LEGALLY DESCRIBED.

Vice Mayor and Councilman Gallo requested a letter of agreement from the neighbors at the rear of the property stating they were satisfied with the access provided to them prior to the second reading.

MOTION TO APPROVE the first reading of proposed ordinance 2874 and set the second reading and public hearing for September 12, 2007 was made by Councilman Smith seconded by Councilman Golden and carried 5-0 for approval.

SECOND READING OF PROPOSED ORDINANCE 2868

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING ARTICLE V SECTIONS 38-151 THROUGH 38-155 OF THE CODE OF ORDINANCES FOR THE CITY OF BRADENTON, FLORIDA BY REPEALING SUCH SECTIONS AND ADOPTING IN ITS PLACE A NEW ARTICLE V TO BE KNOWN AS THE BRADENTON SOUND CONTROL ORDINANCE; PROVISION TO CONTROL SOUND AND NOISE IN THE CITY OF BRADENTON; PROVIDING FOR DECLARATION OF POLICY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS OF UNREASONABLE SOUNDS; PROVIDING FOR MAXIMUM SOUND LEVELS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened, those in favor come forward.

Mr. Lisch stated that this ordinance was a complete rewriting of the current noise ordinance and that it would not prohibit anything new, but it would set out specific times and guidelines for reasonable sound.

Discussion: Loud mufflers, boom boxes and motorcycles were preempted by the Florida Statutes standards.

Those in opposition come forward, hearing none the public hearing was closed.

Discussion: Noise sensitive areas such as churches and hospitals need designated signs and should apply for a permit with the clerk's office.

MOTION TO APPROVE Ordinance 2868 was made by Councilman Smith seconded by Councilwoman Barnebey and carried 5-0 for approval.

LU.07.0038 WARD 4 NEIGHBORHOOD 1.01

Request of ZNS Engineering, L.C., agent for Enterprise Associates of Sarasota, owner, to change the Land Use Atlas designation from C-1/UCBD to PDP/UCBD for property located at 301 7th Street West. (Zoned C-1/UCBD)

SECOND READING OF PROPOSED ORDINANCE 2869

PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM C-1/UCBD TO PDP/UCBD FOR PROPERTY LOCATED AT 301 7TH STREET WEST AND LEGALLY DESCRIBED.

The public hearing was opened, those in favor come forward.

Sam Hamad, 1517 State Street, Sarasota, Florida owner of Enterprise Associates of Sarasota gave an overview of the project known as Metro Marquee providing a mixed use residential and commercial retail and office spaces.

Thomas McCollum, Director of ZNS Engineering, L.C. introduced the development team and gave a brief description of the Metro Marquee plans as displayed in a 3-D model.

Javier Suarez, 190 Cocoanut Avenue, ADP Architects gave a brief overview of the future direction of the downtown area and displayed renderings of the design and concept of the Metro Marquee project.

PR.07.0034 WARD 4 NEIGHBORHOOD 1.01 RS

PUBLIC HEARING

Request of ZNS Engineering, L.C., agent for Enterprise Associates of Sarasota, owner, for preliminary approval of a Planned Development Project for a master planned, mixed use, urban in-fill redevelopment project known as Metro Marquee at property located at 301 7th Street West. (Zoned C-1/UCBD).

CA.07.0015

PUBLIC HEARING

Request of Jennifer Codo-Salisbury, MPA, AICP, Assistant Vice President, ZNS Engineering, L.C., agent for Enterprise Associates of Sarasota, for Architectural Design approval of Metro Marquee, located at 301 7th Street West, Bradenton, Florida. (Zoned C-1/UCBD)

The public hearings were opened on PR.07.0034 and CA.07.0015, those in favor come forward.

Bill Merrill, agent for the project addressed an additional stipulation #9 regarding the Quit Claim Deed by the City to the applicant with a reverter clause for property adjacent to the railroad tracks.

Lengthy discussion: Stipulation #9 for a request for a Quit Claim Deed and the safety concerns with having a sidewalk next to the railroad tracks. Possibly using alternative connectivity for a sidewalk in another neighborhood from 9th Avenue to 6th Avenue West.

Mike Kennedy, Executive Director of the Downtown Development Authority stated the DDA was excited about this project and how well the project would compliment the Downtown by Design.

Those in opposition come forward, hearing none the public hearing was closed.

Tim Polk gave the Planning and Community Development staff recommendation for approval of LU.07.0038 and PR.07.0034 based on the Findings of Fact and Analysis of the proposed Atlas Amendment and pursuant to the General Standards and Regulations requirements of Section 404.A of the Land Use and Development Regulations.

Mr. Polk stated that the Planning and Community Development staff and Planning Commission recommended approval with the following stipulations:

1. To upgrade the landscaping as recommended by the Architectural Review Board subject to approval of the Director of Planning and Community Development. Such upgrades should include low-maintenance foliage and xeriscape techniques.
2. The developer would be responsible for improvements (including paving, curbing, drainage and sidewalks) to 5th Street West from the south property line of the subject property to Manatee Avenue West.
3. Provide design detail showing the one-way to two-way conversion of 5th Street West, and include proposed street signage.
4. Any improvements necessary to provide the site with adequate sewer, water and traffic movement would be provided by the developer.
5. Provide 18 additional trees to the site, or pay the equivalent of \$165.00 per tree to the City's tree re-nourishment fund.
6. Prior to the City Council meeting, provide fence and landscape buffer details for the south property line.
7. Ensure long-term affordability and prevent investor "flipping" of the workforce housing units by structuring sales contracts for those units so that their future sales prices remain within the City's designated workforce housing pricing range for a period of no less than 15 years.

Mr. Polk stated an additional staff stipulation eight (8) was recommended, and was further revised by the applicant, who also requested stipulation nine (9) after Council discussion which reads as follows:

8. A right-of-way easement for that portion of the proposed 5th Street West currently under private ownership, and proposed for construction from 3rd Avenue south, would be dedicated to the City concurrent with the quit claim deed for 0.08 acres on the east side of the subject property. The Applicant, its successors and/or assigns shall have the right, but not the obligation, to maintain the 5th Street West right-of-way and improvements adjacent to the subject property.
9. In the event that the applicant, its successors and/or assigns, fails to substantially construct the residential portion of the project generally in accordance with the approved plans, or amendment thereto, approved by the City, then the real property quit claimed ("Quit Claim Deed") by the City to the applicant and described in Schedule 1 to the Land Use Ordinance, shall revert ("Reverter") to the City. The applicant shall cause to be filed on record in the Public Records of Manatee County, Florida, a "Notice of Land Use Ordinance" in the form attached hereto, which shall have appended thereto, a complete copy of the approved and fully executed Land Use Ordinance. The filing of the Notice of Land Use Ordinance shall be accomplished contemporaneously with the filing of the Quit Claim Deed. Upon completion of construction of the residential portion of the project, the applicant may request, and the City shall execute and deliver, a "Notice of Termination of Land Use Stipulation" in the form attached hereto which

shall be recorded in the Public Records of Manatee County, Florida, releasing the Reverter stipulation of the Land Use Ordinance.

Mr. Polk stated the Architectural Review Board (ARB) recommended the following:

1. That further study be attributed to the east façade of the building along the railroad tracks to demonstrate more articulation of building elements for example in the fenestrations.
2. Landscape amenities in the proposed project plaza should be upgraded to more pedestrian friendly design to encourage public activities.

MOTION TO APPROVE Ordinance 2869, LU.07.0038 with the recommendation made by the Planning and Community Development staff and Planning Commission was made by Councilman Smith seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.

MOTION TO APPROVE PR.07.0034 with the recommendation made by the Planning and Community Development staff and Planning Commission with stipulations one (1) through nine (9) as amended and the ARB recommendations 1 and 2 as set forth by staff was made by Councilman Smith seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.

MOTION TO APPROVE CA.07.0015 with the recommendation made by the Planning and Community Development staff and Planning Commission was made by Councilman Smith seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.

Mr. Callahan stated that if this project did move forward, Mike Kennedy and the CRA would be glad to install the sidewalks, which Councilman Golden had hoped to see installed on Martin Luther King Avenue (9th Avenue West.)

SU.07.0037 WARD 2 NEIGHBORHOOD 12.02 RS

PUBLIC HEARING

Request of Thomas Owen, owner, to build a dock and platform for property located at 215 21st Street West. (Zoned R-1B)

The public hearing was opened, those in favor come forward.

Tom Owen requested approval of a dock which would be aesthetically be pleasing and compatible with the existing docks in the surrounding area.

Those in opposition come forward, hearing none the public hearing was closed.

Tim Polk gave the Planning and Community Development staff recommendation with staff recommendation for approval with two stipulations and the Planning Commission recommendation with four additional stipulations as follows:

1. The dock would be centered within the shoreline frontage.
2. Water and electrical installation would require a City of Bradenton Right-of-Way use permit.
3. The dock would be 5x20, with a 13x10 landing.
4. No lifts or mooring would be allowed on the sides.
5. No boat longer than 30 feet would be permitted.
6. The dock would be for the sole use of the occupants of the residence and would not be rented to a third party.

MOTION TO APPROVE SU.07.0037 with the recommendation made by the Planning and Community Development staff with six stipulations was made by Councilwoman Barnebey seconded by Councilman Golden and carried 5-0 for approval.

RV.07.0017 WARD 4 NEIGHBORHOOD 7.02B

Request of the City of Bradenton, owner, for Rights-of-Way Vacation for property within the boundaries of Norma Lloyd Park located at 1024 24th Street East. (Zoned R-1C)

RESOLUTION 07-36

PUBLIC HEARING

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" WITH LEGAL DESCRIPTION FOR VACATION OF R-O-W IN NORMA LLOYD PARK.

The public hearing was opened, those in favor come forward.

Ruth Seewer, Development Review Manager gave a brief overview of the right-of-way vacation request as recommended by City Attorney Bill Lisch to initiate a right-of-way vacation of all the streets in Normal Lloyd Park.

Those in opposition come forward, hearing none the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval based upon the General Standards and Regulations requirements pursuant to Section 202.G that the vacation was not detrimental to the public health, safety, welfare or convenience.

Councilwoman Barnebey stated that due to the conflict of interest with her husband Mark Barnebey and his representation with the 13th Avenue Community Center, who would benefit by this request therefore, she would not be able to vote on this issue.

MOTION TO APPROVE RV.07.0017, Resolution 07-36 with the recommendation made by the Planning and Community Development staff and Planning Commission was made by Councilman Smith seconded by Councilman Golden and carried 4-0 for approval. Councilwoman Barnebey abstained from voting.

SU.07.0039 WARD 5 NEIGHBORHOOD 7.03RS

PUBLIC HEARING

Request of Fawley Bryant Architects, Inc., agent, for Bradenton Centre LLC, owner, for a new 1,720 square foot Starbucks Coffee Drive-thru Store and an approximately 7,400 sq. ft. four unit Retail-Office Building for property located at 102 and 120 Manatee Avenue East. (Zoned C-1A)

The public hearing was opened, those in favor come forward.

Rick Fawley gave a brief overview of the existing unsightly buildings presently situated on the southeast corner of Manatee Avenue East and US Highway 301 (1st Street). He stated the project would include a Starbucks retail store with a drive-thru and office spaces which could accommodate a Fed Ex Kinko's business.

Those in opposition come forward, hearing none the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval with four stipulations as follows:

1. Utility upgrades may be required to serve the site. Such upgrades, if necessary, would be the responsibility of the developer.
2. The Starbucks sign could not exceed 64 square feet, with a maximum height of 25 feet.
3. The pylon sign for the east building could not exceed 48 square feet.
4. Landscaping would be installed as per the plan submitted and identified as Exhibit F.

MOTION TO APPROVE SU.07.0039 with the recommendation made by the Planning and Community Development staff and Planning Commission with four stipulations was made by Vice Mayor and Councilman Gallo seconded by Councilman Golden and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

REQUEST BY the Manatee County Fire Chiefs' Association to hold a "Tribute to Heroes Memorial Service" at the Emergency Services Memorial Site in Rossi Park on Tuesday, September 11, 2007 from 9:30 a.m. to 10:30 a.m.

MOTION TO APPROVE the request was made by Councilman Golden seconded by Councilwoman Barnebey and carried 5-0 for approval.

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**METROPCS WATERTANK LEASE AGREEMENT**

Mr. Callahan gave a brief overview of the request to place cellular antennas on the water tank located at 1915 8<sup>th</sup> Avenue East.

**MOTION TO APPROVE the request by MetroPCS was made by Councilwoman Barnebey seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

**RESOLUTION 07- 39**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, TERMINATING THOSE AGREEMENTS BETWEEN THE CITY OF BRADENTON AND CSX TRANSPORTATION, WHICH AGREEMENTS ARE MORE SPECIFICALLY REFERRED TO AS SBD007684, SBD007683 AND SBD007093; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated that a determination had been made that the CSX agreements were no longer needed and should be terminated eliminating the rent payments for contractual rights to use these utility crossings.

**MOTION TO APPROVE Resolution 07-39 was made by Councilman Golden seconded Councilwoman Barnebey and carried 5-0 for approval.**

**Tim Polk**

**RESOLUTION 07-38**

**PUBLIC HEARING**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA ADOPTING THE CITY OF BRADENTON'S COMMUNITY DEVELOPMENT CITIZEN PARTICIPATION PLAN.

**Lesa Ramos**, Manager of Housing & Community Development Division gave an overview of the Citizen Participation Plan to provide citizens with a better understanding of their role in the process and the steps they could take to become more active in all aspects of the City's CDBG Program. She recommended approval of the plan.

**MOTION TO APPROVE Resolution 07-38 as recommended by Lesa Ramos was made by Councilman Golden seconded by Councilwoman Barnebey and carried 4-0 for approval. Vice Mayor and Councilman Gallo was absent from the chamber.**

**John Cumming**

**DOWNTOWN MOBILITY STUDY CONTRACT WITH RENAISSANCE PLANNING GROUPS**

Mr. Cumming stated that the Consultant Selection Committee members met with the Renaissance Planning Group to discuss the scope of work with a contract for the subject project. He stated the total work was expected to take eight (8) months to complete at a total cost of \$298,834. He stated the city would advance the funds and would be reimbursed by FDOT per terms of the Joint Participation Agreement already in place.

Mr. Cumming requested approval to authorize Mayor Poston to execute the contract but the contract would not be completed until approximately October, as it was necessary for the Florida Department of Transportation (FDOT) and Metropolitan Planning Organization (MPO) to finish their parts of the contract.

**MOTION TO APPROVE the Downtown Mobility Study Contract with Renaissance Planning Groups was made by Councilwoman Barnebey seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

DEPARTMENT HEADS

**Carl Callahan:**

**REQUEST BY** the Manatee High School Cross Country program to hold the Annual Canes Cross Country Classic on Labor Day, Monday, September 3, 2007 with the course layout at the G.T. Bray 51<sup>st</sup> Street West Park starting at 8:00 a.m. A portion of 33<sup>rd</sup> Avenue Drive West from 51<sup>st</sup> Street West to the G.T. Bray Baseball Complex would be closed to traffic from 7:45 a.m. to 8:15 a.m.

**MOTION TO APPROVE the request by the Manatee High School Cross Country program was made by Vice Mayor and Councilman Gallo seconded by Councilwoman Barnebey and carried 4-0 for approval. Councilman Smith was absent from the chamber.**

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REQUEST BY NDC Construction Company for a road closure on 9th Street West from August 20-26, 2007 to install the lights at McKechnie Field.

Mr. Callahan stated that the time requested may not be needed but that signage would be posted with notification to the press and that NDC would try to expedite the installation.

MOTION TO APPROVE the request by NDC to close 9th Street West was made by Councilwoman Barnebey seconded by Councilman Golden and carried 4-0 for approval. Councilman Smith was absent from the chamber.

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**REQUEST BY Chief Radzilowski for additional School Crossing Guards to provide a full staff of seventeen (17) with a minimum of six (6) crossing guards to use as stand-bys in the event that a guard was unable to cover his/her post.**

**MOTION TO APPROVE the additional School Crossing Guards was made by Vice Mayor and Councilman Gallo seconded by Councilman Golden and carried 4-0 for approval. Councilman Smith was absent from the chamber.**

**Deputy Chief Chuck Edwards:** Substituting for Chief Souders had nothing to report.

**Staci Cross:** Stated that a caller could now use either the "Call Directory" or "Phone Tree" when calling in on the City Hall phone system. An employee's last name could be entered and the caller would be directed to that person. She stated this system would also be implemented in the police department and in Grants & Assistance.

Ms. Cross stated that classes had been held for employees on proper email usage and what the city's policy would allow or prohibit. The training would now also be a part of orientation for all new employees.

Ms. Cross stated that the city would now be apart of the new "VESTA" 911 county phone system with the same new technology at a minimal cost to the city and covered under Manatee County.

**Chief Radzilowski:** Gave thanks to everyone who participated in the National Night Out festivities to promote partnership and to make the city and neighborhoods a better and safer place to live.

**John Cumming:** Reported that the planned improvements for 9<sup>th</sup> Avenue East had been advertised and that the project would begin.

**Tim Polk:** Referred to a memorandum dated August 9, 2007 with a draft of the Interlocal Agreement with the City of Bradenton for Mitigation of Radio Communication Tower Interference.

He stated this agreement would provide for the analysis of potential interference with radio communications caused by the future construction of residential and non-residential towers within the City of Bradenton.

Mr. Polk thanked all of the young people who had participated in the Summer Youth Program, their parents, and all of the departments for a terrific year.

**Bill Lisch:**

**REQUEST FOR** a corrective deed for the River Dance Condominiums, for a security wall and garage stairwell which had been constructed 2.2 feet outside of the original deed line. He stated there would not be any financial loss to the city and the owners could not close until this was corrected.

**MOTION TO APPROVE the request for a corrective warranty deed for River Dance Condominium to accommodate the construction built outside the original deed line was made by Vice Mayor and Councilman Gallo seconded by Councilwoman Barnebey and carried 4-0 for approval. Councilman Smith was absent from the chamber.**

Mr. Lisch distributed a memorandum which explained that the city through demolition procedures had become the owner of a half interest in a ¼ acre lot located at 1105 18<sup>th</sup> Street West. He stated Mr. Harold J. Meyer owner of the other half of the parcel had now agreed to convey his half to the city at the purchase price of \$9,110. The City would pay for all closing costs and there would not be any tax proration. The property appraisal value is currently \$25,389.

**REQUEST BY Bill Lisch to purchase one half of property owned by Harold J. Meyer located at 1105 18<sup>th</sup> Street West for \$9,110.**

Mr. Lisch displayed photographs and aerial views of the property and explained the problems with a mobile home which was set partially on the subject property.

**MOTION TO APPROVE the request to purchase ½ piece of property located at 1105 18<sup>th</sup> Street West was made by Vice Mayor and Councilman Gallo seconded by Councilwoman Barnebey and carried 4-0 for approval. Councilman Smith was absent from the chamber.**

Mr. Lisch advised the Council of the Mira Isles lawsuit stating an appeal was made with a 2-1 decision that the statute was not unconstitutional. Mr. Lisch recommended that the city continue to appeal further and ask the Supreme Court to review the lawsuit on the basis of conflicting court decisions. He stated that the City of Tampa and another city had asked us to appeal as they were also having the same issues and wanted to join in on the appeals.

**MOTION TO APPROVE the appeal process of the Mira Isles lawsuit as recommended by Bill Lisch was made by Councilman Golden seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. Councilman Smith was absent from the chamber.**

**Carolyn Moore:** Absent from the meeting.

## ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 12:30 p.m.

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